

every kind and description of a married woman, whether acquired before or after the commencement of this Act, and shall include the rents, issues and profits of any such real or personal property and includes also . . . all wages, earnings, money and property gained or acquired by a married woman in an employment, trade, or occupation in which she is engaged or which she carries on separately from her husband and in which he has no proprietary interest, etc."

Held, that the business was not a trade or occupation carried on by the plaintiff separately from her husband and that the special mention, in the latter part of the definition, of property acquired by a separate trading excludes from the previous general description property acquired in trading not carried on separately from the husband, and that the Legislature meant to enact that money and property acquired by a married woman by trading in conjunction with the husband should be his and not hers, and therefore the profits of the business were the property of the judgment debtor. The goods seized were mostly if not altogether bought with these profits and the husband was the real and beneficial owner of them although the dealers had sold them to the plaintiff.

Dominion Savings Co. v. Kilroy, 15 A.R. 487, and *Dall v. Conboy*, 9 M.R. 185, distinguished. *Mcakin v. Samson*, 28 U.C. C.P. 355, followed.

Pitblado and McKercher, for plaintiff. *Daly*, K.C., and *Orichton*, for defendant.

Province of British Columbia.

SUPREME COURT.

Martin, J.]

[May 22.]

BRYCE v. CANADIAN PACIFIC RY. COMPANY.

Shipping—Collision—Overtaking vessel, duty of—Inevitable accident—"Narrow channel"—Evidence—Whether expert witnesses may be heard where Court is assisted by assessors.

On July 21, 1906, steamer *Princess Victoria* belonging to defendants, collided with and sank the steamer *Chehalis*, both vessels being on their way westward out of Vancouver Harbour.

Held, on the evidence that the Master of the *Princess Victoria* gave the signal indicating his course at the earliest time con-