Weekly Colonist.

FRIDAY, DECEMBER 10, 1886.

THE "SEA OF MOUNTAINS" CHESTNUT.

Our evening contemporary is still endeavoring to "help a lame dog over the stile" by professing to believe that the phrase "sea of mountains" originated with *The Colonist*. We are not prepared to say at this distant date whether the term was ever applied by *The Colonist* to either of the proposed routes for the railway, but we certainly never applied it to the country. Mr. Blake did, and rang the changes upon it year in and year out until it became a wornout "chestnut" and nauseated and alienated many of his friends. After Mr. Blake had, over and over again accepted the paternity of the phrase, it will scarcely serve his Grit friends in this city to attempt to rob him of the "credit." A few sessions ago the liberal leader arose in the house of commons and holding up Mr. Trutch's map of British Columbia asked the house if he was not justified by that map in calling the province "a sea of mountains." There was no evasion of his responsibility as the author then. It was fashionable in Grit circles to abuse the Pacific province and Mr. Blake was bound to lead the fashion. Now times have changed. British Columbia may almost hold the balance of power in the next house and the liberals are desirous of drawing the veil over their past ill treatment. As a first step Mr. Blake is desirous of getting rid of his "chestnut." He first attributed it to Mr. Trutch's map; next to Principal Grant's book; and lastly *The Colonist* is dragged on the scene as the author. If Mr. Blake is ashamed of his abuse of British Columbia why does he not come manfully forward and say so? Why does he not apologize for his transgressions and ask to be forgiven instead of endeavoring to evade a responsibility which he once seemed proud to assume? So far as *The Colonist* is concerned, we do not believe the expression was ever used editorially in these columns in any sense except in deprecation of Mr. Blake's abuse. It will take more than the quotation from Hansard to free Mr. Blake. As it is said to be a shame to rob the poor man of his "bee-ah," it would be equally a shame to rob Mr. Blake of the paternity of a phrase which he was once very proud to father.

THE BENCH AND ITS DETRACTORS.

The Mainland Guardian offers some remarks on Mr. Justice Crease's address to the grand jury of Victoria and the reply of the grand jurors thereto. While not agreeing with many portions of our contemporary's article there are other portions which commend themselves as being exceedingly appropriate. Mr. Justice Walkem's charge to the grand jury of Lytton has already been commented on in terms in these columns. That charge was officious and altogether unnecessary, and should have been passed over at Lytton as it was at Clinton—in silence. We were sorry at the late assizes to find a gentleman of Mr. Justice Crease's high standing following so bad a precedent as the Lytton incident. Sir Matthew Baillie Begbie and the bench of British Columbia require no certificate of character from a grand jury. As the Guardian truthfully says, "There was no disgrace cast upon the administration of justice in the province" by the unmanneriy remarks of Mr. Justice Strong, which were more like the brawlings of an alehouse politician than the utterances of an occupant of a seat on the highest judicial authority of Canada. Neither Justice Strong nor the whole bench of Canada could destroy the confidence the public have always felt in the bench of this province. It is not so long ago that the bench stood between the public and a tyrannical government and held the scales so evenly that the government were driven to the wall and forced to administer the law impartially. An attempt was made in the house at that time to "cast disgrace upon the administration of justice in the province," but the bench emerged from the storm of obliquy and detraction higher in popular estimation than before. The contempt with which the chief justice and Mr. Justice Gray treated the republication in this city of California libels on their honor was withering in its silence and a sufficient answer to Mr. Justice Strong's impertinence.

THE DEFENSE OF THE JUDICIARY.

An evening centemporary is of opinion that the British Columbia bench, having been charged with an "indictable offence" by Mr. Justice Strong, their self-defence was necessary and proper. We confess that we can neither see the necessity nor propriety of the course adopted at Clinton, Lytton and Victoria. The judiciary of British Columbia is as pure and free from the taints of corruption as any in the world. What was said on a previous occasion we now repeat, that the construction placed at Lytton on Mr. Justice Strong's language (which was improper and most discreditable to him) appears to us to have been strained and overdrawn. The bench of the province has not suffered in public estimation because of Justice Strong's ill manners and vehement language; and suitors enter the portals of the court-houses with as much confidence in the administration of justice being dispensed with an even hand as they did before the Sproule case arose or the foul and libellous articles from American papers on the chief justice and Mr. Justice Gray were reproduced by the Times here. Sir M. B. Begbie may have something to say about Mr. Justice Strong and the Times at the next assizes, but not in the way of self-defence. No! That is entirely unnecessary. It would require a great deal more than a denunciatory charge from the entire bench of Canada and a ream of libellous articles in the Times to shake popular confidence in the chief justice and (may we add?) in the whole judiciary of the province.

WOMEN AS SCHOOL TRUSTEES.

Two ladies, Miss Dodge and Mrs. Agnew, have just been appointed to the New York board of education by Mayor Grace, and it is questionable if any of his official acts have met with more general commendation. Such a step is an innovation in this country, though the London school board has, for some years, had one of its most active workers in the person of Miss Helen Taylor. There is a wide field for woman's work in connection with education outside of the comparatively humble sphere of school ma'am she has long and well filled, and her success in which gives promise that as a manager she will not lose in comparison with her masculine colleagues. The old theory that woman's capacity for the higher studies was inferior to that of man is thoroughly exploded. She has more than held her own in such colleges as have so far opened their doors to her, and it promises not to be long ere an institution refusing her admission to its classes will be the exception and not the rule. We have rapidly become accustomed to her as a student and the wearer of a collegiate degree. Perhaps we may soon see her seated in the professor's chair, and wonder why she was not there before. There was nearly as much of earnest as of jest in the saying at the Harvard celebration that by the time another 250 years have rolled around the presiding genius at the festivities may be a lady, with half of the graduates' branches filled by members of her sex.

NEW WESTMINSTER.

Mr. T. J. Trapp is out as a candidate for the commons in New Westminster district. He says he is and will be thoroughly "independent." Of what and whom? Surely Mr. Trapp must have some views on the stirring political questions of the day—must be able to say whether the policy of the Macdonald administration has been beneficial or prejudicial to the province and Dominion. The independence of Mr. Trapp may be all right; but it is not the kind that will land him at Ottawa.

THE alarming "Creme De La Creme;" see advertizing columns.

The Metlakahtlans.

TO THE EDITOR:—If there be any, the slightest, hope of influencing the public mind to a determination not, without remonstrance, to allow the industrious community of the Metlakahtlans to be driven out of the country, I trust you will not deem any honest effort to this end unworthy of a place in your widely circulating journal.

The implied admission made by your correspondent "G." in yesterday morning's issue, that the Indians have rights in the soil, is accompanied by deductions which to me hardly appear logical. I forcibly take my pick of my neighbor's goods—his goods *de jure*—and because I leave him just what I please out of them, I am, *de facto*, his benefactor. I think that a good many wrongs in life are justified by this kind of argument.

With regard, however, to G.'s statement in reference to Metlakahtla, of enormous sums paid out by the C. M. S. through Mr. Duncan, such sums being "subsidies by large grants from the Dominion government," I hope G. will be good enough to inform the public as to the amounts and objects of those alleged subsidies.

The Metlakahtlans have been praised, as all honest workers ought, but when or how petted and pampered? They have not needed, still less asked for it. Large—though one could hardly say "enormous"—sums have indeed been spent on Metlakahtla, not by the government, but by the inhabitants themselves out of the fruits of their own industry. They have just shipped to England, as the product of their thrift and enterprise in one season, goods to the value of (I think I am within the mark in saying) not less than $30,000, which money would, I believe, in the natural course of things, be disbursed in Victoria. On the other hand—I only state what has been told to me and am, therefore, open to correction—the armaments, exclusive of the last sent by the governor, went against the Metlakahtlans, have cost the country some $7,000; a sum which may be justly deemed "enormous," when viewed in relation to what many believe its utter needlessness and its mischievous effects on true progress.

I am not aware of any money spent, either by or through the C. M. S., in pampering the Metakahtlans. Beyond paying the salaries of their missionaries, and the erection of mission premises, I think the money spent by them at Metlakahtla has been extremely small at any time. The expense of the erection of their church, the establishment of their industries, the rebuilding of their village with all improvements therein, has been borne by the Metlakahtlans themselves out of the fruits of their honest toil and sobriety. I hazard no conjecture as to what sums the C. M. S. may have spent in maintaining a bishop at Metlakahtla, establishing a rival store, and otherwise (to pursue "G.'s" figure) disturbing the trying pan of its prosperity.

The eight Metlakahtland now in our prisons for peacefully (even supposing them mistaken) endeavoring to bring their claims to a legal issue in our courts, their wives and families meanwhile deprived of their legitimate support forcibly show how little her gracious majesty's wards and children have been petted or pampered by her majesty's servants. Since the administration of Sir James Douglas, who did render some assistance to the community in its infancy—a good deal of his subsidy having since been repaid by them—the government has shewn very little disposition to assist, though they have done not a little to discourage, this native settlement.

And if, Sir, after the example of the mother country, the course of government is mainly shaped by public opinion, every citizen has a right to deliver his sentiments on governmental acts, provided he keeps within the bounds of what is honest and just and true. And if it is by public opinion that persons in authority are, even if otherwise disposed, kept in a righteous course, I trust the time may not be far distant, when the people of this province may not only form just opinions on the Metlakahtlan trouble, but also fearlessly utter them. A. CITIZEN.

Dec. 3rd, 1886.

Around Town.

TO THE EDITOR:—I dropped into the city hall last evening as Coun. Grant, in a few well chosen words, moved his amendment to grant a license to that great and good man J. L. Sullivan, Boston's brightest gem. I agree with Coun. Grant. If the nobility and gentry of old England consider it necessary for their moral and physical health to countenance the manly art, why should it not also be necessary for us? How many hundreds of children are growing up in my own and other men's families who don't understand the first principle of this manly art, who shock esthetic souls, like mine, daily, by the most unaesthetic nose-managing, and also how few fathers or mothers are able to correct these errors in their offspring. It is a fact, sir, that too many parents think that when they give their children a good education, and trade or profession, they are fitted for the battle of life, forgetting the one thing that alone gives the young man the comforting assurance that he can put a head on another. How then shall we educate the masses to the desired point? Why, sir, by encouraging such exhibitions as those given by John L. Sullivan. Not only exhibitions where the husband and father can smoke his pipe and drink his beer or spirits away from the disturbing influences of his family, but mattiness for the mothers and children, where the public school could attend *en masse*.

In time sparring would be taught in our public schools, gradually leading to the establishing of a Sullivan or Sayers class of muscular Christianity in the new university. Some people say that the bruiser is a nuisance, a swaggerer, lacking manners, and very nibulous and a wife-beater, and others, with Counsillor Humbert, think that even in fights with soft gloves some one gets hurt. But these paltry objections are beneath the notice of a progressive and enlightened people, who believe in the liberty of the subject, and his worship in voting the exhibition down has proved far too conservative, not only thereby disappointing many hundreds of Victorians who wanted to see if the proposed exhibition was a fit one for their families to visit, but also taking the means of livelihood away from many an anxious and expectant sport.

ECHO.

Victoria, Dec. 2nd, 1886.

Correction.

TO THE EDITOR:—In my letter in this morning's issue kindly make the following correction, changing "governor" to "government": "—the armaments—exclusive of the last—sent by the government against the Metlakahtlans," and oblige,

A CITIZEN.

December 4th.

BECAUSE HE DIDN'T LIKE WHISKEY.—KINCARDINE, Dec. 2.—As two daughters of Mr. Joseph Baker, Magistrate of Kincardine, were entering the front gate of their home a shot was fired toward them, and soon afterward it was discovered that the front of the house had been saturated with coal oil, and an attempt made to ignite it. It is supposed the young ladies made their appearance as the villans were at their work, hence the firing of the shot. Mr. Baker has suffered a whole series of outrages since the Scott Act took effect in Bruce, and whether rightly or wrongly, all are ascribed to whiskey sympathizers. It is a profound pity some of the scoundrels cannot be brought to justice.

RAILWAY SNOW SHEDS.—From a gentleman recently from the construction work on the snow sheds it is learned that they are fully complete and no doubt will stand any test that the present winter will put them to. Next year, it is understood that additional sheds will be built at points where only occasional slides come down, in order that the safety of the road may be assured beyond peradventure.

Supreme Court.

(Before Hon. Mr. Justice Gray.)

Caroline Humphreys vs. Jacob Sehl, judgment creditor:—On the 29th of December, 1880, Jacob Sehl, the above defendant, signed judgment against Thomas Basil Humphrey, the husband of the above plaintiff, for $217.76 and $15.50 costs.

On the 4th of February, 1883, execution was issued against the goods and chattels of the said Thomas Basil Humphrey for the amount with interest.

Under this execution the sheriff seized goods in value $446, admittedly the property of the said Thomas Basil Humphreys in the house where he resided with his wife, the above plaintiff. These goods were claimed by the said T. B. Humphreys as exempted under the amended Homestead act, 1873, to another portion of the goods seized at the same time, in value between $500 and $600. Caroline Humphreys, the above named plaintiff, the wife of the said T. B. Humphreys, put in a claim under the Married Woman's Property Act, 1873, as being her own exclusive property and exempt from seizure for her husband's debts.

For the protection of the sheriff on his application this interpleader suit was ordered to settle this latter question, and after disposal of the former question as to the Homestead Exemption act of 1873, and various preliminary points, the present cause came on for trial on the 2nd Nov. inst.

Mrs. Humphreys on oath proved the purchase and payment by herself during the last two or three years (long after her marriage) of the articles claimed by her, consisting of a piano, parlor furniture and other chattels set out in this interpleader suit, producing in most instances the receipts therefor in her own name, amounting in value to about $600. She further proved the renting of the house in which herself and husband lived, by herself, from Mr. Fell, the payment of the rent by herself to Mr. Fell and his receipt therefor, though she added sometimes her husband paid the rent.

She proved that by the will of her uncle, the late Capt. Pritchard, who died on 31st October, 1883, just three years previous, she had been devised certain real estate in Yates street which yielded her a clear rental of $70 a month, which monthly rental had been regularly paid her ever since, and that she had purchased and paid for these articles out of these rents. The receipts and accounts produced showed that these articles had been purchased and paid for by herself since her uncle's death and her acquisition of the property.

She further stated that her uncle had also left her a legacy of $5000, with which about a year ago she built her new house. That the $5000 had yielded some interest of which she kept no separate account, but spent it as she wanted it, and it was mixed up with the rents of her real estate, but it was not shown that any specific notice or any article was paid for out of this interest.

In fact there can be no doubt that the articles above referred to and claimed were *bona fide* purchased and paid for by herself out of her own moneys, and so far as her testimony on oath was, out of the rents and proceeds of her real estate.

But among the articles claimed was a sewing machine, which she stated had been a present to her from her uncle before his death, and not purchased or paid for as the other articles were. No opposing evidence was called.

Mr. Drake, on the part of Mr. Sehl, the judgment creditor of the said T. B. Humphreys, raised several important points on the construction of the married woman's property act in British Columbia, which will be better understood as the act itself is reviewed, Mr. Drake's contention being that the legal construction of the act, notwithstanding the facts stated, left the articles so purchased by the wife subject to the husband's debts, and therefore the seizure was justifiable on the grounds,

1st. That by the common law the wife's personal property and the rents and profits of her real estate during marriage were her husband's, and subject to his debts.

2nd. That though by the local statute the rents and profits of the wife's real estate were her own the moment she used them for purchasing anything, the articles purchased became her husband's and subject to his debts.

3rd. That inasmuch as the wife stated she had mixed up the interest of her $5,000 with her rents the statutory protection given to the latter was gone, and the articles purchased became subject to the husband's debts.

Before referring to the British Columbia statutes, it is well briefly to refer to the old common law. As to the wife, all the rents and profits of her real estate, collected during marriage, and all her personal property whether acquired before or after marriage, if reduced into possession during marriage, and all profits thereof went to the husband and were liable to the payment of his debts, unless protected by a settlement before marriage which placed her property in the hands of trustees, or unless it came under some provision or circumstances enabling a court of equity to intervene for her protection and benefit. In fact, her individuality ceased, and she lived, toiled and owned only for her husband. To such an extent was this carried that in Carne vs. Brice *et al.*, 7 Meeson & Welby 183, it was held that the money coming to the wife out of her own property and paid to herself personally by her trustees when expended by her in wearing apparel for herself and her own personal use rendered the latter liable to be seized to pay her husband's debts. This was as late as 1845. That was the law imported into British Columbia in 1858, with the addition of the protection given by the divorce acts of 1857 and 1858 to wives deserted by their husbands. The latter similar in character to that obtained under a decree for judicial separation, viz., a protection order for her lawful earnings and property acquired during desertion.

The English married woman's property act of 1870 was the first direct interference by parliament in England in favor of a separate estate for married women (Lush 101), the protection order before referred to being simply an emanation from a court of equity, in antagonism to the hard doctrine of the common law.

But as British Columbia in 1870 had a legislature and government of its own, the new English act did not apply to British Columbia, and the law therefore remained as above stated.

On the 21st of February, 1873, the British Columbia legislature passed its first and only married woman's property act, and enacted:

1st. That after the passing of the act the real estate "of any married woman owned by her at the time of her marriage, or acquired during coverture, and the rents issued and profits thereof shall, without prejudice to any settlement affecting the same, be held and enjoyed by her for her separate use free from any estate or claim of her husband during her life time, etc., etc., etc.

2nd. "All the wages and personal earnings of a married woman, and any acquisitions therefrom, and all proceedings or profits of any occupation or trade which she carries on separately from her husband, shall hereafter be free from the debts or dispositions of her husband, and shall be held and enjoyed by her and disposed of without her husband's consent as fully as if she were a *feme sole*, and no order for protection shall hereafter be necessary in respect of any such earnings or acquisitions, and the possession, whether actual or constructive, of the husband of any personal property of any married woman shall not render the same liable for his debts.

Thus we see that in British Columbia the common law is to a certain degree changed, and the wife's protection as to her property is divided into two classes—certainly:

1st. Her rents and profits from her real estate.

2nd. Her wages, earnings and the profits of any business she may carry on separately from her husband.

And, 3rd, by a *qualified* protection under the provision in the last clause of the second section, which may admit of an extended construction in favour of other personal property owned or acquired by her, but not coming under either of the two previous classes.

With reference to the articles claimed, the evidence shewed distinctly that they did not come under the second section, they were not acquisitions from wages or the personal earnings of Mrs. Humphreys. They were purchases made by her from the rents and profits of her real estate devised to her by her uncle, as she swears, and has not been contradicted. But Mr. Drake contends that under the old authorities and particularly Carne against Brice, that though by local statute entitled to the rents and profits absolutely, the moment she turned the amount into furniture or other purchases, their character of separate property was gone, and the articles purchased became the husband's and liable to seizure for his debts under the old English law as imported into British Columbia in 1858.

To my mind this appears a most inadmissible construction of the local statute. The language is, the rents and profits, "shall be held and *enjoyed by her for her separate use* free from any claim of her husband." In what way could she more creditably enjoy them, than in purchasing furniture and clothing and comforts for herself and family, certainly not in stringing them in $20 gold pieces around her person without any garments. The object of the statute is perfectly plain. It was to prevent the misery and destitution and unhappiness sometimes brought on wives and their families by the misfortunes or failures or follies of the husband. Lush on Husband and Wife, page 116, says: "The only mode of enjoying real estate is by enjoying and *using* the rents and profits issuing from it." There cannot be much use by the wife of the article purchased and paid for out of the rents of her own real estate, if the moment she gets it it can be and is seized to pay the husband's debts. The word "enjoyed" in this section is conclusive as to its construction. But there is a decision directly in point. The savings of the income of lands settled to the separate use of a married woman, and *chattels purchased by her out of such income* are *prima facie* her separate property. Fisher's Digest Title Husband and Wife, vol. 4, 343; Fitzgibbon vs. Pike, 6 L.R., p. 487; the case of Tugman v. Hopkins, II. L.J. C. P. 309, A.D. 1842, cited by Mr. Drake, similar in its conclusions to Carne vs. Brice, was long before the married woman's property act. Mr. Drake's observations that that act is simply a "statutory settlement" is perfectly correct, but we must look to the language of the act to see what the settlement is, not to decisions long before it was passed on the construction of other settlements not statutory. Whittaker v. Whittaker, 21 Ch., Div. 657, A. D. 1882, also cited by Mr. Drake, turns on entirely a different point. Whether after the husband and wife had mixed up the pecuniary transactions of their separate properties for many years, after his death, the wife on her uncorroborated assertion, without confirmatory evidence of any kind, could claim that her husband was a self-constituted trustee, and his estate bound to account to her for the investments of her separate property. The case seems to have been valued by Mr. Drake for a dictum of the learned judge, Vice-C. Bacon, "that a piano cannot properly be said to be an article of furniture, although no doubt often made to serve that purpose or used for mere decorations." The case has no analogy to the present. There is not the slightest evidence to show that Mrs. Humphrey's separate estate has been in any way mixed up with her husband's, and Vice-C. Bacon's estimate of a piano can hardly be called a legal decision.

The case of Lett v. The Commercial Bank of Canada, 24 U. C. Q. B. R 552, is very suggestive of the points to be considered in the construction of the British Columbia statute.

The Upper Canada statute C. 73 Con. Stat. U. C., 791, A. D. 1859, is broader than the British Columbia statute, inasmuch as it includes all personal property of the married woman, and not merely her wages, personal earnings and profits from any trade or business carried on by her separate from her husband. While under the British Columbia statute her rents, wages and earnings, etc., are free from her husband's debts, it is to be remembered she may so act with them as to make them responsible for those debts. In Lett vs Com. Bank Ch. J. Draper says: "On the receipt of such money it was at her absolute disposal whether in the disposition of it she gave her husband any rights over it; or over that in the purchase of which it was expended; is the question for decision. It appears to me, (he says), to have been too much assumed that what ever was purchased by her or paid for out of that money became as absolutely hers as if it had been part of the trust estate. Such a assumption is not warranted by the authorities. The act is to be construed as creating a marriage settlement in the terms of the first and second sections in all cases to which those sections respectively apply."

Then recognizing, that, except where as diminished by these sections, the old common law—right of the husband over his wife's real and personal property still exists, he proceeds to examine the evidence in that case. It is not necessary to repeat it here, but concluding, Ch. J. Draper observed, "The moment she got the rents she could dispose of them as she pleased, giving them, or any part of them, to her husband, or making purchases with them for his use, or paying his debts with them. If she bought the different things to enable the husband to carry on the farm for his own benefit, and that of his wife and family, they are in my opinion liable to satisfy his debts, etc. I cannot permit a surmise even that the act was intended to create a protection for the husbands dealings, which will operate as a fraud on the husband's creditors, nor do I find that the language compels a construction which would have this effect."

In the present case there is not the slightest ground for surmising that the claimant, Mrs. Humphreys, bought the articles mentioned for her husband's benefit, or to enable him to carry on any business, or gave him any control over them. The inference they are articles essential for her own comfort, and what with her means she would buy, even if she had no husband. With reference, therefore, to all the articles set out in this suit, except the sewing machine, I have not a doubt as to the claimant's right to recover.

As to the sewing machine, I was at first strongly inclined to think that it would go under the execution to the creditor, and to agree with Mr. Drake that it did not come within either of the classes enumerated in the first and second sections of the act. It was not purchased from the rent or profits of the real estate as mentioned in the first section, or out of the wages or earnings as mentioned in the second. It was a present from her uncle, and would, therefore, fall under the old law, and her husband having acquired possession of it, if uncontrolled by anything in the British Columbia statute, it would become his property and be liable to seizure for the payment of his debts.

Fitzgibbon vs. Pike before cited, says: "The mere gift of chattels to a married woman residing with her husband will not in the absence of some expression of intention by the donor enure for her separate use, so as to displace the husband's marital right to them, or withdraw them from liability to the claims of his creditors." We must, therefore, see whether in the "Statutory settlement" the local statute has or has not laid down that which is equivalent to such an expression by the donor. In the concluding passage of the second section of that statute are the following words: "And the possession whether actual or constructive of the husband of any personal property of any married woman shall not render the same liable for his debts." The expression is general. The term "any" without the word "such" shows the legislature did not intend to restrict the operation of that clause to the particular subjects mentioned in the first part of the section. It is a fair inference from the tenor and purport of the whole section, though inartificially drawn, that in constructing the latter part the rule of "*Ejusdem generi*" was not to apply, for it would materially contravene the policy of the act, namely: "to extend the rights of property to married women." Then according to the "*Jus mariti*" the husband having as the husband obtained possession, the right of property would follow, because the wife did not acquire the sewing machine under the special exempting provisions of the first and second sections, but the husband must take possession subject to the provision of the British Columbia statute, which says, as above quoted, that "the possession shall not render it liable to the payment of his debts." He has the "*jus utendi*" but not the "*jus disponendi*." Thus the intention of the donor is by the "statutory settlement" clearly expressed.

On further reflection, therefore, I have concluded I cannot order it to be given up to Mrs. Humphreys, the claimant, because the husband's possession is legal and the act has not included property so acquired in the class which she may hold as *feme sole*, and as her separate estate, but the statute varies the common law and says the husband's possession shall not render it liable for his debts. It is a singular anomaly and could not arise if the British Columbia statute on this subject was assimilated to the English statute of 1883, or to the law on this subject in some of the other provinces of the Dominion. The sewing machine was, and is, clearly and legally hers. In consequence of the "*jus mariti*," she cannot take it out of her husband's possession, but while in his possession, without her consent, it cannot be sold to pay his debts. With reference to the machine, the sheriff will no doubt be properly advised what to do. With reference to the remaining articles specified in this interpleader, I adjudge that at the time of the seizure by the sheriff under the writ of *fi. fa.* in the record set forth they were each and all the sole separate and undivided property of the said Caroline Humphreys, the claimant, and not liable to seizure for her husband's debts.

Let judgment be entered accordingly with costs.

For Mr. Sehl, the judgment creditor, Messrs. Drake and Helmckin; for Mrs. Humphreys, plaintiff, Mr. J. P. Walls.

Latest Canadian News.

ONTARIO.

The boat of Edward Taffe, aged eighteen, and his brother, a fisherman, swamped near Hamilton. Edward took cramps in deep water and drowned. The other brother took cramps in shallow water and was saved.

A lad named Silverhorn, of Owen Sound, aged eighteen, accidentally shot his younger brother aged ten, with a revolver. He died an hour after.

Joseph E. Arnold, a prominent merchant of Forest, suicided by taking strychnine and shooting himself through the head.

It is expected that Mr. G. W. Badgerow, M.P.P., will be gazetted crown attorney for York county within the next two weeks.

Gen. Middleton is confined to his house at Ottawa through bronchial asthma.

Mr. A. W. Wright, the representative of the Canadian finance department at the Colonial exhibition, has arrived home. He says the money Canada expended upon the exhibition has already been repaid many times over. The great result, he says, was the closeness with which the colonies were drawn together. Each colony now wants to trade direct with Canada, and the impulse of union has received a great impetus. Preparations are now completed to send an exhibit of Canadian cotton print productions to Copenhagen. The immediate trade benefit will be felt in fruit, butter and cheese, honey, sash and doors, school and church furniture and especially selected timbers.

The Candian Pacific Railway is vigorously pushing the work of constructing its telegraph line to all important points in the Dominion. It has within the past few weeks extended its system to Quebec in the east and to London, Guelph, Brantford, Paris, St. Thomas, Kingston, and other leading points in Ontario. Its lines to Sarnia, Ontario, has been completed and offices have been opened at Sarnia, Petrolia, Wyoming, Watford and Strathroy. The company's transcontinental line has been working with scarcely a single interruption between Montreal and New Westminster and Victoria, B. C., since it was opened for business, while other transcontinental lines have been suffering serious interruption owing to the blizzards and snow storms that have recently been prevailing in the United States to the south of the Canadian Pacific line.

The liberals of Centre Wellington have nominated Andrew Semple for the commons, and Col. Clarke for the local. The conservatives of East York have nominated John White for the commons and W. Hudson for the local. The conservatives of Addington have nominated John S. Miller for the local.

At the Toronto conservative convention a letter was read from Hon. Alex. Morris stating that his physician would not allow him to enter the political arena at the present time, and a resolution was passed thanking him for his past services as member for East Toronto.

A man named Shellburg, while walking along the road near Simcoe, was attacked by four men, one of whom, supposed to be a relative of McLafferty, shot at him. His recovery is doubtful. Shellburg had been courting McLafferty's sister, which was believed to be distasteful to the brother.

The manufacturers of Toronto had a meeting, when they discussed the workmen's charges of injustice and the Factory Act. The general opinion was that most of their grievances were unobjectionable, but that the factory inspectors had too much power, and a deputation was appointed to wait on Premier Mowat in reference to the matter.

NOVA SCOTIA.

A sailboat capsized on the Avon river. Orley and Earnest Lake, brothers, and Jos. Sandford were drowned.

Wm. Ball and Geo. R. Ball, of Sydney, C. B., have proceeded to England to take possession of a $1,500,000 fortune awaiting the Canadian Ball family. Part of the money has lain in the bank at Melrose, Scotland, for forty years awaiting the owners.

John McKenzyer, aged 46, of Pictou, unmarried, has become a dangerous raving maniac, because of losses caused by bad investments.

John W. Roscoe, an aged and wealthy farmer of King's county, got into an altercation with his son-in-law, Trueman Thorpe, regarding Thorpe's treatment of his wife. A personal encounter followed, from the effects of which Roscoe died. Thorpe has fled to the United States.

MANITOBA.

Mr. W. D. Scarth, the conservative candidate for the local house in South Winnipeg, who has been lying ill with bronchitis for some time, is recovering. He expects to be able to resume his canvas on Saturday.

NOTHWEST TERRITORIES.

At the conservative convention at Moose Jaw there were forty delegates. Ballots were taken four times, the last time Day in reciving 22, and Mr. Tweed, of Medicine Hat, 17, Hopkins, Moose Jaw, 1. On motion of Hopkins, Davin was finally agreed upon.

NEW BRUNSWICK.

The Protestant association of Montreal have unanimously agreed upon the Apostles' Creed as the doctrinal basis of their association.

The Dominion government has renewed the contract with the British American Bank Note company for the production of its money obligations, such as notes, revenue and postage stamps. The postal cards will be of a new design.

Yesterday Mr. Justice Lambert deposited $1,000 in the hands of the prothonotary as security on his petition to set aside the election of Mr. J. O. Villeneuve, M. P. P., for Hochelaga county.

The Quebec government have issued the writs for the election of Iberville and Montcalm counties to fill the vacancy caused in the former by the death of Mr. Demers, M. P. P., and in the latter constituency by the resignation of Mr. Richard, M. P. P., in favor of Attorney-General Taillon. The nominations will take place on Saturday, December 4, and voting on Saturday, December 11.

QUEBEC.

Mayor Beaugrand, of Montreal, is going to Banff Hot Springs for the benefit of his health.

Joseph Trudeau of Port Viane, while working on the Canadian Pacific bridge at St. Harry de Masculle, fell sixty feet and was instantly killed.

Several fatal cases of diphtheria are reported at Ile de Liste. Two families lost eight children.

A stone cutter named Jaques Morrison held a ticket which took a $5,000 prize in Father Labelle's lottery.

Settled.

Harry once had an ardent affection
For two lovely girls—not confessed
He was puzzled to make a selection,
Since each in her turn seemed the best.
To constantly fortified his mind to
Determine the endless debate;
Sometimes it was Maud he inclined to—
Sometimes it was Kate.

If Maud had a face like a fairy,
Yet Kate had a form like a queen;
As Maud was vivacious and airy,
So Kate was sedate and serene;
While years passed with Maud as his wife would
Bring happiness nothing might mate,
An equally rapturous life would
Be given by Kate.

And long he remained undecided
Which one he preferred of the two;
Between such attractions divided,
What was the poor fellow to do?
These doubts in anxiety kept him
Until he attempted his fate
To find—that Maud wouldn't accept him,
And neither would Kate.

—*Morley H. Pike in Life.*

LONG LIFE.

METHODS BY WHICH YOU MAY TELL WHETHER YOU ARE LIKELY TO HAVE IT.

If any one would know whether he is likely to live long or die soon, let him inquire whether old age runs in his family or not, for the good tissues of long life are apt to be hereditary, and he may commit a great many excesses of other errors without killing himself if he comes of a long-lived stock. In like manner he may get much help toward a knowledge of the diseases to which he is prone and which excesses or other errors are likely to light up, by inquiring what diseases his forefathers or kinsmen suffered or died from. Some diseases are notoriously reckoned to be directly hereditary in like kind, for example, epilepsy, phthisis and insanity. When a person has one of them we are not at all surprised to learn that the discovery is a sufficient explanation and to think that no more need be said. But it is not really an explanation; it is merely an indication of the direction in which the exact explanation has yet to be sought. If it be a sufficient explanation, how does it happen that all the children of the same unsound father or mother do not suffer in the same way? How is it that twins, living under the the same conditions, have not always, as now and then they have, the same diseases at the same ages? In calling a disease hereditary, it is not really meant that the disease itself is actually inherited by the offspring, who in that case, would be born with it; what is meant is that the latter inherits a certain organic constitution which, being likely to undergo that pathological development in the ordinary circumstances of life, is therefore described as constitutional predisposition or tendency to the disease. We do not know in the least what is the intimate nature of the predisposition, but we know that it may be greater or less in different persons, and that it is thought to be so great in the cases of diseases mentioned and so likely to be mentioned and so likely to be transmitted to children as to be a serious objection, if not an actual bar to marriage. Those who, having fallen in love, are aware of the existence to them in their families are therefore not a little troubled sometimes with scruples of conscience, and anxiously ask medical advice whether they shall marry or not. In the end they commonly marry, whatever the advice given them, having persuaded themselves that the epilepsy was not real epilepsy, but a form of violent hysteria; that the lung mischief was not constitutional phthisis, but the accidental consequence of a neglected cold; that the insanity was not the outcome of family degeneracy, but an accidental blow on the head which was thought nothing of at the time. Would the earth ever have been peopled had cool reason been potent enough to quench the hot passion of love?—*Fortnightly Review*

GOOD MANNERS.

A FEW THINGS ONE SHOULD OR SHOULD NOT DO.

The following sensible hints on etiquette are taken from Good House-keeping:

A first call from a new acquaintance should be speedily returned.

Great pains should be taken by the hostess to introduce shy people.

A mistress should inform her servants what they are to say to all comers.

One card a year left at the door, or one sent in an envelope, continues the acquaintance.

In calling on sons or daughters, every visitor should have a card for the father and mother.

Introducing should not be indiscriminately done, at home or in society, by any lady, however kind-hearted.

If one lady desires to be introduced to another, the hostess should ask if she may do so, of course, unobtrusively.

There is no necessity of calling after a tea or general reception, if one has attended the festivity, or has left or sent a card on that day.

No gentleman should ever be introduced to a lady without her permission has been asked, and she be given an opportunity to refuse.

In her own house a hostess should always extend her hand to a person brought to her by a mutual friend and introduced for the first time.

Strangers staying in town, who wish to be called upon, should send their cards by post with address attached to those whom they would like to see.

"Not at home" is a proper formula if ladies are not receiving; nor does it involve a falsehood. It merely means that the lady is not at home to company.

Cards of condolence must be returned by a mourning card sent in an envelope at such reasonable time after the death of a relative as one can determine again to take up the business of society.

A lady who is fully aware of her own responsibility, who has always lived in the best society, is never afraid to bow or call first, or to introduce the people whom she may desire should know each other.

Ceremonious visiting is the machinery by which an acquaintance is kept up in a circle too large for social visiting, but every lady should try to make one or two informal calls each winter on intimate friends.

In America it is the fashion to shake hands, and most women, if desirous of being cordial, extend their hands, even on a first introduction, but it is, perhaps, more elegant to make a bow only at a first introduction.

A lady has a right to leave her card without asking for the lady of the house, if it is not her day, or if there is any reason—such as bad weather, pressure of engagements or the like—which renders time an important matter.

A disagreeable woman can always find precedents for being formal and chilling; a fine tempered woman can always find reasons enough for being agreeable.

Religious Notes.

Germany has 169 Baptist congregations.

In eighteen months 1,500 converts have been added to the Salvation Army in Chicago.

The Presbyterian Board of Foreign Missions asks for money. It is about $150,000 in debt.

The mission board of the Methodist church appropriated $13,000 for Spanish New Mexico.

There are 1,071 Young Men's Christian Associations in the United States, with 140,000 members.

There are 182 colored Presbyterian churches in the South, with 12,958 members. Of this number eighty-five churches are in North Carolina and fifty nine in South Carolina.

In New York city a new church is to be established. It is for ministers and baptized people acknowledging the ecclesiastical authority of the College of Apostles, which is a place of worship according to the doctrine of the Catholic Apostolic church, and has heretofore had its headquarters at Albany, England.

The friends of Dwight L. Moody, the celebrated evangelist, were pained to hear that the church for which he had collected $100,100 from all parts of the globe was destroyed. The fire was caused by an over-heated flue, and will only cause a temporary inconvenience to the congregation, as, although the interior was destroyed, the loss will be but $20,000, while the insurance is $60,000 on the building. Moody's church was begun in 1873 and finished in two years. The main auditorium had a seating capacity of 2,000, while the lecture room would accomodate about 900 more.

"Eight years have wrought but little change in the physical appearance of Dwight L. Moody, the world-renowned evangelist," says the Boston Record "Blessed apparently with an iron constitution, he reappears before the Boston public with the same characteristics of form and feature, the same peculiarities of voice and delivery—the same man, in short, but slightly modified."

Father Augustus Talton, pastor of St. Joseph's Church, in Quincy, Ill., is said to be the only native American Roman Catholic priest of unmixed African blood. He was born a slave, of slave parents.

A Lynn clergyman relates that on one occasion, after marrying a couple, an envelope was handed to him which he supposed of course contained the marriage fee. On opening it he found a slip of paper on which was written, "We desire your prayers."

The jubilee fund of the Congregationalists of New South Wales closed with the goodly amount of $194,250.

Dean Butler, of Gloucester, has been appointed to the vacant mastership of Trinity at Cambridge, a Crown appointment.

For the Ladies.

It is estimated that at least 2,500 young women in Chicago earn a good living as "type-writers."

Some ladies' boots shown in a Boston shop window are $100 a pair. The buttons look like diamonds.

Boston has coined a word for the women who wear birds' plumage upon their hats. The are called "birdicidal women."

The late Mrs. Stewart had a peculiar dislike for all dark colors. All the Stewart buildings were of the purest white, and she herself avoided in her dress, as much as possible, all the sombre hues.

They tell of a Wisconsin woman who