

THE DAILY EXAMINER.

NOVEMBER 24, 1890.

Law Reform.

So much difficulty is experienced, under existing laws, in the collection of debts that parties are often deterred from suing for their recovery. Since imprisonment for debt was abolished, the only means of enforcing a judgment under execution in the Courts most frequently resorted to—the County Courts—is by sale of the debtor's goods and chattels, and these are generally protected from seizure by bills of sale. These bills of sale may be, and often are, given without value and with a fraudulent design of defeating the claims of creditors; but as they cannot be set aside without expensive litigation, they practically operate as a bar to the recovery of honest debts. The only other remedy available to the creditor is by attachment of any debts he may find to be due to his debtor under what is commonly known as the Garnishee Act. This Act, passed in 1881 to provide a remedy in lieu of imprisonment under execution, is very imperfect in its provisions, and has been amended no less than five times since its enactment. As it is a measure in which our business community are specially interested, it is to be hoped that, in revising the Statutes, the proceedings under it will be simplified as much as possible, so that creditors may avail themselves of its provisions for the recovery of small amounts without having to expend in costs more than the sum sought to be recovered. It is also to be hoped that its defects may then be remedied, and the doubts that exist as to the construction of some of its clauses set at rest.

Owing to a question in a proceeding under the act which came up before the County Court while the Legislature was in session, it became necessary this year to pass an act to explain some of its provisions. During the present term of the Supreme Court an appeal was tried from an order of the Judge of the County Court upon one of its sections which is open to more than one construction. The question involved in this appeal was an important one, and a statement of the case may therefore not be without interest to our readers. The plaintiff, D. A. Bruce, had recovered judgment in the County Court against the defendant. On the 30th September last, he obtained an order from the Judge calling upon the City of Charlottetown to show cause why they should not pay to him the amount due by them to the judgment debtor. On the hearing of this order, it was proved by the City Clerk that the defendant was City Surveyor at a salary of \$500 per year, and that at the time the order was served there was due to him \$41.66 as part of his salary. Though he did not himself appear, his attorney claimed that only half of this amount was attachable under the 32nd section of the Garnishment Act, which exempts from attachment "one half the wages due or accruing due to any debtor for his personal labor and service on a hiring." The Judge held, on the authority of a late decision of the Queen's Bench Division of the High Court of Justice in England on the same point in the case of Gordon vs. Jennings, that the judgment debtor, because he was an official of the corporation appointed under the act of incorporation, which provides that he shall be paid a fixed salary and be subject to removal at pleasure, was not a person within the terms and spirit of this section of the Act, which was intended to protect tradesmen or laborers and persons of a like description earning ordinary wages on a hiring, and did not, in his opinion, apply to salaried officials. He, accordingly, granted an order absolute to the judgment creditor, for the payment to him of \$41.66, proved to be due by the city to the judgment debtor. From this order the defendant appealed, and the Supreme Court, after re-hearing the case with his additional evidence, reversed the order appealed from, reducing the amount to be paid to one-half the sum due by the city, and awarding costs of appeal against Bruce, the judgment creditor. We are not aware of the reasons on which this judgment was passed, and understand that none were assigned; but it is to be presumed from their decision that the Supreme Court hold, in opposition to the English decision, that the words in the Act, "wages due to a debtor for his personal labor and service on a hiring," are applicable to all cases of salary, regardless of amount, as well as to ordinary wages for personal labor and service in a mere contract of hiring.

On the whole, the tendency of legislation should be to promote the "cash system," for by this cash system the interests of both buyer and seller are secured. Would it not tend to the adoption of the "cash system" if it were enacted that a judgment in the County Court for any amount over (say) \$50 should bind the land and other real estate of the debtor? If it were enacted, people who are careless about their payments, would, it seems to us, be chary in respect to "bills at the stores." We must, of course, presume that there is some reason why the power which is given to a petit jury of seven ordinary laymen is withheld from an independent Judge, learned in the law; and we should like to know what it is.

The City Council.

At a meeting of the City Council held on the evening of the 10th inst., a question arose as to the payment of a refund of the amount disbursed by the W. C. T. U. of this city in the prosecution of the Canada Temperance Act. There was a "tie" in respect to it. The Mayor would have given his casting vote in favor of the payment. But, on the representation of Councilor Morris that the action would be unfair in view of the fact that two of the Councilors—viz., Douse and Taylor—were absent, His Worship consented to an adjournment until the following evening.

On the following evening only four members of the Council were present, viz.: Large, Davison, Hughes and Crabbe.

The meeting was again adjourned, and again failed to do any business for want of a quorum, the very men who asked for and voted for the adjournment, viz.: Morris, Byrne, Eden and McCarron—not being present.

A day or two ago the Mayor received a requisition from Morris, Eden and McCarron for a special meeting "to consider the purchasing of hard stone for macadamizing the streets, the payment of accounts and the locating of new electric lights." On the same day he received a requisition from Councilors Crabbe, Hughes and Davison for a special meeting, to take into consideration "the memorial of Mrs. Dr. Johnson, as President of the W. C. T. U. for a refund of monies paid by them in prosecutions under the operation of the Canada Temperance Act." Notices were accordingly served that a special meeting of the Council would be held at 11 o'clock this forenoon. But again the very men who asked the Mayor to call a special meeting failed to appear at the appointed hour and the Council was counted out at 12 o'clock to-day, only Councilors Crabbe and Hughes being present at that time.

This is a plain statement of the facts. These facts involve—

1. A deliberate breach of faith with the Mayor. The men who induced the Mayor to waive his right to give the casting vote in favor of the W. C. T. U., and to consent to an adjournment until the following evening, were in duty and in honor bound to be present on the following evening for the transaction of the business.

2. The detention of money due the W. C. T. U., in terms of an order in Council of the Dominion Government, which directs that all fines collected under the Canada Temperance Act shall be used for the enforcement of the Act.

3. The neglect and delay of important and pressing city business. So important and pressing is the business to be done that certain councillors deemed it necessary to ask for a "special meeting" of Council in order that it might be promptly transacted;—then they didn't come to the meeting they asked for!

We have no disposition to enlarge upon these facts or upon what they involve. Let the citizens draw their own conclusions as to the conduct of the representative gentlemen who are responsible for them. We may, however, suggest that it constitute another good cause for a renewal of the agitation for reform in the City Council.

The civic elections must soon be held. A word (to the wise) ought to be sufficient in this case.

Notes and Comments.

The St. John Sun remarks that the population of Maine has increased 10,000 in ten years. The population of 19 cities and towns in the state has increased in the same period from 170,086 to 192,245, a gain of 22,159. The population of other towns and the rural districts has therefore fallen off by over 15,000. Maine has an exodus worth mentioning, and it has commercial union too.

The North Sydney Herald publishes statistics which show that in the last ten years the port of North Sydney has more than doubled its business in shipping tonnage, or to be exact in the figures has increased in the shipping tonnage in this ten year period to 208.3 per cent. This, the Herald declares is a record of prosperity and growing importance which no other sea port in the Dominion has equalled.

Preparing For the Election.

The Northern Union Conservative Association of England has issued the following, bearing upon the next general election, to its members:—

"No recital of the year's work would be complete unless a warning word were uttered by the committee upon the necessity of being prepared. The time is rapidly approaching when Lord Salisbury's Government will be giving an account of its stewardship at the polls. To speak here of the merits of the Government would be superfluous. The only occasion for anxiety is the necessary preparation for the coming conflict. Again the committee earnestly invite all members of this union to look carefully to their respective constituencies. All constituencies without organization should at once set about this important work. All constituencies without candidates should at once obtain them, and every constituency should hold educational meetings in town, village and hamlet, so that when the day of conflict comes the Government may have an organized party and an educated electorate to appeal to. Let these conditions be filled."

FAIRM AND STOCK.—The farm and stock of Mr. Buchanan will be sold by public auction, on Tuesday, the 2nd day of December next. The farm is situated at Lower Montague, and is one of the best in King's County. The stock is very superior and includes the fine trotting stallion, Almont M. See advertisement in this issue.

Corroborating Stanley.

A LETTER FROM AN INTERPRETER ATTACHED TO THE REAR GUARD.

On July 18th Bassad Farran, Syrian interpreter with Stanley's rear guard, wrote a letter to camp engineer of the Upper Congo steamer Henry Reed, in which he tells of the great difficulty experienced in obtaining food after Stanley left, notwithstanding Major Barttelot had many means of purchasing food if he desired to. He says the major cruelly treated the men, beating them with 200 and 300 stripes at a time for small offences. He even shot them. Tippoo Tib's men heard of this, and would not go with the expedition. Tippoo Tib later gave Jameson men upon getting letters from Zanzibar urging him to do so. Jameson being anxious to see how the natives ate each other, bought a girl about ten years old and gave it to the natives who killed and cut her up and put her in a cooking pot, Jameson being pleased with and making pictures of the scene. He states many things were thrown away by the major which would have saved all the men who died from hunger. This letter, which corroborates Stanley's account, was sent by Camp to Lewis, a Baptist missionary at Lukungu, who sent a copy to Rev. Edward F. Merriam, assistant foreign secretary of the American Baptist foreign mission society at Boston, and is now published for the first time.

Parnell's Position.

LONDON, Nov. 21.—The Star warns the Pall Mall Gazette against continuing its bitter opposition to Parnell's leadership of the Irish party, and says the Gazette's course is likely to induce reprisals from Ireland which will end in an irreparable breach between the now reconciled and sympathetic nationalities.

NEW YORK, Nov. 21.—Six members of the local branch of the Irish land league have issued an address criticizing the methods and motives of Messrs Dillon and O'Brien. The address charges that they fear to have the Irish land league here, and to which they would have to account for the money subscribed by Irish-Americans, and that they have endeavored to stop raising money to prepare for impending famine in Ireland, through fear that it would interfere with their own purposes.

DUBLIN, Nov. 20.—A despatch from Rome says that evidence in the O'Shea trial has been brought to the attention of the Pope by the churchmen near the Vatican who are opposed to the Irish party. It is not thought probable that any action will be taken by the Holy See, as Mr. Parnell, being a Protestant, is outside the jurisdiction of the church. From Tipperary comes the news that Canon Hagarty, a well known priest, who has for a long time been dissatisfied with the local management of the league, has uttered in public language strongly denouncing the conduct of Mr. Parnell in the O'Shea case, and advising his flock to abandon the movement while Mr. Parnell is connected with it.

OTTAWA, Nov. 20.—Mr. Murphy, of Tralee, one of the farmer delegates, is one of those who favor Mr. Parnell's retention of the home rule leadership in spite of the O'Shea revelations. "I don't like talking about these matters in Canada," said Mr. Murphy, "but I don't think Parnell should surrender the leadership. I could tell you a story an hour long about that O'Shea's business, going away back to 1881, when the affair began. That O'Shea didn't move in the matter long ago convinces me that the divorce suit was instigated by the London Times, for O'Shea knew as much in 1887 as he knows to-day about the intimacy of the parties to the suit."

LONDON, Nov. 20.—All the English weekly Catholic papers are unanimous in condemnation of Parnell in consequence of the come of the O'Shea divorce suit.

Personal.

Lord Aberdeen has returned to England, and declared that what impressed him most in this country was the "loyalty" toward Britain.

Keeley, the Philadelphia motor crank, is still working away at his invention, which in the last twenty years has absorbed tens of thousands of dollars of other people's money, and caused half a dozen suicides.

The following is clipped from the Oregonian of the 9th inst., published in Portland, Oregon: "Mrs. W. Franklin Hunter and Miss Mattie MacNeil arrived last week from Cleveland, Ohio, on a visit to their parents, Mr. and Mrs. Finlay MacNeil. Miss MacNeil has been attending the art school at Cleveland."

Mr. E. H. Norton, who has just returned from the Annapolis Valley, reports that good apples are now worth \$3.90 per barrel at the orchards, and very scarce at that, as English buyers have purchased all that are fit for their markets, while the new evaporator at Annapolis consumes all the inferior quality. The English market is large enough to consume an almost unlimited supply; and as it has been proved that our soil will yield as good apples, as that of Nova Scotia, there is no reason why our farmers should not give the industry more attention, and they would find it by far the most profitable crop to raise—in fact a few acres would sometimes yield as much value as the whole farm does at present. Princess Victoria of Prussia, sister of the Emperor, was married a few days ago to Prince Adolphe, of Schlumburg-Lippe. The ceremony took place in the chapel of the Alte Schloss. The court chaplain, Dr. Dryander, officiated. The Duke of Connaught represented the Queen of England, and the Duke of Clarence represented the Prince of Wales. A royal crown was placed upon the head of the princess by the Empress Augusta and the Empress Frederick as she entered the chapel. Her wedding dress was of cream satin, brocaded and trimmed with costly lace, the train embroidered with wild roses and silver and surrounded by a wreath of orange blossoms and myrtles. The chapel was filled with members of the imperial family and of the royal and princely houses of Germany in their state robes, making a magnificent picture. After the ceremony there was a grand banquet at which the Emperor William offered a toast in honor of the bride and bridegroom.

DIED.

In this city, on the 24th Nov., suddenly, of heart disease, John Coyle, in the 76th year of his age.

[Funeral from his late residence, Dorchester Street east, at a quarter to 9 on Wednesday morning, to St. Dunstan's Cathedral, thence to Roman Catholic cemetery. Friends and acquaintances respectfully invited to attend.]

Received per Claribel.

100 Bundles SHEET IRON, 6 tons Galvanized Sheet Iron, 5 casks Zinc, 50 boxes Tin, 25 boxes Canada Pl. etc., 3,000 feet Iron Pipe 1 1/2 in. and 1 in., 1,000 Fire Brick, 1 ton Fire Clay, 2 packs Russia Iron, 1 case Sheet Iron, 72x33, For sale low.

SIMON W. CRABBE, nov24-3w 2aw Walker's Corner.

A PUBLIC MEETING

UNDER the direction of the Women's Christian Temperance Union, will be held in the

Y. M. C. A. HALL,

Thursday, November 27th, AT 8 O'CLOCK, P. M.

Addresses by Rev. F. E. J. Lloyd, Rev. D. Sutherland and Mr. R. Sutcliffe. Collection will be taken to pay expenses and aid the funds of the Union. nov24-4i

VALUABLE FURNITURE

WE WILL SELL BY AUCTION, On Tuesday, December 2nd,

AT 11.30 O'CLOCK, At our Auction Room, Queen Street,

A lot of valuable HOUSEHOLD FURNITURE, newly new and in good order, consisting in part of 1 magnificent Walnut Bedroom Set (marble top), 1 Walnut Parlor Set, Walnut Book Case, Walnut Extension Dining Table, Walnut Wardrobe, Walnut Hat Stand, Walnut Hall Chair, Marble Top Table, Mahogany Couch and four Chairs, 2 Turkish Chairs, Parlor Set (birch), Bedroom Set, Wire Mattress, Iron Bedstead, Lounge, Sideboard, Dining Table and Chairs, Smoking Chairs, Corner Chair, Piano Stool, Music and Music Rack, Whatnot, Hall Oil Cloth, Dinner Set, Hanging Lamp (three lights), Kitchen Utensils, etc., etc. Everything will be sold.

E. H. NORTON & CO., Auctioneers. nov24-4od

APPLES.

TO ARRIVE to-morrow night:—110 Barrels, 1 all Extra Choice Apples—Northern Spits, Baldwin and Russets—personally selected at the orchards. For Private Sale only.

E. H. NORTON & CO. nov24-2i

Lighthouse Tower at Inner Range, Georgetown.

TENDERS will be received at the office of the Agent of the Marine Department up to the 5th December, 1890, for the erection and completion of a Lighthouse Tower to take the place of the present Spar arrangement. Information will be supplied Contractors upon application at the Agency, Charlottetown.

A. LORD, Agent. nov24-3i

KEROSENE.

LANDING ex S. S. "Simon Dumois," 200 Casks "White Rose" Oil FENTON T. NEWBERRY. nov24

LYCEUM, CHARLOTTETOWN.

Boston Comedy Company,

H. PRICE WEBBER, Manager, Supporting the Favorite Actress,

EDWINA GREY,

Will Appear as Above.

This (Monday) Evening, Nov. 24,

THE GREAT DRAMA,

UNDER THE GASLIGHT,

—WITH ITS—

Thrilling Railroad Sensation Scene.

Admission, 25 cents. Reserved Seats, 35 cents. Tickets for sale at the Diamond Book-store. Doors open at 7.15. Overture at 8 o'clock. nov24

Pressed Hay.

50 TONS CHOICE TIMOTHY HAY landing ex S. S. Bonavista. For sale by HORACE HASZARD. nov24-1w eod

DIVIDEND NOTICE.

Merchants' Bank of P. E. Island, Ch'town, Nov. 17, 1890.

NOTICE is hereby given that a Half Yearly Dividend, at the rate of Eight Per Cent. per Annum, on the Capital Stock of this Bank has been declared, payable at its Banking Office on and after December 1st, prox. By order of the Board.

W. M. McLEAN, Cashier. nov17-6i eod

BLACK GOODS.

Beer Bros.

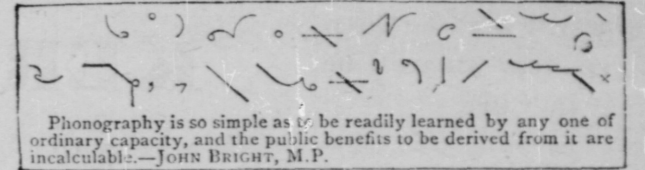
MADE TO ORDER.

We guarantee to make BLANK BOOKS 20 per cent. cheaper than any other firm on P. E. Island. Get prices before placing orders. Special Reductions on Sets of three or more Books

TAYLOR & GILLESPIE,

Sign of the Big Book, J. D. McLeod's Corner. nov22

PHONOGRAPHY



Phonography is so simple as to be readily learned by any one of ordinary capacity, and the public benefits to be derived from it are incalculable.—JOHN BRIGGS, M.P.

Lessons either personally or by mail. Classes will be started about December 1st. For Terms, etc., apply to

W. H. CROSKILL,

Charlottetown, Nov. 11, 1890—eod 1f

READY-MADE CLOTHING.

Men's Overcoats, Men's Overcoats, Men's Overcoats.

Boys' Overcoats, Boys' Overcoats, Boys' Overcoats.

Men's Reefing Jackets, Men's Reefing Jackets, Men's Reefing Jackets.

MEN'S SUITS! BOYS' SUITS!

We are showing a large stock of Clothing at moderate prices.

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LONDON HOUSE. Charlottetown, Oct. 23, 1890-5i

Campbell's Wine of Beech Tree Creosote

THE NEW REMEDY for affections of the Throat, Larynx, Bronchial Tubes and Lungs, such as obstinate Sore Throat, Hoarseness, Bronchitis, Chronic Cough, Congestion of the Lungs and Incipient Consumption.

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