SILLY SCHEMING.

The Winnipeg Nor'-Wester believes that the Manitoba members of that party as say- able is the forcing of a system such as ours factor in assisting Mr. Laurier to about the mysterious decay of the savages In July 1891, Miss Kearns being in had occasionally to call his attention to his Section 19 applies to the registration of a

alienate many who are now his political friends and it may be transform them into Mykenæ, the undying song of Homer, the extensive trade of the Bronzs Age, all be extensive trade of the Bronzs Age, political opponents. If Mr. Greenway and longed to people who never read standing." standing." Rowling to be colleagues in the Government do not see or wrote. The great essentials of Rowling this clearly they must be very short-sighted and very shallow-minded. They cannot expect to cause men who have strong convictions on the matter of education to change their on the matter of education to change their which I value my Egyptian friends. and minds. They would retain their views and which I value my Egyptian friends, and could have them for \$300, although they ally, prepared his conveyance, and told him minds. They would retain their views and act upon them quite as determinedly if Mr.

Laurier were Premier as they do now that

which I value my Egyptian friends, and such qualities are what should be evolved by any education worth the name. The greatest educational influence, however, is

They would retain their views and such qualities are what should be evolved by any education worth the name. The greatest educational influence, however, is

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They would retain their views and such qualities are what should be evolved by any education worth the name. The greatest education worth the name. The greatest education worth the name in the property of the title, and finding that Miss Kearns was registered as the owner in fee and that a registered as the owner in fee and that a registered as the owner in fee and that a registered as the owner in fee and that a registered as the owner in fee and that a registered as the owner in fee and that a registered as the owner in fee and that a registered as the owner in fee and that a registered as the owner in fee and that a registered as the owner in fee and that a registered as the owner in fee and that a registered as the owner in fee and that a registered as the owner in fee and that a registered as the owner in fee and that a registered as the owner in fee and that a registered as the owner in fee and that a registered as the owner in fee and that a registered as the owner in fee and that a registered as the owner in fee and that a registered as the owner in fee and that a registered as the owner in fee and that a registered as the owner in fee and that a registered as the owner in fee and that a registered as the owner in fee and the registered as the owner in f Sir Mackenzie Bowell is leader of the Government. So the intriguing and scheming of the Greenway Government—if they are intriguing and scheming and scheming and scheming of the Greenway Government—if they are intriguing and scheming and scheming and scheming of the Greenway Government—if they are intriguing and scheming—go for nothing in the contact of Europeans with lower races intriguing and scheming—go for nothing in the green intriguing and scheming—go for nothing. is almost always a detriment, and it is the chase money, but next day, the 20th, Row They cannot by keeping the question open severest reflection on ourselves that such ling gave Foster a three months' note for and by opposing a reasonable compromise help Mr. Laurier or hurt Sir Mackenzie should be the case."

This is severe, but it is unfortunate that

There is little doubt that if this question was approached in the proper spirit, a country by both parties to it, that a satisfactory solution would be soon arrived at. ment in the Dominion would not materially

If Mr. Laurier favored a compromise he would find the Liberal advocates of secular population of the districts had doubled, if education very hard to deal with, and the L'beral believers in denominational education would refuse to act in opposition to their principles to please him, no matter how prettily he might talk.

The best thing that Mr. Greenway can do is to exert himself to the utmost to take the and elevating the barbarous races under Maritoba school question out of Dominion politics altogether. He may not be able to do so, but if he is either patriotic or politic he will do his utmost to have the question or keeping it a political shuttlecock for Standard in a recent issue said : Dominion politicians to toss about he will certainly not improve Mr. Laurier's chances impossible.

THE INFERIOR RACES.

Every man of thought and intelligence not improved to a greater extent than it has the so-called infer The farmers will expect from the civilized men in some cases absolutely de- soon cease to be farmers. America was discovered, they are now not very noble specimens of humanity.

Some who have considered this question have, perhaps hastily, come to the conclusion that there are some races of men who are civilizable and some that are not. They they come in contact with civilization plete, thanks to the energetic action of the High Commissioner and the Dominion Mineagerly adopt its vices, but are not either ister of Agriculture in setting the facts in intellectually or morally strong enough to their true light before the British public. learn and to practise its virtues or to resist The cablegrams from Ottawa left uo deubt its peculiar temptations. The consequence of the impossibility of adulteration, and we understand that the North British Agricul-

This very interesting question was discussed vigorously and thoroughly at the late meeting of the British Association adulteration with eleomargarine. Professor W. M. Flinders Petrie. D. C. L., president of the Section Anthropology, delivered an address on the fundamental problems of race and civili-

improve and elevate the uncivilized races, in FORECLOSURE OF MORTGAGE. trenchant manner and one which is no likely to meet with the approval of a great The Professor, in the course of his remarks.

"No change is legitimate or beneficial to the Greenway Government, in dealing with the real character of a people except what flows from conviction and the natural tage of the Liberal party. It represents of a foreign system is injurious, how misering "the Manitoba school question returned which is the most complex, unnatural and the Manitoba Government to power, and developed in a cold country amid one of the why should it not be utilized again to not hardest, least sympathetic and most selfservative party at the next Dominion elections, and consequently be a material

dead-house and oall it civilization. Scarcely a single race can bear the contact and the burden. And then we talk complacently

Bowell. This the Nor'Wester sees clearly, proach to civilised men, and particularly to men who profess and call themselves Chrismen who profess and call themselves Christians, that uncivilized men and heathens are before you signed the note? A. Yes." spirit intent on justice being done and regardful of the welfare of their common their intercourse with them.

This argument is already being used in sup. of Professor Petrie's paper must have been office. *lectors of Canada with graceful verbiage that the Dutch were most successful and pretty platitudes. A change of Governing dealing with undividual men. Since they in dealing with uncivilized men. Since they had established their rule in the islands of the Indian Ocean and New Guinea "the not trebled, and in Java the proportion of This is a remarkable exception. The discussion is not calculated to increase the self. esteem or the self-sufficiency of the civilized nations upon whom the duty of instructing their rule devolves.

NOT EXPLICIT ENOUGH:

Commenting upon the condition of the settled within the province. By making it agriculturists of Great Britain, the London

The time for mere talking has gone by. Something will unquestionably have to be of success. He will rather make his success done. It is for ministers to say what measures they think best dalculated to avert the great calamity with which we are threatened. The country has full confidence in Lord Salisbury's statesmanship, and will be ready to listen with the greatest Every man of thought and intelligence respect to any plan which he proposes. But mere palliatives will not be of the how it is that contact with civilization has slightest use. The evil has gone too far. When a man is hovering between life and death, it is useless to give him ginger beer. for races. He has seen the abor- ment something stronger than that; and iginal inhabitants of countries settled by unless they get it, very many of them will

generating, and in other cases dying out. What was the Standard Historical What is the measure required to relieve the Indians of North America or the aborigines of the South Sea Islands and Aus. palliative? What is the stimulant that the tralia? He is puzzled to answer the question satisfactorily. He will have to admit that, whatever the Indian races were when from utter ruin?

REFUTED.

The Canadian Gazette says:

The refutation of the baseless charge brought against Canadian cheese by the contend that the uncivilizable nations when North British Agriculturist has been comis that the exotic vices in time prove their turist—admitting the entire inaccuracy of its assertion—is this week fully withdraw-

zation, in which he dealt with the attempts taking leave of each other that women think that have been made and are being made to of the most important topics of conversation.

many benevolent and well-meaning people. Important Judgment by Mr. Justice Walkem in the Supreme Court.

> Value of a Prior Unregistered Mort. gage as an Equitable Security.

Hudson's Bay Company v. Kearns and Rowling. This action is one for the fore- chasing what he knew was a bad title in the the name of the owner in the "register of why should it not be utilized again to not only do duty at another election in Manicola, but also do duty to divide the Contoba, but also do duty to divide the Contob

Leberal party, so far as the question of the inferior races are not only not civilized ing to her in Vancouver. She, accordingly, without the aid of a solicitor, but for his that a prima facie title has been established. denominational education goes, is formed of by their intercourse with white men, but deposited her title deeds and certificate of failure to obtain "the certificate of title." ed being repeated. precisely the same elements as the Con- become depraved and weakened by it. The title with the plaintiffs to enable their He knew the value of that document, and Section 54, which is as follows, is supple servative party. Both parties contain a cause of this is that we attempt to force our solicitor to prepare the mortgage; but owing tance of getting possession of both it and every registration of title in favor of an servative party. Both parties contain a large number of the advocates of denomina- system upon them without taking into con- to inadvertence on his part this was not the title deeds, from having had previous owner in fee simple, mortgagee, or other tional education and the upholders of non- sideration the nature and the antecedents done. However, as a matter of law, the de- land speculations. His case, therefore, is person by right entitled to the possession of sectarian public schools. The former as a of the people with whom we have to deal. posit of the deeds with the plaintiffs for the neither that of a purchaser ignorant of the decuments of title the registrar shall "—not rule believe that the Manitoba minority We hurt them rather than help, because our purpose mentioned constituted an equitable have been badly used by the majority and that the grievance of which they complain minds have not been prepared to receive the ideas that we endeavor to force into them. that the grievance of which they complain should be remedied, and the latter are of showing the affect which was subsequently raid. Rowling registration may be intended to refer, unless the non-production intended to refer the non opinion that non-sectarian public education is best for Manitoba and every other province in the Dominion, and other province in the Dominion, and of the native Egyptian, goes on the mind of the native Egyptian, goes on deed in fee but as a charge. The question with Miss Kearns and Foster he had no reason for doubting their honesty, for at the outset he detected them in a falsehood. For deed in fee but as a charge. The question instance, before giving his first promissory dueed, for if 'any of them' be satisfactorily explained to the registrar on afficiency in the deed of the same day in the Vander of the deed to same day in the Vander of the deed to same day in the Vander of the deed to same day in the Vander of the deed to same day in the Vander of the deed to same day in the Vander of the deed to same day in the Vander of the deed to same day in the Vander of the deed to same day in the Vander of the deed to same day in the Vander of the deed to same day in the Vander of the deed to same day in the Vander of the deed to same day in the Vander of the deed to same day in the Vander of the deed to same day in the Vander of the deed to same day in the Vander of the deed to same day in the Vander of the deed to same day in the Vander of the deed to same day in the Vander of the deed to same day in the Vander of the deed to same day in the Vander of the deed to same day in the Vander of the deed to same day in the Vander of the deed to same day in the Vander of the deed to same day in the Vander of the deed to same day in the Vander of the deed to same day in the Vander of the deed to same day in the Vander of the deed to same day in the Vander of the deed to same day in the Vander of the deed to same day in the Vander of the deed to same day in the Vander of the deed to same day in the Vander of the deed to same day in the Vander of the deed to same day in the Vander of the deed to same day in the Vander of the deed to same day in the Vander of the deed to same day in the Vander of the deed to same day in the Van that the Manitobans should be left to settle their educational difficulties in their own way without interference from the Federal Parliament.

The Manitobans should be left to say:

"What then, it may be asked, can be decided is whether, under the circum about to state, own way without interference from the Federal Parliament.

The Manitobans should be left to say:

"What then, it may be asked, can be decided is whether, under the circum about to state, other registered charge is to be postponed to the plaintiffs' prior diss Kearns' house, they told him "they hadn't them"; whereas only a few hours later, at Miss Kearns' house, they told him "they hadn't them"; and when he naturally required for the ninguired for the title deeds, and was section says that their absence must be satisfactorily accounted for on eath.

Section 55 is in the same direction, for it provides that if a missing document required for the ninguired for the title deeds, and was section says that their absence must be satisfactorily accounted for on eath.

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Section 55 is in the same direction, for it provides that if a missing document required for the required for the title deeds, and was section says that their absence must be sate, the indication of the inquired for the title deeds, and was section says that their absence must be sate, the indication of the inquired for the title deeds, and was section says that their absence must be sate, the inquired for the circum.

The Manito in the inquired for the title deeds, and was section says that their absence must be sate, the inquired for the circum.

The Manito in the inquired for the ci That Mr. Laurier is perfectly well aware leading out the mind to a natural and solid by sec. 35 of the act "No purchaser for of this can be seen by the very cautious growth much can be done; but not by enforcing a mass of accomplishments and artisestate, or registered interest in real estate, Moreover. Miss marked "someone must have them," they ficialities of life. Our bigoted belief in read- shall be affected by any notice, express, imtion. He knows well that it he takes a decided stand on one side or the other he will ing and writing is not in the least justified when we look upon the mass of mankind. alienate many who are now his political The exquisite art and noble architecture of real estate other than a leasehold interest in him to suspect that they were possibly in

Rowling's account of the transaction is

The following extracts from the notes of Rowling's cross-examination will best explain what occurred at the time with recitor so advised him has not been explained.

"Q. Did not the fact of the lots being so was precisely followed, that a deed in fee thesp, together with the fact of there being should at once he procured from Miss."

gether and the promise was made to you? now dealing with Rowling's case as if the A. Yes, that they would get the papere." "Q Nothing was said about where they were? A. No; they would not tell me where "Q. They said they could not give you

the papers, and did not account for not having them, and you didn't ask them to? A. Yes, I asked them to." "Q. What did they say? A. I said some

one must have them; that the certificate must be in existence. 'Did you have it,' I said, ' in the land registry office?' 'No,' they said, 'it was not there.' I said someone must have them; I said to Miss Kearnes, when could she have them; she said, 'in a few days.'"

the second note of the balance of the purchase money before ments for unpaid purchase money. And I she did get the certificate? A. I had think he must be taken to have had notice agreed to give that for the lots anyway. I of those circumstances which, if he had not went and saw Mr. McPhillips after I signed the first note. He said he thought the knowledge."

whether I had paid the whole or not.

"Q I ask you why did you sign the second note without getting the title deeds? abstained and as I think wilfully so after be-A. I had promised to pay that amount of ing distinctly told by the vendor at the out-

all right. "Q. Did you tell him it was not forth- chase should be jeopardized by his learning coming? A. Yes." "Q. Do you mean to say you did not titled to hold them, know there was something wrong? A.

"Q. And did you not get suspicious? law: "lst. That a legal mortgages is not

Even if you were right it would save them the amount of the second note. Why did deeds and a reasonable excuse had been giv-you not refuse to sign the second note until en for the non-delivery of them; but, 3rd, you got those papers? A. I was advised by that the court will impute fraud and grad. Mr. McPhillips."

bout the second note."

duty. It ceased, if I may so express my"Q. Why did you not ask for advice as self, just where it should have begun, and

the impossibility of adulteration, and we understand that the North British Agriounduries—admitting the entire inaccuracy of its assertion—is this week fully withdrawing the charge, and acknowledging its error. It was, it will say, of the United States of the United States of dulteration with oleomargarine.

For a man "good-by" signifies the end of a conversation and the moment of his departure; for a woman it is the beginning of a new chapter, for it is just when they are, it is just when they are, it will selve that the change of scale on which either the time about the missing deeds and certification with oleomargarine.

For a man "good-by" signifies the end of a conversation and the moment of his departure; for a woman it is the beginning of a new chapter, for it is just when they are, is shown as a series of the most important topics of conversation.

The above interview with Mr. McPhillips to dead from the plaintiffs' claim until some time after wards.

The above interview with Mr. McPhillips to dead from the particular person in view; see per Fry, it so common complaint and it is a demogration of impure blood, and in this claim to decision of impure blood, and in the condition it is especially lable to attacks of disconsist for the preparation of the deed from the condition, and also for that weakings the condition, and also for that weakings of disconsist for that weakings of the condition, and also for that weakings of disconsist for that weakings of the claim of the condition it is especially lable to attacks of disconsist for that weakings of the condition, and also for that weakings of disconsist for that weakings of the condition it is especially lable to attacks of disconsist for that weakings of the condition it is especially lable to attacks of disconsist for that weakings of the condition it is especially lable to attacks of disconsist for that weakings of the condition it is especially lable to attacks of disconsist for that weaking the condition it is especially lable to attacks of disconsist

and it would seem from this and other cir- to or upon any real estate." that he deliberately took the risk of pur- register the fee simple of any real estate value. When giving his evidence he seemed deeds produced that a prima facie title has to me to be shrewd and intelligent, but I been established." factor in assisting Mr. Laurier to about the mysterious decay of the savages the premiership?" But those who reason in this way forget that the According to this learned man's theory them by a mortgage of certain lots belong.

According to this learned man's theory them by a mortgage of certain lots belong.

She accordingly to the save of the save and is, metalis accordingly to the premiership?" and the premiership?" But those who reason in this way forget that the decay of the savages before white men."

According to this learned man's theory them by a mortgage of certain lots belong. The save and is, metalis accordingly to the save and is, metalis accordingly the save and is, metalis accordingly the save and is, metalis accordingly to the save and is, metalis accordingly the save and is, metalis accordingly to the save and is, accordingly to the save accor requirements of the law-bhough ignorance "may"-"require the person requiring to might not excuse him-nor of one negli- be registered as owner in fee, mortgagee, or gently overlocking them, but, in my opin-ion, is the case of a purchaser deliberately brancer—"that is to say as an incum-brancer—"to produce the title deeds of the instance, before giving his first promissory duced, for if "any of them" be missing, the note he inquired for the title deeds, and was hadn't them "; and when he naturally re-

would get them "in a few days" must have convinced him that she had not then the control of them, and have at least caused \$300 for the lots. He must, consequently, have distrusted both of them from the beand now states that he can give no reason for having done so. Indeed, he seems to have confided as little as possible about the have confided as little as possible about the have been to have confided as little as possible about the have been to have confided as little as possible about the have been to state the confidence of the con content with his answer that "he thought The explanation, however, lies in what occurred immediately afterwards; and 1 venture to think that that advice was, for it their intercourse with them.

The discussion which followed the reading of Professor Petrie's paper must have been of ice."

should at once be procured from Miss Kearns, and that, as it could not, in the absence of the title deeds, be registered in the fee register, an application should be made fee register, an application should be made to make the fee register, an application should be made to make the fee register, an application should be made to make the fee register, an application should be made to make the fee register. This argument is already being used in support of Mr. Laurier's elevation to power. A settlement would speedily be come to, it is said, when the political friends of Mr. Greenway are in possession of the treasury benches of the House. But the return of Mr. Laurier to power is decidedly improbation. Association is benches of the House. But the return of Mr. Laurier to power is decidedly improbation. They hold that there is and, to quote from his prior equity being discovered or a deed in factory to him. The explanation contemplated by the act is calculated by the act is calculated by the act is calculated by the had no papers."

This argument is already being used in support of Mr. Laurier's elevation to power. A settlement would speedily be come to, it to have it registered as a charge to the extent of \$300, with a view of, at least, protecting Rowling against the possible loss of the House. But the return of all most interesting, for the meagre report of it to have it registered as a charge to the extent of \$300, with a view of, at least, protecting Rowling against the possible loss of the treasury being discovered or a deed in factory to him. The explanation contemplated by the act is factory to him. The explanation contemplated by the act is factory to him. The explanation contemplated by the act is factory to him. The explanation contemplated by the act is factory to him. The explanation contemplated by the act is factory to him. The explanation contemplated by the act is factory to him. The explanation contemplated by the act is factory to him. The explanation contemplated by the act is factory to him. The explanation contemplated by the act is factory to him. The explanation contemplated by the act is factory to him. The explanation contemplated by the act is factory to him. The explanation contemplated by the act is stated by the act is factory to him. The explanation contemplated by the act is factory to him. The hand is factory to him. The hand is factory to him. The capacity of the hand and content is Mr. Laurier to power is decidedly improbable. They hold that there is somewhat remarkable. They hold that there and non-committal as Mr. Laurier may and non-committal as Mr. Laurier may strive to be, that a Liberal Government led by Mr. Laurier and supported by Quebec Rouges of the Tarte school would abate one Rouges of the Tarte school would abate one Ronges of the Tarte school would abate one just or its legislation? Mr. Laurier cannot conceal his hand altogether, and supported by Quebeo barbarians. One of them went so far as to confess that he "thought there was something to say in favor of cannibal."

Laurier cannot conceal his hand altogether, and altogether, act had not been passed

Moreover, Miss Kearns' promise that she

Worthington v. Morgan (16 Sim. mortgage created by a deposit of title deeds. legal mortgage and from ignorance of the

"In this country the title of chattels was observed by Lord Eldon is evidenced by ed by section 54 In other words, the title possession; but the title to land is evidenced deeds are to be the evidence, I don't say exby written instruments. Therefore it was clusively, upon which the registrar is the duty of Morgan, before he took his form his opinion as to whether the applicant mortgage, to ask for the deeds; and if he has a prima facie title or not. As Miss had asked for them he would have learnt Kearne deeds were not produced it follows "Q How did you come to sign that they were in the possession of persons that the registrar formed no opinion, in the November 1 for who claimed a lien or charge upon the tene-

claim was all right.

"Q He thought you were safe in signing the notes? A. No. He did not know the notes? A. No. He did not know the notes? "Q. And it made no difference about the ing on their delivery or a reasonable excuse set that she had not got them, from insist-A. Mr. McPhillips thought it was being given for their non-delivery; and he must have done so lest his prospective purthat the person who had the deeds was en In Hewitt vs. Loosemore (9 Hare, 458).

A. I did not like not getting the things as they promised."

"Q Then why did you not refuse to sign the second note? (No answer.)"

"Ist. That a legal mortgagee is not to be postponed to a prior equitable one upon the ground of his not having got in the title deeds, unless there be fraud, or gross and wilful negligence on his part. 2nd. "Q. Why didn't you? You knew that that would save the Hudson's Bay Co.

Even if you were right it would save the more of the m gross and wilful negligence to the mortgagee if he has bona fide inquired for the title Mr. McPhillips."

"Q Did Mr. McPhillips advise you to sign the second note before getting those papers? A. He didn't know anything about the second note."

"A. He didn't know anything advise you to sidered an honest one or a fulfilment of his ances," as provided in section 38. But this to whether you were safe in signing the was, in view of all the circumstances, inconsecond note or not? What is your answer? sistent with bona fide dealing or a desire to second note or not? What is your answer?
(No answer.)"

"Q. Have you any answer to make? A.—I don't know why I did not ask him."
Further evidence shows that Rowling paid the notes - and that he did not know of the plaintiffs' claim until some time afterwards.

signet with bona fide dealing or a desire to securities, which a preper registration of his securities, which a preper registration of his deed might have assured to him under section 33.

GEO. A. WALKEM, J.

GEO. A. WALKEM, J.

That Tired Feeling

ed as a charge immediately after its executant one is that the registry books shall give intending purchasers and others Twelve days afterwards, viz., on the 1st correct information as to the state of any of November, Rowling gave the second note to Miss Kearns for the balance of the purchase money. It is manifest that he could not have been compelled to do so; and, fur ance of the registrar as well as of the public ther, that he would have been justified in taking steps to stop payment of the first note the day after he had given it, as he then knew from his vendor that the title deeds and certificate were not forthcoming. ever in real estate "or, "any incumbrance, But he abstained from taking any such steps; crown debt, judgment, mortgage or claim cumstances which I shall refer to presently, Section 13 empowers the registrar to

quired for the proof of an applicant's title be accounted for, but be not produced "by reason of its being in the possession of mortgagee or other person who refuses to produce it, the registrar shall first give notice in writing to the holder or owner of such document of his intention to register the same at the expiration of a time to be specified in the notice."

The obvious inference from all these sections is that sequence of title is still to be evidenced," as Lord E'don expressed it, by written instruments," and not by the official register only. The act, in this respect, recognizes and adopts the old law, and merely shifts the duty of requiring the production of the deeds from, for instance, an into force: intending purchaser to the registrar. Of course, these observations were not meant to apply to "indefeasible titles," which are and the "Bills of Sale Amendment Act, 1895,

Rowling's application was one which, on its face, demanded critical investigation on shall be and is hereby constituted a District the part of the registrar. His deed was a for the purpose of the said Act, and Frederick deed in fee; hence, to quote from section 54, Soues, Esquire, J.P., Government Agent at of the documents of title." That being so, the registrar was bound to require, for the words are "shall require," their production or a satisfactory explanation on affidavit for their non-production. But the deeds were not produced or even asked for; and the registration of equitable mortgages created by a deposit of title deeds, it does not prohibit their being taken. Again, section 13, which relates to the

registration of a fee, and section 19, to the registration of a charge, both require the was a case of the foreclosure of an equitable registrar, before registering, to satisfy himself that a prima facile title has been estable Morgan, unaware of the deposit, took a lished by an applicant, not, be it observed, by merely inspecting the official registers law of real property omitted to ask for the deeds. In giving judgment, which was for deeds produced." Language could not be plainer. If some, or all of them, be missing statutory sense, as to whether Rowling had such a title or not.

When the language of an act is clear, as it is here, it must be obeyed without more. Had the registrar observed this rule of construction this litigation would not have occurred, for, in view of what he would have learnt from the explanatory affidavit as to the missing deeds, he would unquestionably have refused to register Rowling's convey-ance. Rowling, and certainly his solicitor, must be taken to have known this. The registration having been made in contravention of imperative requirements of the act must be cancelled. The breach of the act by the registrar has practically facilitated
Rewling's object in endeavoring to escape
notice of a prior equity, although the act, like the statute of frauds, is meant, not to facilitate, but to prevent, fraud.

As the impeached registration is to be As the impeaced registration is no be cancelled, it follows that this case must be decided independently of the registry act—with the result that the plaintiff are, in my opinion, entitled to an order directing the registrar to cancel the entry complained of; to a declaration that their security is unaffeeted by Rowling's deed; and to an order of foreclosure with costs, which will include those of the first trial, as against Rowling. The costs of appeal, as I understand it have been dealt with by the Full court.

Rowling's deed might have been "record ed," as distinguished from "registered," ances," as provided in section 38. ebviously, would not have suited his purpose, as he would not have thereby gained the advantage of priority over unregistered

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Colds, Sore Throat, Bronchitis, Weak Lungs, Consumption, Loss of Flesh, Emaciation, Weak Babies. Growing Children, Poor Mothers' Milk. Scrofula. Anæmia;

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NOTIUES.



E. DEWDNEY CANADA.

PROVINCE OF BRITISH COLUMBIA.

VICTORIA, by the Grace of Gode of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., &c., &c.

To all to whom these Presents shall come -

A PROCLAMATION.

D. M. Eberts, Attorney General. WHEREAS it is expedient that the Lillooet Electoral District should be proclaimed a District under and by virtue of the provisions of the "Bills of Sale Act," and that a District to carry the previsions of the said Act

NOW KNOW YE. that by virtue of the authority contained in the "Bills of Sale Act." dealt with separately in another part of the the Lieutenant-Governor in Council hereby proclaims that all that parcel or District of land known as the Lillooet Electoral District Clinton, is hereby appointed to file and register Bills of Sale aflecting property in the District hereinbefore defined, subject to the pro-visions of the "Bills of Sale Act" and amending Act in that behalf provided.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent and the Great Seal of the said Province to be hereunto affixed: WITNESS, the Honourable EDGAR DEWDNEY, Lieuten. ant-Governor of Our said Province of British Columbia, in Our City of Victoria, in Our said Province, this first day of October, in the year of Our Lord one thousand eight hundred and ninety five. and in the fifty ninth year of Our Reign.

JAMES BAKER. oc4-d6t&w1t Provincial Secretary



CANADA.

PROVINCE OF BRITISH COLUMBIA

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., &c., &c.

To all to whom these Presents shall come-GREETING.

A PROCLAMATION.

D. M. EBERTS.
Attorney General WHEREAS it is proof an Act passed by the Legislature of British Columbia in the fifty-sixth year of Our Reign, intituled "An Act Respecting the Public Health," that the said Act shall not come into force until a day to be fixed by proclamation of the Lieutenant-Governor in Council, notice of which shall be published in the British Columbia Gazette; and whereas Our said Lieutenant-Governor, by and with the advice of the Executive Council, has been pleased to proclaim, by an Order in Council in that behalf, the wenty-seventh day of September, one thousand eight hundred and ninety-five, as the day on which the said Act shall come into force.

Now know ye, therefore, that in pursuance thereof, We do hereby proclaim the said Act to be in ferce as from the twenty-seventh day of September, one thousand eight hundred

In TESTIMONY whereof We have caused these Our Letters to be made Patent and the Great Seal of the said Province to be hereunto affixed. WITNESS: The Honourable Edgar Dewdney, Lieutenant-Governor of Our said Province of British Columbia, in Our City of Victoria, in Our said Province, this twenty-fourth day of September, in the Year of Our Lord one thousand eight hundred and ninety-five, and in the fifty-ninth year of Our Reign.

> By command. JAMES BAKER,

Previncial Secretary

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