

PROGRESS.

EDWARD S. CARTER, EDITOR.

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THE END OF A WILL CASE.

The superior court of Quebec recently gave judgement in the case of Ross versus Ross, a case in which the issue was the validity of the will of the late Hon. JAMES G. ROSS, who died in Quebec city just four years ago. The estate is valued at four million six hundred dollars, and includes property in New Brunswick, Ontario, British Columbia and the United States, in addition to that owned by the testator in the province where he resided. The plaintiff in the case was ANNIE ROSS, a niece of the deceased, and the principal defendant was his brother FRANK ROSS, while several other parties were what are known in legal phraseology as intervenants. Ross, the testator had two brothers, while there were three children of a predeceased brother. In the absence of a will, the law of distribution would allow each of the brothers a third of the estate, while the remaining third would be divided among the children of the deceased brother, thus giving one-ninth to each. It was at first supposed no will existed, but in October, 1889, a little more than a year after the death of JAMES G. ROSS, a will was discovered at his former residence, bearing date in February, 1865, twenty-three years before his death. It was dated at the city of New York, and was what is called a holograph—that is, the handwriting was entirely that of the testator, and there were no witnesses. Now, such wills are perfectly valid in some countries, and Quebec is among the number. It bequeathed half of the estate to FRANK ROSS to his own use, and half to him in trust to pay certain legacies. One of these was of two thousand pounds to a Miss FRANK. The others were declared to be "for the use of public protestant charities in Quebec and Carleton Place, say the Protestant Hospital Home, French Canadian Mission and amongst poor relatives as he (FRANK ROSS) may deem best." On the discovery of this document, FRANK ROSS secured probate of it, and took possession of the property.

In the suit brought in by the niece, ANNIE ROSS, the contention was made that the will was invalid, having been executed in New York, but not according to the laws of that state, which did not recognize a holograph will as valid. A nephew, JOHN T. ROSS, joined the plaintiff in her demand and the other niece also appeared as a party to the suit. WILLIAM R. ROSS, who did not at first appear as a defendant, but defaulted, was allowed to intervene and defend at a late date. He claimed to be one of the "poor relatives" in the meaning of the will.

The defence was that the will, though dated in New York, was on or about the date of its signature, brought by the testator to his domicile in Quebec and was retained by him there to the time of his death. It was further claimed:

That by the law of the State of New York, the same is a good and valid will, and was at its date; and at the death of the testator; that by the law of the said state any will executed therein according to the form prescribed by the law of the domicile of the testator is valid; and the said will having been executed in accordance with the law of the Province of Quebec, where the said Hon. JAMES GIBB ROSS was, at its date, and at his death, domiciled; the said will is valid; that even if the said will were void by the laws of the State of New York. That by the laws of the State of New York holograph wills are valid for the purpose of disposing of movable property wherever the same may be situated; and for the purpose of disposing of real property, if such wills are made by a person domiciled in a country, the laws of which permit and recognize such method of executing wills and in so far as situate within the limits of such country. That the defendant denies that the said will "was executed in the State of New York" according to the legal meaning of the word "executed," but admits that the said will bears the date "New York."

The plaintiff subsequently amended the declaration by adding averments that "even if the said will could be considered valid, to any extent, it is invalid as to all real estate situate beyond the limits of the province of Quebec; and also as to that half of the assets left for distribution by the said FRANK ROSS, at his discretion, among poor relatives and public protestant charities." It was further admitted by all parties that the land in places outside of the province of Quebec, being governed

by the *lex rei sitae*, did not pass by the will. There the case rested until judgment was given.

This judgement affirms that the law of Quebec as to the validity of holograph wills is applicable to all wills made by persons domiciled in Quebec, whether such wills are made within or without the limits of the province. In this connection it is declared to be "essentially unreasonable to refuse to allow a testator to avail himself of the forms of will sanctioned by the law of his own country with which he is familiar, to compel him to have recourse to those of the country he happens momentarily to be in, and with which it is presumable he is unacquainted." The will is therefore declared valid and legal in form and operative as to the estate, except such as is situated outside of the province. This goes to the plaintiff heirs, as if no will had been made. Considering that the circumstances justified all parties in seeking an adjudication of their rights, the court does not award costs against any of them.

The contention that a will is valid when executed by a resident of one country, according to the laws of that country, though he may be temporarily in another country, seems to be very definitely settled.

LONG AND SHORT SERMONS.

Some of the New York papers have been asking the question, are sermons too long? The answer is one to which neither an affirmative nor a negative reply can be given as an abstract answer. Everything depends on the preacher and those to whom he preaches. The model sermon, that delivered by the SAVIOUR upon the Mount, is not long, but it contains a marvellous amount of instruction, just as the Lord's Prayer is an expression of all that the soul can desire. It is not to be expected that the ordinary human preacher can always be wise and concise, nor can one who has to talk to a congregation a hundred or more times in every year be always original and bright in the expression of his ideas. Some of the best pastors are not notable as preachers, and some of the most attractive preachers are sadly negligent of their flock on every day but Sunday.

One of the most lovable clergymen and earnest christian gentlemen that Progress has known, gave his people very simple sermons, and never made them long. The older members of the congregation looked for something of a more scholarly nature, and were disappointed, but many a weary soul found in the few plain words something that reached his heart and made him better. Then, too, every day of the week, and almost every hour of the day, the clergyman was visiting those who were "afflicted in mind, body or estate," doing the master's work in that way rather than studying up an elaborate effort for the pulpit. Yet, to some, the sermons of such a man could scarcely have been too long, had he spoken for double the time, for he was so thoroughly in earnest that he held the attention of all save those who viewed a sermon critically, and hypercritically, as they would a lecture. If there were more of such preachers and workers, the world would be the better for them.

The preacher who merely preaches for a living, just as he might have sold fish for a living, had his early environment been different, is likely to be as much of a failure as the musician who makes a trade of his vocation. The heart must be in the work, first of all, and even then a fifteen minute sermon from a thoroughly well-meaning man may be all too long. He may have a better acquaintance with theology than with human nature, and thus "preach over the heads" of his people, or he may enter on a long disquisition of doctrine perfectly clear to himself, and yet terribly muddled to those who endeavor to follow him. The majority of sermons that seem too long to the average hearer are those which are not clear to him. The preacher must interest before he can instruct, and he cannot interest unless those who hear him fully understand what he is talking about. The style adopted by TALMAGE is not commended, but that minister thoroughly understands the principle of making his hearers listen to him. The same thing can be done in sermons which are not florid nor dependent on anecdote and illustration. It is doubtful if the auditors of Dr. PUSEY ever thought he talked too long, and yet some of his published sermons are far from short. They interest because they rarely fail to strike some chord in our lives, and thus have a personal application to us in this regard or that. So, too, with many other notable preachers, who were never brief, and yet were never tiresome.

The tendency of the times, however, is to favor short sermons, and it must be a good talker who can hold the interest of a congregation for more than half an hour. It is safer for the ordinary preacher to err on the side of brevity. It may not always be easy for him to do so, for it is with sermons as with newspaper articles, it requires more skill to express an idea in few words than it does to amplify. So, too, with sermons as with editorials, the fashion changes with the spirit of the age. In old times a "leader" was esteemed in proportion to its length, and might fill columns. Now-a-days, unless on some very vital topic which must be explained, it must be of moderate length if it is to be read and

appreciated. In the same way, good old-fashioned people used to judge of a preacher's ability by the length of time he could talk and the number of heads into which he could divide and subdivide his discourse. All this has changed. The effort now is to avoid complexity, and to interest. In the proportion that a preacher can succeed in this, his sermons will not be considered long, even though they may not be short. It all depends on the man. And every preacher ought to be able to judge whether or not his sermons are too long to suit his congregation.

TWO AMERICAN WANTS.

Considering that the United States does not own quite half of the continent, it seems a trifle absurd to call its people Americans, as everybody is accustomed to do. Bad as the name is, however, no other seems to apply. The word Yankee does not suit anywhere outside of New England, and even there, as in Massachusetts, is repudiated by the people. To speak of a New Yorker as a Yankee is about as correct as to call a Toronto man a Blue-nose. There are Yankees, Bostonians, New Yorkers, Philadelphians, Southerners and Westerners in the great republic, and no term but American includes them all. The difficulty is that it also includes the people of Canada, and as Canada is 488,766 square miles larger than the United States without Alaska, the Canadians have some claim to the designation as a matter of geographical right.

In this particular anniversary year there is a disposition to Columbianize everything in the United States, but here is another difficulty in the way of the adoption of a national name, unless the South American republic can be induced to resign its existing title of the United States of Colombia. The latter country was New Granada until 1861, and it changed its name at a time when the States in the more northern name were anything but united. It has the name, however, and that apparently precludes the adoption of it by the people who live under the star-spangled banner.

Our United States friends seem to be possessed of two long-felt wants. One concerns a name for themselves, and the other pertains to a national anthem which will not be borrowed from the British. Fame, and probably fortune, will be the reward of anybody who can supply these wants to the satisfaction of all concerned.

There are few forms of irreverence more common among well meaning people than the habit of parodying passages of scripture, or making jesting applications of them to the common affairs of everyday life. Most people do not realize there is anything improper in the practice, but surely the learned ministers at the pan-presbyterian council should have known better. Dr. RENTOUL, of Australia, for instance, who is referred to as a great favorite with the council, made a speech in which he said: "I warn you against entertaining Australian strangers unwares. We have no angels in Australia; even the women there are not angels; they are more entertaining." It is added that Dr. RENTOUL's little speech "created great laughter, and he was warmly applauded." Surely, if he had stopped to consider who are meant by angels and how reverent is the passage which he misquoted, he would have modified his words. No doubt he is a sincere christian, as are those who applauded, only he and they did not stop to consider.

The name of ALFRED TENNYSON is added to the list of illustrious dead for 1892, but the name itself can never die while the English language lives. The late laureate will be remembered by the masses through the few of his really great and short poems which have touched the heart of the nation rather than by his longer and more labored efforts. Much that he has written can and will be forgotten without detriment to his fame, but there is also much that will ever mark him as a king among the poets.

A very good rule enforced at the recent presbyterian council at Toronto was the limiting the time of each speaker to twenty minutes. Promptly at the end of that period the talker was shut off by the ringing of a bell, whether he had reached the point of his remarks or not. It would be a good idea for our own common council to have a similar regulation, only the time should be limited to five minutes. Even that would be four minutes too many in some instances.

The late Bishop MEDLEY was to a very great extent his own executor, and while most unostentatious in his gifts to parishes and individuals, had a systematic method of doing good with his means all through his life. His will, of itself, throws no light upon any provisions of this nature to be carried out after his death, but in due time it will undoubtedly be learned that his death is not a barrier to the execution by others of plans which he carefully arranged in his lifetime.

It is eminently fitting that the ancient city of Quebec should come to the front when the discovery of America is to be celebrated. There will be special services in the grand old Basilica next Wednesday, and in other ways the French Canadians will mark the anniversary. The impres-

sion a stranger usually has of Quebec is that the city must have been quite a town before COLUMBUS started on his first voyage.

At the London zoological gardens, the other day, a lady incautiously sat down near an elephant, with a purse containing six guineas in her lap. The docile creature thereupon extended his trunk and swallowed the purse, and all subsequent attempts to recover it by means of emetics failed of success. The lady has sued the society for the amount, but if she does not recover, she will at least have the satisfaction of knowing that she is not the first person who has sunk money in an elephant without being able to get it back. We have instances of the kind even in this part of the world.

It now seems there is a good deal of doubt as to whether the location of the SAVIOUR's tomb is really known, and the cautious Britishers who have been asked to subscribe towards buying the supposed site are holding back until the controversy has been settled. Some antiquarians are of the opinion that the tomb in question is as late as a date as the twelfth century.

If the cholera does not come to the United States, that country will profit by the epidemic in Europe. That a quarter of a million undersired immigrants are kept out of the country, and that millions of dollars will be spent at home instead of in foreign tours seem to be no cause for sorrow as regards our neighbors.

In illustrating "Compassion—Divine and Human," the *War Cry* has an illustration of CHRIST feeding the multitude and one of Gen. BOOTH talking to a London crowd. The comparison would indicate that the Salvation Army is not likely to fail through any excess of humility.

A New York paper says that unpunctuated letters are growing to be a fashionable fad. Better call it a folly. The average letter-writer punctuates badly enough at the best of times, without trying to make matters any worse. The fad, if it is one, is too silly to last long.

A New York sculptor will make a bust of CLEVELAND and has taken a model in clay. Tallow would have been more appropriate for the bovine politician. His friends, however, are confident that his name, unlike the model, will not be "mud" after next month.

JOYS AND WOES OF OTHER PLACES.

Well, Why Don't You Pay Him.
We are indebted to Mr. Freeman for a nice piece of mouse steak.—*Liverpool Times*.

Another Editor Made Happy.
Mr. D. R. Munro has the editor's best thanks for a plump wild duck.—*Wolville Acadian*.

Always Trouble of Some Kind.
We do not hear much about sickness lately, but fishermen are saying no fish.—*Shelburne Budget*.

There is a Happy Land.
Broad Cove, during the last few weeks, has been enjoying a round of tea parties, corn suppers and picnics.—*Digby Canadian*.

The Exodus from Nova Scotia.
The drunken woman with the beer bottle under her shawl has, apparently, vanished from our midst.—*Lunenburg Argus*.

Monotonous Latest Tribulation.
A monster brown mastiff roaming about the streets for some time has become a nuisance, if he is not positively dangerous.—*Times*.

Resurrection at Rawdon.
A thorough cleaning up of the parish graveyard took place last Thursday. About twenty-five men took part in the work.—*Hants Journal*.

When He Swears.
Joseph Walker went to the city collector's office today and acted disorderly. He was placed behind the bars. He speaks several languages.—*Hk. Mail*.

Walked on their Kars, Probably.
The picnic at the Mackawick bridge proved a success, some of the gentlemen getting very jelly toward evening and were trying to dance in the air.—*Fredericton Herald*.

End of Great Expectations.
The body, supposed to be that of a man, which was seen floating in the river by people at Fredericton and later at Lincoln, has turned out to be that of a hog.—*Butler's Journal*.

An Editor's Aspiration.
We wish we had an old gun loaded to the muzzle with dried peas, to shoot the young toughs who gather every evening on the opposite side of the street and make night hideous with their howls.—*Butler's Journal*.

But Why Call Her a Stuzzard?
Mrs. Oakes, of Albany, an old lady upwards of seventy years, has finished a patch-work quilt of seventeen thousand eight hundred pieces. "Go to the sun thou stuzzard, consider her ways and be wise."—*Bridgetown Monitor*.

Goimodore Stewart is Not Discouraged.
The Scott Act does not meddle with any man's right to procure from abroad and drink all the liquor he wants. Those who use liquor regularly can get it by the keg, jug, case or cask, without interference. No man need go without his accustomed nip.—*Chatham World*.

Hot Times in Hants County.
A set of noisy, drunken youths made themselves a public nuisance on Friday night. They travelled the public thoroughfare at Centre Rawdon, using the most profane and abusive language. Too much rum and whiskey had their way into Rawdon. The total abstinence society is powerless.—*Journal*.

Cain's River to Reform the World.
Mr. Hansen said that drunkenness was not known on Cain's River since the Scott act came in force and the people were growing more prosperous, and if the temperance movement was continued a great revolution would greet the world with moral development and natural prosperity.—*Union Advocate*.

POEMS WRITTEN FOR "PROGRESS."

Only.
Only a withered rosebud,
Laid away for years;
Only an old torn letter
Stained with many tears.

Only an old love token,
A faded ribbon bow;
And the years so long forgotten,
Return from the long ago!

Only a word half spoken,
Only a tearful sigh,
Only a heart half broken,
Only a last "Good-bye."

Only a weary longing
To see one face again;
Only a life embittered,
Bearing a lasting pain.

Only a heart forsaken,
Only a love that is dead;
Only a name to remember,
And the vows by false lips said!"
L. F. HARR.

A Window Blind.
A window blind across the way
Sways gently to and fro today,
Fanned by the scented summer air,
And flashing in the glinting glare
The sunlight throws. It seems to say:
"Come, come, and in this cool shade lay
Thy fevered brow. Come, come, nor stray
Through dust and heat. Come, drop all care!"
A window blind!

Waits for thee here." Nor yet I stay
My weary feet, though Sol's fierce ray
Bows low my head—for, over there,
Two guileless guided words do stare,
And "Temperance Drinks" to me say they—
A window "blind."
CAREY FAR.

The Dark Side of City Life.
A disorderly crowd near the I. C. R. depot at 11 o'clock last night made it decidedly unpleasant for passers by.—*Sun*.

A Free Land.—A horse which appears to have neither owner nor kindred has been wandering about the hills of Carleton for the past few days.—*Telegraph*.

A well known citizen, with mud on his boots, a gun in one hand and a few partridges in the other, was seen hurriedly leaving the country market yesterday morning homeward bound. Those who saw him smiled a very broad smile.—*Sun*.

FERTINENT AND PERSONAL.

Mr. Michael McDade, who has hailed from Fredericton for several years past, will make his home in St. John for the future. He has a warm feeling for both places, but personal reasons make it advisable to return to the city of his birth. He has plenty of friends to welcome his return, and Progress is among them.

There are some men who seem doomed to have their names misspelled by the newspapers, just because the average proof-reader cannot understand why men should have names so out of the common. One of these men is Dr. S. C. Murray, of Albert. He was named after a certain respected Nova Scotian whose designation was Seuthor or Suther Corbett, but the papers generally get it Luther, and now and then Senthler. Dr. Murray is one of the witnesses on the insurance case.

Another man who is the victim of misnomers is Oliver C. Diaper, who represents the big shore firm of James O'Brien & Co., Montreal. His name is usually printed Draper. Mr. Diaper, while still retaining the St. John agency, has just been transferred to the Cape Breton journey, and left Montreal for Sydney last Saturday.

Worshipful Master Arthur I. Trueman, of Havelock Loyal Orange lodge, and Delegate John L. Carleton, of the Catholic Mutual Benevolent association, have been commuting together around Prince William street this week. "How pleasant 'tis to see, and how becoming well, for such as brethren be in unity to dwell."

The Mount Vernon, N. Y. *Chronicle* says that Fred. A. Jones, of the Hotel Dufferin, is an old Eastchester boy "and writes to say that his whole self is wrapped up in his native town. Mr. Jones' people are closely connected with the Fowler family of the church estate, near the old historical church, where Mr. Jones attended regularly and where some of his family sleep in the church yard adjoining." Progress, however, takes exception to the statement that Mr. Jones is "an old boy" of any kind, though it is glad to give prominence to his record as a church-goer.

PEN, PRESS AND ADVERTISING.

The Mount Vernon, N. Y. *Chronicle* refers to Progress as "a strikingly handsome weekly, which enjoys a tremendous circulation in the provinces and has many readers and subscribers in New York and vicinity."

There did not seem to be any doubt that there would be enough evidence to send the Weltons and Dr. Randall up for trial on the graveyard insurance cases. Rev. Sidney Welton has been fortunate enough to get bail, but Cephas Burpee Welton and Dr. Randall will have to remain in "Rankin's Brig" until the day of the trial, in default of the \$6,000 security demanded. Luckily for their comfort, the county court meets on the 25th of this month, so that, if they can prove their innocence their day of deliverance is near. If they cannot, the programme will be somewhat different as regards their future.

Will Not Have to Wait Long.
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Mr. Clayton's Conservatory.
Among the new announcements in Progress this week is that of Mr. Joshua P. Clayton, florist, whose conservatories are situated at the south end of Pitt street. If the beautiful roses, heliotrope and geranium Mr. Clayton sent Progress this week are a sample of what his conservatories contain, those people who buy flowers should be delighted to patronize him. Mr. Clayton fills orders for parties outside of the city as well as those in town. His conservatories are looking especially well at present, and will repay any one who visits them.

THE IDENTITY OF MARR.

Ascertained Beyond Doubt by Two of Moncton's Residents.

The "red planet marr" has been occupying the public attention lately, and any information concerning him has been so anxiously watched for, and so eagerly received that the following story which is told in Moncton at the expense of one of our most prominent lawyers seems singularly appropriate just now, especially as no one enjoys the joke more than he does himself. The lawyer in question, who is noted for being rather absent minded, was walking home with a young lady a few evenings ago, and their way led them up Main street. Now, anyone who is at all acquainted with Moncton, knows that the largest millinery shop in town is kept by Mr. Marr. It is also well-known that the McMann brothers are a firm of grocers who occupy a shop one block lower down Main street than "Marr's." Now as the lawyer and the lady strolled along their eyes were fixed upon the stately dome of heaven, searching for the all important planet, while her escort was occupied in scanning the building or the other side of the street. Suddenly she discovered the object of her search and turned to her companion for confirmation. "Isn't that Marr?" she cried, indicating the red star. "Marr's? oh dear no," answered the lawyer, with his eyes still on the opposite buildings. "Marr's is on the next block, that is McMann's Brothers." And there there was a silence so deep that anyone who listened very hard might almost have heard the distant music of the spheres, until a peal of feminine laughter broke the charm, and recalled the absent-minded lawyer to "the living present."

JOHN BRIGHT'S PERSONALITY.

His Daily Life and Why the Queen Used to Think Well of Him.

As his wife cared little for London life, John Bright always lived during the parliamentary session in bachelor quarters, and probably never gave a dinner party in his life. For many years before his death he occupied a set of rooms in Piccadilly, facing the Green Park. Here he breakfasted and smoked his morning cigar, and at ten o'clock he was accessible to every one who chose to call. He received his visitors in a grey dressing-gown. All were welcome; and it may be truly said that his kindest smile was for the struggling author, or for the American who sought him as the friend of America, often without other introduction than his nationality. Even in the streets of London his well known face invited recognition; and many a time his hand was shaken by unknown travellers from the United States, men or women whose name he never knew and whom he never saw again. A large part of John Bright's idle hours in London were spent in the old club house in Pall-mall, so intimately associated with the history of English Liberalism. Though he was an habitual diner-out, he made but one pretence of the evening meal. After glancing over the day's papers at the club, he liked to make a dinner there in the afternoon, after which he would stroll from table to table in casual talk, and finally to the smoking-room or billiard-room, always surrounded by a knot of friends. Thus he passed until it was time to go down to the House of Commons or out to dinner. Billiards was the only game he cared for, and if he never made a good player it was not for want of practice. By an unwritten but sacred law, the "little billiard-room" at the Reform club was as absolutely at his disposal as was the corner-seat on the third bench below the gangway in the House of Commons.

As Mr. Bright's influence in the country grew to be unquestioned, the Queen grew to be a privileged person. The queen waived in favor of his Quaker principles, the rigour of state etiquette. He had always shielded her name in political controversy, once from Tory attacks in her younger days, and also as it happened once, from his own friends. Consequently he was well received at Windsor; and when his relations with the queen had become personal he used to speak of her with peculiar respect. She "looked in his eyes" "the most absolutely truthful and straightforward person he had ever met."

Hereditary Clergymen.

The Church of England has had many examples of clerical families. In some cases these families, having inherited the presentation of a living, have, very naturally, brought up one of their members in holy orders to keep the benefice in the family. In others, doubtless, a strong theological bias has almost forced its members to enter the church; and it has been suggested that these clerical families have inherited from their ancestors sermons, and thus having a good stock of these essentials, have chosen the preaching career merely to utilize their heirlooms.

One of the oldest of the clerical families is the Collins family, of Cornwall. This was founded at the Reformation by one of the earliest of the married priests, a certain Edward Collins, who was instituted rector of Illogan in 1533. He and his descendants were rectors of the same place for the next 151 years, a break of twelve years excepted. For five generations the clerical descent of this family runs from father to son; then for two generations from uncle to nephew; then a father and son; diverging from the main line it goes for two generations from uncle to nephew, who is now living—thus making a total of eleven generations each represented by one or more clergymen. For a period of over 350 years some member of the Collins family had been in holy orders. The Collins family have been connected with the church for half a century longer than the Newcome family, to which, however, it must yield to the palm as regards the distinction attained by its members.—*Chambers' Journal*.

From Herbert Lee's Scrap Book.

One of the selections marked by Mr. Lee and inserted in the book is "The Alphabet of Wisdom," or rules for good living. Here are some of them:

Attend carefully to the details of your business. Do not do right; fear to do wrong. Hold integrity sacred. Do not for any consideration. Pay your debts promptly. Sacrifice money rather than principle. Zealously labor for the right.