

The Standard



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SAINT JOHN, FRIDAY MORNING, DEC. 9th, 1910.

AN IMPORTANT DECISION.

The recent decision of the Privy Council in favor of the claim of Mrs. Stuart of Toronto, against the Bank of Montreal, is of more general interest than the brief summary in the despatches would indicate, inasmuch as it involves what may be termed the commercial relations of man and wife. In these days when suffragettes are rampant and much is heard of "women's rights," it is significant that the highest court in the realm should have placed on record its absolute refusal to recognize the equality of the sexes, at least on a commercial basis.

The history of the case, briefly outlined, is that Mr. Stuart, the husband of the plaintiff, became involved in unsuccessful business enterprises, more particularly in connection with the Maritime Sulphide Company, of Chatham, of which he was president. His wife had a fortune in her own right, and when her husband's affairs were becoming complicated he appealed to her to guarantee his credit in order to assist him in one desperate effort to retrieve his own personal fortune. His wife unhesitatingly put at his disposal any assistance that he required in the shape of guarantees or securities. Even this failed to save the situation. The Maritime Sulphide Company went into liquidation, and the Bank of Montreal, holding Mrs. Stuart's guarantee as security for the company's debts, obtained transfers of all her property, including "Inglewood," the Stuart home at Hamilton, to make good the shortage. The amount involved was about \$350,000.

A new point of law was then raised on behalf of the wife, that when she had acquiesced in her husband's appeals for financial assistance she had not separated legal advice to inform her exactly of the extent to which she was jeopardizing her private fortune. In other words the husband's lawyer acted for both of them. Mrs. Stuart took action to recover her fortune, which had been sequestered by the Bank of Montreal. The court of first resort gave judgment for the bank; which was confirmed by the Ontario court of appeal. Undiscouraged in this Mrs. Stuart's counsel took the case to the Supreme Court of Canada, which gave judgment in her favor. The Bank of Montreal then took it to the Privy Council, and the Privy Council has now given judgment in favor of Mrs. Stuart.

The Privy Council took the view that if a wife has no solicitor of her own in any dealings between herself and her husband, the husband's solicitor is in duty bound to protect the rights of the wife, even as against her husband. The judgment goes so far as to hold that if the solicitor for the husband advises the wife against doing what her husband asks in the way of financial assistance, and she still insists in ignoring his advice, then he should demand before proceeding further, that the wife secure separate legal assistance. If she still declines to do so, then the husband's solicitor should refuse to act for either party.

In this particular instance the evidence showed that Mrs. Stuart voluntarily jeopardized her property, and absolutely resented any intimation that her husband had misled her in any way regarding the effect of her action. Even in face of this, the Privy Council held that the wife, by her natural relation to her husband, was so completely under his influence that she was, in effect, not a free agent, and refused to allow the Bank of Montreal to take advantage of the guarantee that had been so obtained.

The immediate effect of the decision apparently is, as the Ottawa Citizen points out in discussing the case, that a married woman cannot go security for her husband's liabilities unless she employs an independent solicitor to advise her regarding the effect of her act. Moreover any one accepting the guarantee of a wife for her husband's liabilities is bound to make sure that the woman has been so advised by a solicitor employed separately by her, otherwise the security is worthless.

REV. JOHN PRINGLE AGAIN.

Rev. Dr. John Pringle, formerly of the Yukon and now of Sydney, recently sent a characteristic communication to the Winnipeg Tribune, which shows that he has lost none of his gift of plain speaking. His name will always be associated with the suppression of vice in the Yukon. He had the courage to make charges against government grafters who were in league with the worst elements of Dawson's population. It will be remembered that instead of assisting the Government put obstacles in his way.

That Dr. Pringle is fully alive to the situation in the West today, is evident from his letter which follows:—

Dear Editor:

I am glad the farmers and other workers in the West are getting their eyes opened to the true character of our so-called statesmen, political wallflowers who profess to be free traders, conservers of the public domain, etc., etc., etc., whose professions are just so much spent wind—professions and nothing more. I hope the spirit of independence will grow, so as to keep the Lauriers, Siffons, and other slick ones guessing. The delegation of farmers ought to "go good" in Ottawa. You're doing the politicians' bully, As all of our family agree; Just keep your old goose quill a-floppin' And give them a good one for me. Yours in sincerity,

JOHN PRINGLE.

Sydney, N. S.
Commenting upon this letter The Tribune pays the writer a well-deserved tribute, it says:—
"Dr. Pringle is one of those big men in the life

of the country, who not only has a mind of his own, but is not afraid to speak it. In the past he has not been afraid to tear off some of the tinsel worn by the politicians of the day. For telling the truth regarding political and moral conditions in one of his late fields of labor he was bitterly attacked and threatened by party politicians, who in turn were supported by party hacks within his own church, some of them more or less prominent. It is interesting to note that now and then one of these so-called church leaders, who fall down and worship party bosses, get their little rewards.

"Dr. Pringle numbers his friends and admirers through Western Canada by the thousand. It will be a source of gratification to them to learn that a real, fearless, upright man is doing a splendid work down by the sea, though it must be confessed that the boundless prairies of the West, with new towns and settlements springing up on every hand would seem to be the natural field for a man with a big heart, a splendid grasp of large questions, and an optimism that is infectious over a large area.

"Dr. Pringle was, for a time at least, a marked man; an outspoken man who should be 'put out of business.' But there is no preacher in the Presbyterian church today who, from Sydney to Vancouver, is better known, or who, by plain-spoken, frank delivery of the Great Message, is able to command larger assemblages anxious to hear the Word of Truth than Dr. John Pringle."

SENATE REFORM IN ITALY.

Observers of affairs in Europe will note the rather curious coincidence, that, while Great Britain is in the throes of a struggle over the veto powers of the House of Lords, Italy is also engaged upon a reform of its Upper Chamber. The strenuous methods which are being resorted to in the Old Country are, however, entirely lacking. In Italy the question was referred to a commission, which has adopted the report of Senator Arco-leso covering the subject. The recommendations of the commission will, of course, be submitted to the two chambers, but it is expected that there will be no serious opposition, in either body, to their adoption.

It must be said, however, that in Great Britain the question at issue involves elements far more fundamental, and in their nature more contentious, than those in the Italian case. In Italy, except for princes of the royal family, the hereditary principle does not enter at all into the composition of the Senate; its members hold their seats for life, but are named by the King. They represent certain categories—the clergy, science and education, high administrative offices, the judiciary, etc.—and within these categories the King makes his choice.

The chief change proposed is that hereafter the King shall choose only about one-third of the members, the other two-thirds being chosen by certain bodies representing the various categories. In addition to this the proportion in which each class is to have representation in the Senate is fixed by the new proposition in a way corresponding to what is believed to be a just distribution of importance.

GETTING THE RIGHT KIND OF IMMIGRANT.

One of the most useful functions exercised by the accredited officials of the Dominion and Provincial Governments resident in the United Kingdom, says Canada, the London Illustrated weekly, is that of making detailed inquiry into the justice of the complaints occasionally vented by dissatisfied emigrants in the British press regarding the treatment received by them and the conditions which prevail in Canada. In comparison with the bona fide letters which can be seen at various Government offices from men and women who are doing well in Canada and advising others to join them, the disparaging statements which gain notoriety are few.

In a recent report issued by Mr. Bruce Walker, who was formerly in charge of the emigration work of the Dominion Government in London, and now superintends the Immigration Bureau in Winnipeg, he states that the improvement in the quality of the British immigrant has been so marked since the institution of more stringent regulations as to his admission that the old prejudice against Englishmen in particular is fast dying out. "We are now undoubtedly getting the right sort of Englishman—the man not only willing to work, but skilful at it, and ready to adapt himself to Canadian conditions," adds Mr. Walker, who has handled 55,000 new arrivals from Great Britain since last March, and expects double the number next year, largely as a result of the experiences and home letters written by this year's immigrants.

Current Comment

(Montreal Gazette.)

Collier's Weekly has obtained a verdict of \$50,000 for damages caused it by a manufacturer whose works it had declined to advertise and who retorted by saying what he thought about the editor and the publishers. This sort of thing is interesting. It shows that newspaper men, whom everybody apparently thinks were made to be abused, may, like other mortals, get financial solace for their sores when the abuse is carried too far.

(Ottawa Journal.)

The motion of Mr. Lennox in the Commons yesterday that the Public Accounts Committee should be allowed to go back more than one year in examining the expenditures of Canada, seems to have some excellent argument in its favor. For instance, with the one year's limit in force, how much use will the Public Accounts Committee investigation and criticism of the Printing Bureau conditions be worth?

(Vancouver Province.)

The Eastern people are given an illustration of how lightly the value of money is regarded in the West by a recent incident. In a bale of clothing sent from Vancouver to the Campbellton relief fund securities to the value of \$4,000 were found in the pocket of an old coat. A mere trifle of \$4,000 would probably never have been missed by the owner had it not been accidentally discovered.

(Hamilton Spectator.)

Ohio has a law which adds to the public school curriculum a text-book on the dangers and chemistry of fire, and requires that all children in attendance shall be instructed therein. It has been in use for a considerable time, and official reports indicate that there has been, as a result, a material lessening of fire loss throughout the state.

(Toronto News.)

There has been nothing more curious in our politics than the desperate insistence of the Liberal press and the Liberal politicians that the Opposition shall go into mourning over the defeat of a Government candidate in Quebec.

(Bangor News.)

The fact that an aeroplane can ascend to a height of 9,714 feet has been demonstrated. Why should efforts to break this record be made? Who wants to fly more than 9,714 feet high before starting for heaven.

STRENGTHEN EVIDENCE AGAINST FERGUSON

Startling Confession of Seymour Miner Corroborated by Statements of Other Witnesses—Caretaker Saw Him

Amherst, Dec. 8.—The case of the King vs. D. M. Ferguson was resumed this morning. The Crown is steadily accumulating evidence of a most damaging character against the accused.

Leo Schlessinger was on the stand continuing his evidence for two hours this morning. The cross examination of Mr. Ferguson's counsel, F. L. Miller, did not break down his testimony. He told of Miner's frequent visits to the building under the pretence of looking at the electric wires and that it was he (Schlessinger) who always looked after details of things kind. He never knew Ferguson to interfere in matters of this kind before.

Two employees of the Halifax Telephone Central testified to a man giving his name as D. M. Ferguson calling up Seymour Miner in Amherst, corroborating Miner's story to the effect that Ferguson had telephoned him to do the job on Saturday night when the blizzard was down.

Frank McDonald, who had charge of Ferguson's sample rooms in the building, told of Ferguson's samples being all sent away prior to the fire. He swore to Miner's visits to the building and of following him on the Sunday morning of the fire and Miner dodging into a doorway. Ferguson told him to take a holiday after the fire as the adjuster would ask ugly questions. He also told of adjusters wanting an auger to bore holes in the floor to drain off the water and that Ferguson told him not to do it.

The investigation is the one topic of discussion in town. Ferguson is in close custody, the Crown opposing the granting of any bail. Miner, who confessed to setting the fire, will have his trial next Wednesday. The investigation regarding the other mysterious fires will be resumed next week.

TOM DAVID OUT ON TICKET-OF-LEAVE

Syrian Who Killed Wife at McAdam Junction Free After Two Years and a Half in Penitentiary.

Fredericton, Dec. 8.—Tom David, the Lowell, Mass., Assyrian, who was found guilty of manslaughter here in January, and sentenced to five years in Dorchester penitentiary for having shot and killed his wife at McAdam Junction, has obtained his liberty on ticket-of-leave after serving little more than two and a half years. He is now in Lowell.

Hon. W. C. H. Grimmer, Surveyor General, left last evening for New Brunswick to open the new wholesale distributing agency for the Kaufman Rubber Co. Mr. Grimmer will make his headquarters here.

The funeral of Thomas E. Hoban took place this afternoon. The funeral services at the United Baptist church at Gibson were conducted by Rev. J. H. Donald and Rev. W. H. Jenkins of Gibson. The funeral was largely attended. Those present from outside points included Evan Price, Supt. of the I. C. R., and other I. C. R. officials; Rev. J. H. Rogers, Rev. W. R. Robinson and Dr. L. A. Carrey of St. John.

PULP COMPANY MUST PAY TAXES

Chatham, Dec. 7.—At the last meeting of the town council, Ald. Logie brought up the matter of the taxes in arrears from the Miramichi Pulp and Paper Company, which he said amounted to some \$927. The subject had been discussed on previous occasions, but had not been pressed on the ground that the financial position of the company was somewhat shaky and it was thought that if pressure were put on them, they might shut down and discharge the workmen. The mill had now closed and the workmen had not been paid, but were hawking their time cheques about in an effort to dispose of them to the highest bidder. He moved that steps be taken to collect the overdue taxes forthwith. The motion was carried.

THE NEWSPAPER MAN.

He seldom is handsome or natty, And has none of the charms of the dude.

Is more often abstracted than chatty, And sometimes unbearably rude, He courts us, then slights us and grieves us, As much as he possibly can; He kisses us, loves us and leaves us, This perfidious newspaper man.

Our mother won't have him come calling, He's no earthly good as a "catch," His morals (they say) are appalling; His finances usually match, He's reckless, reckless, uncaring, Living but for the hour, the day; He's dangerous, dubious, daring, Not fit for a husband, they say.

But somehow we girls are forgiving, Perhaps he but needs us the more, Because he goes wrong in the living, And knows the old world to its core. So we pass by the dude and the schemer, Who lead in society's van, And cherish the thinker and dreamer Enshrined in the Newspaper Man. —Exchange.

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WILLIAM TELL TEST FAILED. Indianapolis, Ind., Dec. 8.—In a shooting match in which two boys used each other as targets, Albert Perin, 15 years old, was killed by his playmate, Jesse Osborne, 16 years old, last night. Osborne said he and Perin were playfully shooting as close to each other as they could with rifles, just after dusk, and that he was horrified when he saw his companion drop dead with a bullet hole in his forehead. Osborne was arrested, charged with manslaughter.

Bank Clearings. Bank clearings for the week ended Thursday, December 8th, 1910, were \$1,719,671; for the corresponding week last year \$1,637,297.

Rhodes Scholarship. A. J. Landry has applied for the Rhodes scholarship. Mr. Landry was graduated from the U. N. B. in the present year and is a son of Hon. Judge Landry.

ZAM-BU

Maritime

Mr. C. E. St. Co. N. S., a the county, an 1st Church in used Zam-Bu a splendid re Mr. Thomas bert, Sask. you for the from the u mer I had a ples: I statv found it gaved with it. Al bones, it effe Zam-Bu w cure for cold frost bites, u worm, inflame tions and ch bruises, and All druggists box or post Toronto, upon are warned ag and substituti name. "Zam-B before buying

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