

Law and Equity.

THE *Patriot* of yesterday contains quite a lengthy article, under the head of "Legislating for his clients," in which an attempt is made to prejudice the passing of a bill through the Legislative Council, which has been passed by the House of Assembly. The object of the bill is to remove doubts which have arisen respecting the validity of writs of execution issued in blank by the officer of the Court, and afterwards filled up by the attorneys. The editor of the *Patriot* admits the necessity of the bill, but claims that pending suits should be excepted from its operation. We hold, that if the Legislature are justified in passing the bill at all, there should be no exception of pending suits, and we think it does not require a great amount of perception to discover the fallacy of the *Patriot's* reasoning. The *Patriot* states that the decision in *Ramsay vs. Reid* was that a writ of execution issued in blank, and afterwards filled up, was "void and of no effect whatever," and further on we find the following:—

"This Bill, if it did not embrace cases which are now before the Courts awaiting their decision, would, in our estimation, be a good one, as a great many titles to lands in this Island would otherwise be rendered doubtful, and to remove doubts of this kind, such a Bill would seem a necessary one; but, if such a course as this is once adopted of deciding by *ex post facto* legislation cases awaiting judgment in our Courts, one of the main objects for which Courts were instituted, namely, to decide the respective rights of suitors under the law, as it exists at the time their suits are commenced, will be defeated."

If such decision be correct, and a writ of execution issued in blank be "void and of no effect whatever," it must be quite clear that no title could possibly pass by the Sheriff's deed executed by virtue of such a writ, and the unfortunate purchaser, having paid his money, would acquire no more title to the lands of the judgment debtor, than he would to the lands of the execution creditor, or of any other person. If the Legislature passed an act declaring that the lands owned by A. B. should, after the passing of the Act, become and be the property of C. D., without consulting A. B. in the matter or giving him any compensation, it would be such a flagrant violation of every principle of justice that every right-minded person would rebel against it. But if the reasoning of the *Patriot* be followed to its logical conclusion, the passing of an Act, even exempting pending suits, to cure the defects in titles to land sold under executions issued in blank amounts to about the same thing. Before the passing of the Act, the purchaser acquired no title whatever by the Sheriff's deed, after the Act lands to which he had no title before are vested in him, without the consent of or compensation to the person from whom they are taken, and yet the *Patriot* says, except as to pending suits, the Act "would seem a necessary one." Why the existence of pending suits should alter the principle, the *Patriot* has not seen proper to enlighten us, and we are at a total loss to discover. Is it proper to pass the Act at all, the person who has brought his action is surely as much entitled to its benefits as the one who has not. Is it such a criminal matter in the opinion of the *Patriot* to bring an action to recover what you purchased and believed to be yours, that you are to be placed in a different position from others similarly situated who have not brought actions? It may be sufficiently clear to the reasoning powers of the editor of the *Patriot*, but to those who have not been equally endowed, there may be some little difficulty in accepting it as satisfactory. We do not presume to question the decisions of the Supreme Court in the matter, but to minds not versed in the scholastic reasoning upon which too many of its decisions depend, it would appear of little moment whether a writ were filled up before or after it was signed and sealed by the officer of the Court, provided it appeared to be regular on its face. If the Sheriff produces to a gentleman a writ, apparently regular, it ought to be some guarantee that the Sheriff is authorized to transfer to the person who pays his money for it, whatever interest the debtor may have had in the property. The purchaser, let him be ever so vigilant, has no means of ascertaining whether or not the writ has been regularly issued. If he applies to the Attorney who issued it, it is not reasonable to suppose he will get a confession of want of professional ability; and yet the purchaser is to be responsible for irregularities which he has no means of preventing or even discerning. It may be law but it certainly is not justice.

The title to a very large portion of the lands in this Province is evidenced by Sheriff's deeds, and if the validity of the title depends upon the recollection of a lawyer's clerk whether or not a writ, apparently regular, was filled up before or after it was

signed and sealed, few purchasers at Sheriff's sales will feel easy about their purchases. If the judgment debtor has no other defence than that the writ was issued in blank, whatever may be his position legally under the decision of the Court, the equities are certainly against him. We are not aware of any special provisions in the bill respecting the clients of the Attorney-General more than the clients of any other member of the profession. The case of *Ramsay vs. Reid* is still pending, and we do not know that the Attorney-General is engaged in it. If in introducing the bill the Attorney-General has made it applicable to pending suits, he has only followed the precedents of very high authorities. The Statute 9, Geo. 4, c. 14, enacts that no acknowledgment or promise by words only, shall be deemed sufficient evidence of a new or continuing contract whereby to take a case out of the Statute of Limitations, unless the promise be in writing, and signed by the party. This Act was introduced by Lord Tenterden, and at the first sittings at Guildhall, after it became law, he, in trying a case, nonsuited the plaintiff because he had not the promise in writing required by the Act, although the action was commenced before, but was not tried until after, the Act began to operate. Baron Hullock did a similar thing at Carlisle in another case. Now there cannot be any doubt but that, in both cases, vested rights were taken away by the Legislature, without any compensation; for had the Act not been passed, the plaintiffs would have recovered upon the verbal promise. Lord Tenterden did not think it necessary to except from the operation of the Act, pending suits, or even existing verbal contracts.

The Legislature of the Dominion, in 1879, passed an Act so far affecting pending suits that, had it not been passed, the decision in *Ramsay vs. Reid* might possibly be very different from the existing decision. The Act before our Legislature is not intended to affect vested rights, but to cure what is deemed by some of our ablest lawyers, a mere irregularity in procedure.

If we differ from the *Patriot* in thinking that the main object for which courts were instituted, is to decide the rights of suitors according to the law existing at the time the decision is given, and not at the time the action was commenced, we can only say that it is the principle upon which the Courts have hitherto acted and if they have been wrong in so doing, the error may possibly be mitigated, when it is remembered that the precedent existed before the *Patriot* assumed to be an authority.

It is said that an "income tax" is odious, but it is just.

TARIFF CHANGES.—The following changes were announced by the Finance Minister, on the 6th instant: Emery wheels (now 20) to be 25 p. c. Gold and Silver Leaf (now 20) to be 25 p. c. Malt, (now 2 c. per lb.) to be 15 c. per bushel, upon entry from warehouse, subject to excise regulations. Paris green, dry, to be 10 p. c. Blasting powder for various use. British Columbia, drawback of 1½ cts. per lb. for three years, from April 1, 1880. Castile soap, 1½ cts. per lb. addition.

Under an income tax each man has an equitable share of the public burden.

On Thursday night three daring larcenies were committed in the city. Two overcoats were stolen from the hall of Mrs. Rankin, two from the hall of Hon. W. W. Lord, one from the hall of Mr. Hugh Perkins. Late on the same night to boys, named John Walsh and Francis Doherty, were arrested by the police. The coats stolen from Mr. Lord's were found with Doherty. He was examined by the Stipendiary Magistrate this morning, and committed for trial in the Supreme Court for larceny. Walsh was remanded to jail for further examination. The coats stole from Mrs. Rankin's were found by the police in a house on the West side of Pownal Street this morning.

The greater the number who pay taxes, the lighter the burden of each citizen.

The great attraction of the day seems to be the 15 Puzzle. It has a wonderful fascination for every degree of intelligence, and for all grades of society. Old and young are equally enthusiastic. There are four combinations in the Puzzle, some of which seem to be equal to the famous Gordian Knot. They are to be had, and the combinations explained, at J. Newson's Furniture Store. Price 20 cents and upwards.

JOHN JOSEPH IN LUCK.—Through the death of a Newfoundland relative, "Joe Hogan," of this city, has fallen heir to property in St. John's, Newfoundland, valued at \$2,000. Joseph leaves shortly to take possession.

CITIZENS generally will be benefitted by the income tax, because many who have heretofore escaped taxation will, under it, bear a share of the civic burdens.

JUDGE MARSHALL, of Halifax, died on Wednesday morning, in the 94th year of his age.

A WHITE OWL, shared in one of the outlying country districts was a centre of attraction at the market to-day.

The market to-day was the largest for three months.

WILD GESE are now very plentiful. They sell for 50 cents.

St. James' Church.

THE ANNUAL MEETING of the Congregation of the above Church will be held in St. James' Hall, on MONDAY NEXT, 12th inst., at half-past seven o'clock. ROBERT SHAW, Secretary to Board of Trustees. Ch'town, April 9, 1880.

THE 15 PUZZLE.

ALL the rage. Great fascination for all. Develops arithmetical sources in children. On sale and explained at J. NEWSON'S. Ch'town, April 9, '80—3¢



Canadian Pacific Railway.

TENDERS FOR IRON BRIDGE SUPERSTRUCTURE.

TENDERS addressed to the undersigned will be received up to noon of FRIDAY, the 15th MAY next, for furnishing and erecting Iron Superstructures over the Eastern and Western outlets of the Lake of the Woods. Specifications and other particulars will be furnished on application at the office of the Engineer-in-Chief, Ottawa, on and after the 15th April.

By Order: F. BRAUN, Secretary. DEPT. OF RAILWAYS & CANALS, } ap 9, 2aw tl Ottawa, 1st April, 1880. } May 15, fw



WELLAND CANAL.

Notice to Bridge Builders.

SEALED TENDERS, addressed to the undersigned (Secretary of Railways and Canals), and endorsed "Tender for Bridges, Welland Canal," will be received at this office until the arrival of the Western Mails on TUESDAY, the 15th DAY OF JUNE NEXT, for the construction of swing and stationary Bridges at various places on the line of the Welland Canal. Those for highways are to be a combination of iron and wood, and those for railway purposes are to be of iron.

Plans, specifications, and general conditions can be seen at this office on and after MONDAY, the 31st DAY OF MAY NEXT, where Forms of Tender can also be obtained. Parties tendering are expected to have a practical knowledge of works of this class, and are requested to bear in mind that tenders will not be considered unless made strictly in accordance with the printed forms, and—in the case of firms—except there are attached the actual signatures, the nature of the occupation, and residence of each member of the firm; and further, an accepted bank cheque for a sum equal to \$250 for each bridge, for which an offer is made, must accompany each Tender, which sum shall be forfeited if the party tendering declines entering into contract for the work at the rates and on the terms stated in the offer submitted. The cheque thus sent in will be returned to the respective parties whose tenders are not accepted.

For the due fulfilment of the contract the party or parties whose tender it is proposed to accept will be notified that their tender is accepted, subject to a deposit of five per cent. of the bulk sum of the contract—of which the sum sent in with the tender will be considered a part—to be deposited to the credit of the Receiver General within eight days after the date of the notice. Ninety per cent. only of the progress estimates will be paid until the completion of the work.

This Department does not, however, bind itself to accept the lowest or any tender. By Order, F. BRAUN, Secretary. DEPT. OF RAILWAYS & CANALS, } ap 9, 2aw tl Ottawa, 29th March, 1880. } June 15, fw

Farm for Sale.

TO be Sold by private contract, 80 acres of valuable Land, about 10 of which is cleared, situated on Lot 35, near Johnson's River, adjoining the Farm of Mr. Peter Murphy, intersected by the Donagh Road, and marked on the plan of Lot 35 in Meacham's Atlas, with the name of "Wm. Needham." For title, terms, &c., apply at the office of Messrs. LONGWORTH & SHAW. April 8, 1880—3¢

BONE DUST.

FARMERS and GARDNERS requiring the above valuable fertilizer should send their orders in at once, as but a limited quantity will be ground this season—and it is now selling fast—\$2 per 100 pounds. FRED. W. HYNDMAN. April 7, '80—3aw, wkly, pat 2¢

BEDEQUE MAILS.

THE MAIL FOR BEDEQUE leaves this City every TUESDAY, THURSDAY and SATURDAY MORNINGS at 6 o'clock. Parcels, etc., for Bonshaw, Crapaud, Cape Traverse, and other places along the route, will be left at the Store of M. McQUAID, Queen Street (Opposite Telegraph Office.) The Mail Stage affords goods passenger accommodation. Those wishing to secure passage will consult with the undersigned on the evening previous to starting. Freight and Passenger rates very low. PHILIP I. McMAHON, Courier. Ch'town, April 8, 1880.

THE place to get your Printing done is at the EXAMINER PRINTING ROOMS.

PERKINS & STERNS

CONTINUE TO OFFER EXTRA GOOD VALUE

IN ALL KINDS OF Staple and Fancy DRY GOODS.

Our Stock of the following Goods is complete, and marked at the very lowest prices:

White Cottons, Grey Cottons, Printed Cottons, Fleecy Cottons, Cotton Battings.

NEW SPRING TWEEDS.

We have just opened our New Spring Tweeds, and can say we have the

Very Best Value in the City,

—AND AN— Immense Variety of Patterns to Choose from.

ROOM PAPER,

—OF— English and Canadian Manufacture, A large variety of Patterns, and very Cheap.

Our Carpet and Oil Cloths GOOD VALUE.

Perkins & Sterns.

March 2, 1880.

MAIL CONTRACTS.

TENDERS addressed to the Postmaster-General, will be received at Ottawa, until 12 o'clock noon on FRIDAY, 7th MAY NEXT, for the conveyance of Her Majesty's Mails on proposed contracts, for four years, from 1st July next, over each of the following routes, viz:—

- Bear River and Railway Station.
- Calcutonia and Orwell.
- Flat River and Selkirk Road.
- Fort Augustus and Southport.
- Little Tignish and Tignish.
- Miliview and Vernon River Bridge.
- Monaghan and Pisquid.
- Montague Cross and Murray Harbor Road.
- Mount Albion and Pownal.
- West St. Peter's and Railway Station.

Printed notices containing full information as to conditions of proposed contracts may be seen, and blank forms of tender obtained, at the Post Offices at which the services commence and terminate, or at the office of the subscriber.

W. W. McLEOD, Asst. P. O. Inspector. P. O. Inspector's Office, Charlottetown, } ap 8 26th March, 1880. } 3¢

AUCTION SALE.

THE Subscriber will Sell at his Ware-rooms, 52 Queen Street, on Wednesday, the 14th day of April Next,

at the hour of 11 o'clock in the forenoon, the following assorted Stock:

- 15 half-chests TEA (Congou),
- 10 quarter-chests TEA,
- 10 bbls. WASHING SODA,
- 10 kegs CARBONATE SODA,
- 25 boxes SOAP,
- 10 cases MATCHES (10 gross each),
- 50 doz. Cornucopia SOAP,
- 2 boxes TOBACCO,
- 35 dozen BROOMS,
- 1 coil ROPE,
- 10 cases BLUE STARCH,
- 10 sets AXLES,
- 1 doz. DOOR BELLS,
- 1 piece RED FLUSH,
- Lot CAPS and RUBBER SHOES,
- 50 Butter TUBS,
- 15 bags NUTS,
- 50 boxes Muscatel RAISINS,
- 15 doz. Morton's PICKLES,
- 10 mats DATES,
- 1 bbl. DRIED APPLES,
- 1 case PRESERVED BEEF,
- 1 keg MUSTARD,
- 1 case CORN STARCH,
- 10 boxes Nixey's BLACK LEAD,
- 40 gross Miller's SHOE BLACKING,
- 20 gross Bartlett's PEARL BLUE,
- 7 dozen LAMP BURNERS (assorted),
- 5 dozen FLOWER POTS (assorted),
- Bales WRAPPING PAPER,
- Paper BAGS,
- 12 Patent WASHING MACHINES, etc., etc., etc.
- 1 IRON SAFE (Vulcan),
- 1 do. (Kershaw & Edwards),
- 1 Double-barrel Breech-loading GUN (Central fire.)

Sundry Bankrupt Stocks. 200 lbs. Confectionery, lot Glass Bottles, boxes Paper Collars, 1 keg Soda, lot Pipes, lot Tallow, 1 barrel Molasses, Lamps, lot Blue and Cudbear, Lamp Chimneys, Nails, 1 set Brass Counter Scales, etc., etc.

ALSO, 1 DARK BAY HORSE. TERMS AT SALE. B. WILSON HIGGS, Auctioneer. Ch'town, April 8, 1880—till sale

Wants, Lost, Found, &c.

LOST—On Wednesday last, a SILVER LEAF belonging to an Ear-ring. The finder will oblige by leaving it at this office. [a 9, 3¢]

TO LET—Good Pasturage for seven Cows, within a convenient distance of the city. Apply at this office. [a 9]

TO LET FOR THE SEASON—Large Garden in high state of cultivation, well stocked with choice fruit trees; centrally situated. Apply at this office. [a 9]

FOR SALE—VIS-A-VIS WAGON, nearly new. Will sell cheap for cash. Apply at this office. [a 9]

PASTURE WANTED—Wanted to secure for the coming season, good pasture, with water, for two cows. Apply at this office, or address Lock Box No. 28, City. [a 9, 4¢ pd]

WANTED—A GIRL to do general housework. Apply at this office. [ap 7]

COOK WANTED—For the "Franklin House." Apply to HENRY COOMBS. [at 3¢]

TO LET—Half of the Double Dwelling two doors north of the Athenaeum, Prince Street. For further particulars apply upon the premises to Mrs. E. REILLY. [a 1w]

TO LET—On or about the first April, the House now occupied by Mr. Benjamin Davies, junr, fronting on Water Street. For information apply to W. W. CLARKE [m 18 tf]

TO LET—To let, the first of May next, that new House now occupied by Mr. Bailey, nearly opposite the residence of E. J. Hodgson, Esq., Weymouth Street, near Hillsborough Square. Apply at the office of SULLIVAN & MORSON. [m 11]

TO LET—On the ninth of April, the HOUSE now occupied by R. Young, Esq. W. J. BOSWALL. [to 2¢]

TO LET—TWO HOUSES—One containing 8 rooms, the other 6 rooms. Apply to JOHN STENTIFORD. [m 27, oaw tf]

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