The Colonist.

FRIDAY, JANUARY 27, 1893.

VICTORIA WATER.

The analysis of Victoria water made by Messrs. H. S. Rich & Co. shows that the water of Elk Lake when it gets to the city, after having passed through the "swamp," is almost as pure as water can be. It contains infinitesimally small proportions of mineral substances which are perfectly harmless, and the analyst pronounces it "free from noxious bacterial contamination." It is the bacterial contamination in water or milk, or any other liquid, that does the mischief. These bacteria are the germs of cholera, typhoid fever, scarlet fever, diphtheria, etc. They are invisible to the naked eye. Water may be clear, sparkling, and even pleasant to the taste, and yet be full of the seeds of disease. It is only the microscope, in the hands of a skilled analyst or biologist, that reveals the existence of these mischievous disease germs. They are now well known to the microscopist, who can distinguish one kind from another almost as readily as a botanist can distinguish the different orders of plants.

The Victoria water was analysed for the express purpose of finding out whether it is pure or not. The analysis was not made to be published, but for the information of private persons, and we are assured that the analysts are in every respect competent. We are disposed to place faith in this analysis of the water supplied to Victoria, because it is exactly such as might be expected from the situation of the lake and the nature of its sources of supply. It receives no impure matter. The streams that empty into it carry with them some of the component parts of the soil and the rocks through which they run, but they are sweet and wholesome throughout their course. The gentle rain from heaven contains no impurities, and the chief source of the supply of Elk Lake is that rain, holding in solution infinitesimal quantities of foreign substances taken up as it trickles through the earth or flows through the rocks.

The analysis should satisfy the majority of the citizens, but if there are any who still believe the water supplied to them by the city contains impurities and is unwholesome, they can, with very little expense, get a quantity of it analysed by men whose competency and whose integrity cannot be called in question.

A COMPARISON.

There are people in the city who complain of the cost of our public schools. They seem to think that the citizens pay a good deal more for education than they ought to. But perhaps they would change their minds if they saw what some of the cities of the East pay for the maintenance of education. We see in the Hamilton Spectator of a late date that the expenditure on the public schools of that city last year was the very considerable sum of $135,968. The appropriation for the public schools was $116,500, and the expenditure was $117,536. The expense of maintaining the Collegiate Institute, which is really the High School, was $18,431. The appropriation was $19,500. Although the expenditure on the schools of Hamilton was so large, the Spectator not only does not complain of its amount, but gives the Board of Education and the City Council credit for economy.

Hamilton is, it is true, a much larger city than Victoria. Its population is, according to the last census, 48,000. This gives the per capita expenditure on education in Hamilton, $2.84.

We see by the city accounts that the expenditure for education in Victoria was $23,733. This, allowing its population to be as it is set down in the census, 16,841 (which we all believe to be 25 per cent. below the present population), gives an expenditure per head of about $1.40, or one-half of what is paid per head in Hamilton. It may be objected that the whole of the expenditure for education is not set down in the city accounts, as the Government in this Province pays half the teachers' salaries, which would bring the expenditure up to $37,863. The schools of the Ontario cities also received government aid, but whether the grant from the Provincial treasury is included in the $135,968 we are unable to say. But we rather think it is not. If the Hamilton city accounts are kept in the same way as those of Victoria, the government grant is certainly not included in the sum we have named. However, let the case be as it may, Victorians are not required to pay more heavily towards the education of their children than the ratepayers of other cities of the Dominion, and there is no reason to complain, provided the money is carefully expended. We do not think that there has been anything to complain of with regard to school expenditure in the past, and we are quite satisfied that as long as the present Board of Trustees are in office, the citizens will get good value for every dollar spent on the public schools.

QUARANTINE.

A deputation of Montreal steamship owners who waited upon the Minister of Agriculture and the Minister of the Interior a few days ago was assured that the trouble of last year as to the authority in quarantine matters to be exercised by the Dominion and Provincial Governments would not be renewed, as a conference would shortly take place between the two governments, when it was expected that the matter would be satisfactorily and amicably arranged. The deputation was also informed that every possible precaution against cholera would be taken, and that the Grosse Isle station would be placed in a state of thorough efficiency. Everything would be done that competent persons considered necessary except building the wharf to deep water, which is too great a work to be begun and completed in a single season. The best disinfecting apparatus would be supplied and sufficient accommodation for passengers would be provided. The quarantine station at Halifax is to be improved. Information was also given the deputation relative to the quarantine on the Pacific Coast. The Minister of Agriculture has decided that the quarantine shall be permanently established at William Head, as it is more accessible than Albert Head to vessels bound to Victoria and Vancouver. It is pleasant to know that the Minister of Agriculture keeps the Pacific Coast quarantine in view. He knows that time is passing rapidly and that if the quarantine buildings at William Head are to be fit to be occupied next summer no time should be lost in beginning to build. We have not heard whether or not the land is yet purchased for the station. There has been some talk about the high price that has been asked for it, but we trust that too much time will not be lost in negotiations. The summoning of the resident engineer, Mr. Gamble, to Ottawa is an indication that the Government are alive to the importance of the subject, and that the work is likely to go on without unnecessary delay. Everywhere preparations are being made to guard against an invasion of cholera next spring. It will not do to leave the western entrance of the Dominion unguarded.

A LOYAL LIBERAL.

The Hon. David Mills is one of the ablest men of the Liberal party of the Dominion. He has also the reputation of being a well-read and sound constitutional lawyer. With regard to the soundness of his Liberalism there never has been any question. He is, however, a Liberal rather of the Mackenzie school than of the Cartwright clique.

Mr. Mills a short time ago delivered a speech before the Young Men's Liberal Club at Ridgetown, Ontario. In this speech he showed clearly that the best and the most intelligent Liberals of the Dominion are neither blue-ruin croakers nor annexation howlers. His answer to those Americans who say to Canadians: "If you wish to enjoy the advantages of our markets you must come into the Union and bear a portion of our burden," is admirable. He said:

Now, I have two observations to make upon this statement. The first is, we are not in the Union. We do nevertheless bear our own burdens. If we were in the Union we could not leave these burdens behind us. They would need to accompany us; and so we would not even then bear any portion of the burden that now falls to our neighbors. If we had a free exchange of products we would add nothing to the expense of the people of the United States any more than they would add to ours. A political union would not secure to either country any commercial advantage beyond what might be secured without it. And so, I say, the question of more liberal trade relations *ought to be discussed without importing into the question a consideration of the political future of this country.* Canada, it may be, has not been well governed; but this is not due to any fault of the system. The people may have failed in their duty; but they have not so far departed from the path of rectitude as to put their honor in the market. If they had done so our neighbors might well hesitate to embrace in the Union so venal a country. *We are not prepared I hope to abandon a hundred years of constitutional progress for the monetary advantage of freer commercial intercourse.* We hope for freer trade with our neighbors because we believe it will be advantageous to them and to us. In my opinion the benefits would be quite as great on their side as on ours; and so we can very well dismiss the question of political union *as one lying outside the domain of practical politics*, and as having an interest only to those who mistake size for quality and who labor under the illusion that a country must be of huge dimensions in order that its people may be prosperous, enlightened or well governed.

This is the talk of intelligent loyalty, loyalty not only to Great Britain, but to ourselves as a people. Mr. Mills, as a member of the Opposition, may easily be accused for saying mildly and hypothetically that Canada *may not* have been well governed, but he said what many Canadians are apt at times to forget, which is, that whatever there has been wrong in the government of the Dominion the fault is not in the system, but in the people themselves. The government of Canada is what the people of Canada make it. Under their system of government they can have more readily and more surely than most peoples, the government and the policy which are in accordance with their principles and their wishes. It can be said of Canada, with more truth than of most countries, that it has as good a government as it deserves to have. If its people want a better government than they have at any particular time they can have it much more quickly and more easily than the people of the United States can under similar circumstances. It follows, then, that the men who are perpetually growling against the government of the country are virtually condemning the people of the country.

Mr. Mills, whether consciously or unconsciously, puts in a very striking way the true issue that was before the electors of Canada at the last general election. "The people," he said, "may have failed in their duty, but they have not so far departed from the path of rectitude as to put their honor in the market." But their honor was put in the market for them by the men who were willing to sell it to the United States for what they called "unrestricted reciprocity." The people of Canada, however, to their credit be it said, indignantly repudiated the disgraceful bargain, and the men who tried to decoy them into making it have fallen, and that we believe permanently, into merited disrepute. The answer which Mr. Mills gives the annexationists is most satisfactory, and it is to be hoped that there are some among them who have discernment enough to see that it leaves them without an inch of ground to stand on.

THE SEVERE WINTER.

In every newspaper we open we see accounts of the unusual severity of the weather. In Eastern America the weather is colder than it has been for the last twenty-five years, and the cold has extended much further South than usual. The same may be said of Europe. Frost and snow have appeared in countries where they are rarely seen. In the South of France, in Spain, and even in sunny Italy, we read of the people suffering from cold, and travel being impeded by snow drifts.

Naturally, people are inquiring into the cause of these strange phenomena. Why, they ask, was last summer so much hotter than usual? Why is there a greater degree of frost this winter, and why does the unusual cold extend over a larger area than in ordinary winters? The really learned men who have made their reputation as scientists frankly and honestly say they do not know, but men who want to be thought learned in natural science look wise and propound wonderful theories to account for the extraordinary cold wave which is now passing over so large a part of the earth's surface. Some talk about the Gulf stream and others expatiate upon the effects of denuding the earth of trees. But people have got tired of hearing about the wonderful influence on climate of the Gulf stream, and the consequences of deforesting have become a threadbare story. So the men of the new school of meteorology look higher and talk learnedly of the spots on the sun, its feculæ and its eruptive prominences. They try in a misty kind of way to produce the impression that the degree of heat and cold felt by the dwellers on the earth depends in a great measure on the number and position of the spots on the sun, and the activity of the changes that are going on in that luminary. Some of the pundits tell us that the sun's electricity has much to do with the extremes of heat and cold on the earth, but how the very cold winters and the very hot summers are produced by these "great cosmical influences" they do not seem to have the slightest idea. As one reads the elaborate theories he is, if he is at all sceptical, tempted to suspect that the learned phrases and profound explanations are used merely to cover a very dense ignorance of the whole subject of meteorology, and to conclude that the philosophers know as much about the causes of the changes in the weather as those good but simple people who have from time immemorial attributed meteorological phenomena of all kinds to the influence of the moon. Their faith in the moon was and is unbounded, and they are quite as well satisfied with their own explanation as are the more pretentious of the weather doctors, who account for the severity of the present winter by referring it to "the variations of the sun's heat and electricity consequent upon the periodical changes of his activity."

We would like to hear the believers in "the great cosmical influences" explain how it is that the people of this part of British Columbia enjoy the most delightful weather—weather that would be called pleasant in April and May on the Eastern side of the continent—while the inhabitants of the greater part of America and Europe are complaining of the unusual severity of the cold? Are we in Victoria so far out of the world that the "great cosmical" influences do not reach us, or is the cold wave broken and dissipated when it strikes against the Rocky mountains?

IN HYSTERICS.

The Toronto World's indictment of the Liberal party is altogether too sweeping. All Liberals are not annexationists, and Annexation or British Connection is not yet the issue in this country. The annexationists will have to increase very fast and become infinitely more influential than they are before political union with the United States becomes even a serious issue in this Dominion. The ground taken by the Toronto World is very different, indeed, from the representations made by Dr. Ryerson in Philadelphia the other day. That gentleman was careful to say that annexation has not as yet been taken seriously by the people of Canada. This is the truth. The great majority of Canadians look upon the men who advocate annexation as impracticable malcontents and half-crazy theorists, who are really not worth listening to. Union with the United States many regard as a question not worth discussing seriously, and many more look upon it as being a long way outside the sphere of practical politics. If Dr. Ryerson is right, and we believe he is, the Toronto World attaches a great deal more importance to the agitation in favor of annexation than it deserves, and by giving it undue prominence, helps the cause which it professes to oppose.

Such wholesale denunciation as our Toronto contemporary indulges in does no good whatever, and even as a move in the tactics of party is a serious mistake. To endeavor to attach odium to men who it is known do not deserve it, instead of hurting them does them good. It creates a sympathy for them which, if they are wise, they can use to good advantage. There are many Liberals in Canada who are known to be as loyal as any of its inhabitants. To attempt to condemn them as annexationists is so manifest an injustice as to excite the indignation of their friends of both parties.

Besides, to represent the whole Liberal party as favoring annexation is to do an injustice to Canadians as a people. It is to say that nearly half the population of Canada is annexationist in sentiment, which is very far indeed from being the truth. What is more ridiculous than to try to make the world believe that Sir Oliver Mowat would, if he had the opportunity, help to hand Canada over to the United States, and that he is trying to bring about that opportunity. There is not a sane man in Ontario who would not laugh at the absurdity of such a monstrous accusation. And there are thousands of Liberals in all parts of Canada who are quite as loyal as Sir Oliver Mowat. If Canadians would take the World's advice and unite against the annexationists of the Dominion, they would present the curious spectacle of a whole people being scared by a phantom.

The Times attributes the foolishness of the World to fright caused by its "realization of the fact that the tide is setting strongly against (its) party in Dominion politics." We are at a loss to see where the Times finds its grounds for this opinion. If the ordinary indications are to be relied upon the party to which the World belongs is exceedingly strong in the country. When the Government was reorganized a little while ago every one of the ministers who went to the country was returned without opposition, and the bye-elections that have been held since the general election have been overwhelmingly in favor of the party in power. The policy of the Government has been approved by the people hitherto, and there is not the slightest reason to believe that the course which it intends to take will not be equally acceptable to the country at large. And what has the World to be afraid of? Not the Liberal party, certainly. That party was never in such a disorganized and demoralized condition since it first came into existence as it is at this present moment. It finds it impossible to hold its own, and the prospect before it has not brightened in the least of late. The boastfulness of the Times is almost as reasonless as the hysterical outburst of the Toronto World.

AN INTERESTING EXPERIMENT.

An interesting experiment is about to be tried in New York. A missionary is to be sent to its poor who does not preach and who does not even distribute tracts. His name is D. Stanton Coit. He is an Englishman. "Deeds and not words" appears to be his motto. "He," it is said, "believes in the gospel of helpfulness, of cheap food, of co-operative stores, and especially of soap and water." This is what the New York Herald says about him:

If he has any creed we don't know what it is and don't care to. He will begin his work in the crowded Tenth ward; will furnish the poor with coal and food at cost; will show them that it is better to be clean than filthy; will make it fashionable to take baths, on the ground that it is easier to resist temptation when you have a clean shirt on than when you are in rags. He will cultivate self-respect by means of a bathtub, and show the unfortunates that they still have some friends left in the world. There is to be very little preaching, if any, the object being not to talk but to do something; to present an object lesson which will be more eloquent than any sermon ever delivered.

The Herald continues:

You may smile and you may shrug your shoulders, but there is more philosophy in the movement and a deeper knowledge of human nature than appears at first sight. If Mr. Coit can make any impression on the Tenth ward, can wash it clean, can diminish drunkenness by furnishing honest work at fair wages, can make those tenement homes more comfortable, can alleviate some of the worst torments of poverty, and substitute comparative contentment and happiness, he will effect a change little short of miraculous and revolutionize the methods of the Christian Church.

If Mr. Coit succeeds he will teach the world a lesson of great value. If he produces the results which the Herald points out, a new mission field will be opened to the benevolent and the philanthropic. To help the poor and the degraded of the great cities without pauperizing them, and to elevate them morally as well as socially by teaching them to rely on themselves, will be doing a great and, it appears to us, a most difficult work, and one which all who have any faith in the improvability of mankind should encourage. There are many who will watch the progress of this new missionary's work with great interest.

MR. CARMICHAEL'S LETTER.

Those who compare Mr. Herbert Carmichael's letter in to-day's issue with his analysis in April last will be surprised that he did not then say a word about the water getting bad when the hot weather sets in. He then gave the water an excellent character, comparing it with water supplied to London Glasgow, Manchester, etc. The comparison was in most respects favorable to the water of Elk Lake taken from a tap in the city on the 4th, 5th and 6th of April. In fact it was on this analysis that we formed our opinion of the water supplied to the city. Had he then said, as he says now in January, that bacteria appear in it in the summer months and that animalculæ spring into life, the information would have modified our estimate of the water very materially. We then, relying upon his analysis, wrote very avorably of Victoria's water supply, which we certainly would not have done if Mr. Carmichael had then qualified his analysis as he does now. He may not have intended to cause us and the readers of the COLONIST to place a false estimate on the water supplied to the city, but his reticence had that effect. It is a pity that he did not correct his analysis of April, 1892, a little earlier, and it would be more satisfactory if the correction he has given assumed a more definite and exact form.

SUPREME COURT.

IN CHAMBERS.

January 19, 1892.

N. E. T. & L. Co. v. Paterson—To have accepted affidavit of documents from plaintiff by one of the company's officers. Order made by consent.

SET DOWN FOR JANUARY 20.

Baillie-Grohman v. Kootenay Valley Co., Ltd.—To stay proceedings; Napier, Shanks & Bell v. C. P. N. Co.—For commission for examination of witnesses and discovery of documents.

A PROSPEROUS CORPORATION

Annual Meeting of the Shareholders of the B. C Fire Insurance Co.

Increase in Number of Applications—Losses During the Year From Fire.

The annual meeting of the shareholders of the B. C. Fire Insurance Co. was held yesterday afternoon, there being a large attendance from the Mainland, as well as the Island.

The following report was presented by the directors:

To the Members of the British Columbia Fire Insurance Co.:

GENTLEMEN,—

"In presenting the sixth annual report of the British Columbia Fire Insurance Co. your directors have the satisfaction of informing you of a large increase in applications for insurance over the year 1891. In 1891 we wrote 87 policies, covering $107,400; in 1892 we wrote 218 policies, covering $260,870—an increase of 142½ per cent.—and at the close of the year we show a reduction of outstanding policies of $12,070.

"On December 31, 1891, there were 374 policies in force, covering insurance to the amount of $462,900, and at the end of the year just closed we had 383 policies, covering $450,830. On account of the depression which followed the unfortunate visitation of smallpox last summer the last quarter of the year was not up to anticipations, and it has been found most difficult to collect premiums and interest. Stocks of goods have been allowed to run down and insurance dropped, thus curtailing the business to be done.

"The question of incendiary fires has received the earnest consideration of the board, and, although this company has not suffered any losses from causes attributable to incendiarism, still the board consider it a question of great interest to all fire underwriters, and have used their best efforts with the authorities to have investigations made into all suspicious fires, of which there have been several during the past year.

"In view of the large increase in the business written it is not to be surprised at that we have to report an increase in our losses, two of them for fairly large sums: The National Electric Tramway and Lighting Co., August 31, $2,000; Wm. Cargile, Ashcroft, July 18, 1892, $1,885 72—(on the latter of which there was insurance of $2,000). Three other fires bring our total loss to $4,222 37.

"Your directors have met regularly every week and passed upon all applications. The books, accounts and vouchers have been regularly examined by the company's auditor, whose certified copy of the annual statement is attached hereto. The whole of which is respectfully submitted.

Signed on behalf of the directors:

N. SHAKESPEARE, President.
WILLIAM DALBY, Manager.
FRED. J. CLAXTON, Secretary.

A vote of thanks was passed to the retiring board of directors, who were elected to serve for another year. The meeting then adjourned.

SUPREME COURT.

DIVISIONAL COURT.

(Before the Chief Justice and Drake, J.)

Croft v. Hamlin & Bourchier—Action on a promissory note specially made payable at the Bank of Montreal here. The plaintiff applied to Walkem, J., for leave to sign judgment against the defendants, the makers of the note, under Order XIV. The writ was in other respects sufficiently endorsed specially under Order III, but there was no endorsement stating that the note had been presented for payment at the bank. Walkem, J., refused leave to sign judgment. The plaintiff appealed.

Mr. Irving, for the appeal. The judge below was misled by the authorities in the English courts. The Canadian statute, 1890, differs from the English statute, as will be seen by merely stating the two enactments. The English act reads thus: Where a promissory note is in the body of it made payable at a particular place, it must be presented for payment at that place (in order to render the maker liable). In any other case presentment for payment is not necessary in order to render the maker liable.

The Canadian statute (1890) is as follows: Section 86. Where a promissory note is in the body of it made payable at a particular place, it must be presented for payment at that place. But the maker is not discharged by the omission to present the note for payment on the day that it matures. But if any suit or action is instituted thereon against him before presentation, the costs thereof shall be in the discretion of the court. If no place of payment is specified in the body of the note, presentment for payment is not necessary in order to render the maker liable.

It will be seen that the words of the English Act which are placed between brackets are omitted in the Canadian Act; and that omission is surely very expressive. And then the Canadian Act proceeds to declare that the neglect of due presentment by the holder is not to discharge the maker.

Per Curiam: The omission in the Canada statute of the bracketed words may have been due to the opinion that they were unnecessary. In fact, the curtness of the Canadian enactment adds, I think, to its emphasis: "Where a particular place for presentment is named in the body of the note, it must be presented at that place." Any addition to that could only weaken its effect. The provision which immediately follows has, I think, been misunderstood by Mr. Irving. It is not that the maker is not discharged by failure to present at the special place of payment, but on the exact day of payment. And if there be any force in the proverb, *expresso unius est exclusio alterius*, the express conservation of the maker's liability, notwithstanding the holder's disregard of the day, would seem to emphasize the previous enactment, that his disregard of the place of payment is fatal to his right to sue. It follows that presentment at the proper place, or facts excusing such presentment, must be averred and proved in the pleadings, if there are pleadings, and if judgment be desired under Order XIV, then it must be endorsed on the writ; according to all the cases from Spindler v. Grellet, 1 Ex. Rep. 384, down to Fruhauf v. Grosvenor, 8, the Times L. R. 744; and see Bullen and Leak, 4 h ed'n, 108, and authorities there cited. More v. Smith, very recently decided in this court, was referred to, but that differed from the present in two respects. On the other hand, there was no special place mentioned for presentment for payment, but, on the other hand, it was an action by the holder of a note against an endorser, and the due presentment and notice of dishonor were held necessary endorsements on an application under O. XIV. However, it is perhaps right to call attention to the observations on another point in that case, as to the necessity of re-service of a writ when the endorsements have been so altered as to make it in fact a new writ. This appeal will be dismissed in the usual way; but we can save the plaintiff the necessity of a separate application for leave to amend the endorsements, and we give leave at once.

SUPREME COURT OF CANADA.

RE COUNTY COURT JUDGES OF BRITISH COLUMBIA.

Special case: Referred by His Excellency the Governor-General in Council, pursuant to Sec. 4 of Chap. 25 of 54 and 55 Victoria, Dominion.

The questions for the opinion of the court were:

"1. Was Sec. 14 of the County Court Act (C. S. of B. C., Cap. 25, as amended by 54 Vic., Cap. 7, Sec. 1) *ultra vires* of the Provincial Legislature, either in whole or in part?

"2. Was Sec. 9 of the County Court Amendment Act, 1890, (53 Vic., Cap. 8) *ultra vires*, either in whole or in part?

"If it shall be considered that the above sections, or either of them, apart from Dominion legislation, were *ultra vires*, either in whole or in part, does the Federal Statute, (54 and 55 Vic., Cap. 28) validate them, and to what extent?

"3. Is the jurisdiction of a County Court Judge in British Columbia, when acting under the 'Speedy Trials Act,' confined to the county to which his commission extends? Or—

"(a) May he exercise jurisdiction under the 'Speedy Trials Act' in other parts of the province, and what is the proper interpretation to be put on the term 'any Judge of a County Court' occurring in Sec. 2 (a) and (5) 'Speedy Trials Act'?"

The judgment of the court was delivered on December 13, 1892, by Strong, J. (now C. J.)

"In answer to questions 1 and 2, I am of opinion that both section 14 of the County Courts Act (Con. Stats. of British Columbia, chap. 25) as amended by 54 Victoria, chapter 7, section 1 (The County Court Amendment Act, 1891) and section 9 of the County Courts Amendment Act, 1890 (53 Victoria, cap. 8), were within the powers of the Legislature of British Columbia, and I am of opinion that they are so *intra vires* independent of any Federal legislation.

"My reasons for this opinion are that such legislation was a valid exercise of the power conferred upon the provinces by subsec. 14 of sec. 92 of the B. N. A. Act, whereby provincial legislatures were empowered to make laws regarding the administration of justice in the provinces, including the constitution, maintenance and organization of provincial courts both of civil and criminal jurisdiction, and including civil procedure in those courts. The powers of the Federal Government respecting provincial courts are limited to the appointment and payment of the judges of those courts and to the regulation of their procedure in criminal matters. The jurisdiction of Parliament to legislate as regards the jurisdiction of provincial courts is, I consider, excluded by sub-sec. 14 of sec. 92 before referred to, inasmuch as the constitution, maintenance and organization of provincial courts plainly includes the power to define the jurisdiction of such courts territorially as well as in other respects. This seems to me too plain to require demonstration.

"Then if the jurisdiction of the courts is to be defined by the Provincial Legislatures, that must necessarily also involve the jurisdiction of the judges who constitute such courts.

"If this were not so, it would be necessary whenever the territorial jurisdiction of a County court was altered or enlarged that recourse should be had to Federal legislation, under the general reserved powers of Parliament, to sanction the change, or that the judges should be re-appointed by a new commission. I think it clear that Parliament in such a matter could not legislate without infringing the exclusive powers of the Provincial Legislature, and the notion that a new commission would be requisite in every case of an enlargement of the territorial jurisdiction of a Provincial court is too preposterous to be entertained. It must follow, therefore, that the whole power of legislating as regards the jurisdiction of Provincial courts and judges is restricted to the Provincial Legislatures.

"I therefore answer the first two questions in the negative.

"The expression 'any Judge of a County Court' in the 'Speedy Trials Act' must, in my opinion, be taken to refer to any judge having by force of the Provincial law regulating the constitution and organization of County courts, jurisdiction in the particular locality in which he may hold a 'speedy trial.' This statute would not, I conceive, authorize a County court judge having no authority from the Provincial Legislature so to do, in holding a 'speedy trial' without the limits of his territorial jurisdiction. This last conclusion necessarily results from the preceding observations. I may add that I do not regard the Speedy Trials Act as a statute conferring jurisdiction, but rather as an exercise of the power of Parliament to regulate criminal procedure. This answers question 3."

The foregoing judgment was concurred in by his Lordship Mr. Justice Gwynne and his Lordship Mr. Justice Patterson. His Lordship Mr. Justice Taschereau stated that he took no part in the consideration of the said special case; and his Lordship the Chief Justice, who was present at the hearing of the said special case, died while it was under consideration.

MONTREAL, Jan. 19.—Warren Walker, merchant, of Moncton, N.B., charged with passing forged notes on the Bank of Nova Scotia to the amount of $1,500, passed through here last night on his way to Moncton in charge of a detective. He was arrested near Malone, New York state.

HAMILTON, Jan. 19.—A baby farm, kept by a negro and his wife, who have nursed fifty children during the past eighteen years, has been discovered in the outskirts of the city. The place is in a filthy condition, and steps will be taken to close it.

LONDON, Jan. 19.—The residence of Thomas C. Ross was burned. The parents had to throw their children into a snow bank from the upper window and jump out so rapidly did the fire spread.

The Farmer and Politics.

The prosperity of a farmer to-day depends more on the methods he employs than on governmental rule. Take seeds for an example: Many farmers who are alive to their own interests in other things are careless in buying seeds. They seem to think that a seed is a seed and there it ends. If there was more knowledge about seeds and greater care exercised in their selection, there would be richer crops and better returns.

Realizing this, D. M. Ferry & Co., the famous seed firm of Windsor, Ont., have embodied in their Illustrated Annual for 1893, much valuable information about seeds and their selection. It contains the knowledge gleaned from many years practical experience in the seed business, and the newest and best things about gardens and gardening. Such a book issued by a firm of unquestioned reliability is of the highest value to every one who plants a seed. Although the cost of printing and embellishing it with beautiful illustrations has been great, it is sent free to any one making application to the above firm.

MARINE MOVEMENTS.

Steamer "Wilmington" Released—The Case Against the "Sargent"—A Sealer Heard From.

Schooner "Venture" Leased by Americans—Quarantine Ship for Port Townsend.

The case of C. P. N. Co. v. Sargeant is set for trial in the Admiralty Court on January 23. It is an action arising out of a combination of peculiar circumstances which are of themselves interesting. The Sargeant is a sailing vessel which was bound for Esquimalt harbor, but through continued fog and thick heavy weather, her officers were unable to navigate correctly, and she made Barclay Sound instead. While lying to, the steamer Maude was also seen drifting about, being also out of her course, but her captain was afterwards able to fix the location by an island he sighted. Then he came back to the Sargeant and bargained to tow her out. The captain of the Sargeant wanted to pay $200, but the Maude's captain thought the service would be worth $500. An agreement was, however, finally come to, by which it was left to the owners to settle, and it is alleged that it was stipulated that in any event the charge should not exceed $500. The C. P. N. Co., owners of the Maude, now sue to recover a larger sum.

A QUARANTINE BOAT FOR PORT TOWNSEND.

The following item appears in the San Francisco Bulletin of the 16th instant: "The United States steamer Iroquois will shortly leave Mare Island for Port Townsend. The vessel will be used at that place as a quarantine ship, she having been designated by the department upon request of the Secretary of the Treasury for that purpose. All useless gear will be stripped from her and left at the island. A couple of boats will be retained on board."

PASSENGERS FOR VICTORIA.

The steamship Umatilla, due here from San Francisco to-morrow night, has the following passengers on board for Victoria: M. G. Hall, R. Geddes, T. Howe and wife, J. F. Webster, W. W. Concannon, R. H. Benedict, J. Parks, H. Vole, H. Scott, J. McLaughlin, E. Hoe, H. Lejer, W. Stokes, S. Williams, Eva Bedford.

FIRST NEWS FROM THE SEALING FLEET.

A party who arrived over from the Sound last evening says the sealing schooner May Belle, which sailed from here in command of Capt. Harris about the 14th inst., was spoken off Cape Flattery with 118 skins on board and all her boats out. This is the first news received from any of the fleet at sea since they left port.

THE WILMINGTON RELEASED.

The Portland steamer Wilmington, which was seized by the sheriff on Thursday last, was released yesterday, the amount of $1,000, the claim brought by the C.P.N. Co. for assistance rendered by the Islander at Vancouver on the 6th inst., having been put up in two sureties.

LEASED FOR THE SEASON.

E. C. Richards has returned to Port Townsend from Victoria, having made arrangements for a schooner for sealing purposes. He succeeded in leasing the Venture which will carry ten canoes, and a great portion of his operations will be by Indians.

VICTORIA WATER.

TO THE EDITOR:—Referring to your editorial in this morning's (Friday's) issue and to the analysis quoted, the season of the year makes a vast difference in the sample of Victoria water taken for analysis and, consequently, in the analysis itself.

In the case of the city water, I think the amount of total solids per gallon gives a very fair approximate idea of the condition or purity of the water, and I venture to state that the total solids of a sample of the water taken in August would be some twenty or thirty times greater than if taken during the months of January or February.

From November or December until May the water is on the average good, but as soon as the hot weather sets in it begins to get bad; bacteria, which could not live, or at least propagate, in the colder water, now increase in geometrical proportion; animalculæ, before dormant, spring into life, and all over the bottom of Beaver lake especially vegetable decomposition sets in, the gases formed stirring up the decomposing matter all over the bottom of the lake.

I made a complete analysis of the water at the first of April last year, which showed that it was above the standard of average drinking water; but I made a partial analysis a little later on, which did not give nearly such a good result. The increased amount of fresh water flowing through the lakes in winter helps to keep them clean; during the summer months we have not got this advantage, and semi-stagnation is the result.

I make this explanation in justice to myself and other analysts who may examine the water.

HERBERT CARMICHAEL,
Provincial Analyst.

CATARRH

Is a most loathsome, dangerous, and prevalent malady. It is a blood disease, usually of **Scrofulous origin**, and for which local treatment is useless. Before health is possible, the poison must be eradicated from **the system**, and to do this

SUCCESSFULLY

the disease must be treated through the blood. For this purpose no remedy is so effective as Ayer's Sarsaparilla.

"For the past eight years, I have been severely afflicted with Catarrh, none of the many remedies I tried affording me any relief. My digestion was considerably impaired, and my sleep disturbed by phlegm dropping into my throat. In September last I resolved to try Ayer's Sarsaparilla, began to use it at once, and am glad to testify to a great improvement in my health.—Frank Teson, Jr., engineer, 271 West Fourth street, New York City.

"My daughter, 10 years old, was afflicted with Catarrh from her fifth year. Last August she was

TREATED WITH

Ayer's Sarsaparilla, and after three months of this treatment she was completely cured. It was a most extraordinary case, as any druggist here can testify."—Mrs. D. W. Barnes, Valparaiso, Neb.

Ayer's Sarsaparilla

Prepared by Dr. J. C. Ayer & Co., Lowell, Mass. Sold by all Druggists. Price $1; six bottles, $5.

Cures others, will cure you