

was not minding his horses, but had his attention otherwise engaged.

The ship's surgeon was called and testified that the family of Mr. Subsoil had required his assistance more frequently than formerly; that he was often called upon to prescribe for hives and erysipelas, resulting from bee-stings. He admitted on cross-examination that Subsoil's family had increased rapidly of late, which would to some extent account for his being more frequently called in. The counsel for the defence proceeded to question him as to facts not brought out in his examination in chief. This was objected to by the opposing counsel. His lordship held that the objection was well taken, but in view of the fact that this was the first case of the kind which had come before the courts, and of its importance to the public, he would allow counsel some latitude in order to get all the facts before the jury. The witness then stated that as in animals the lacteal fluid is only secreted so long as there is a demand for it, so in the vegetable kingdom the blossoms secrete nectar as long as it is needed to attract insects, and that it is replenished as fast as it is gathered. The witness stated further that honey ranks high among the sugars as an article of food because it is already partially digested by the bees, and is in a condition to be at once taken up by the absorbent vessels of the stomach and assimilated, while cane sugar and the starches of potatoes and bread require to be first changed by the saliva and pancreatic juice into glucose before they can be assimilated and passed into the circulation. He also stated that honey has important medicinal properties.

For the defence Mr. S. T. Pettit was the first witness called. He stated that he owns and manages a farm of 150 acres, on which he keeps over 100 hives of bees, about 15 milch cows, and from 20 to 30 sheep. The records at the cheese factory show that his cows gave at least as much milk as do those of the other patrons whether there are bees in their vicinity or not, and that for richness his milk stands amongst the very highest. His Southdown sheep have for years taken most of the leading prizes at the local shows, and he has always shown them off the grass and has not fed grain. He has frequently observed that his crops of clover seed and buckwheat are far in excess of those of his neighbors who are three miles or more from bees, although the other circumstances were at least as much in their favor.

Mr. S. Corneil gave evidence to the effect that in the vegetable kingdom there is a constant struggle for the survival of the fittest, that the weak specimens are crowded out by the stronger,

and that the strongest and most perfect plants can only be secured by cross fertilization; that the methods resorted to by plants to secure cross fertilization are often curious and interesting, amongst which are bright colors in the blossoms, strong odors, and the secretion of nectar to attract insects, which carry the pollen from flower to flower; and that the constituents of the nectar are not drawn from the soil, as is often supposed, but are absorbed by the plant from the air. In reply to counsel he stated that a certain number of clover heads were covered with gauze to protect them from insects, that the seeds of these and the seeds of an equal number of heads unprotected were counted, and that the seeds of the latter were as three to one of the former. Witness continuing said that Chas. Darwin had made the apparently bold statement that the crop of clover seed depended, in a measure, upon the number of old maids in the country, because old maids were proverbially fond of cats; the more cats the fewer field mice. The queen humble bee hibernates through the winter in the nest of a mouse better than anywhere else, and as a rule they are the only bees whose tongue is long enough to work on red clover, so the fewer mice the fewer deserted nests, and therefore the fewer humble bees to fertilize the crop of the next season. The witness had learnt from his lordship the bishop of Rupert's Land, who was a passenger on board, that in the city of Winnipeg, where there are few bees, he had to fertilize the blossoms of his melon vines by hand or he would have little or no fruit.

In cross-examination the witness stated that Darwin was a very close observer, that while it was true that farmers dealt with facts, men like Darwin often discovered the facts which the farmers applied, and although the plaintiff only raised clover and not clover seed, if it were not for insects it would be a question of only a very short time till there would not be a pound of clover seed to be obtained.

The defendant was called and testified that 100 stocks of bees would exhaust all the bee pasturage in 25,000 acres in a poor season, that as Mr. Subsoil only owned 200 acres and wanted \$1,000 there would be 125 farmers claiming damages amounting to the sum of \$125,000. Consequently if Mr. Subsoil's claim were valid, bee-keeping would become an extinct industry.

So much interest was taken in the case that the court held three sessions before the trial was brought to a close. His Lordship the bishop of Rupert's Land was present during the whole trial, and manifested a lively interest in the issue.