

Meteorologic Tables—1871.

Table with columns: DATE, WIND, BAR., THERM. for APRIL and MAY. Includes weather observations like 'N. E. squally' and 'fresh showers'.

Table with columns: DATE, WIND, BAR., THERM. for JUNE. Includes weather observations like 'N. E. light squally' and 'fresh showers'.

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Supreme Court—In Equity.

MARIA MAIOPOLI CUMMINS and THOMAS J. CUMMINS, her husband.

LILIA PIKOI WOOD. Chief Justice Allen delivered his decision as follows: This is a petition for partition, and in answer it is alleged that Kamakee, the wife of Kamakau, conveyed to him a certain part of the IIiina of Kawaia, by deed dated July 9th, 1865, and that he has continued in possession of the same till the commencement of this suit, and she therefore submits that before partition be made the legal and equitable interest of said Kamakau in said premises should be determined.

The material question in this case, therefore, is whether a wife can make a legal conveyance of her own lands to her husband during coverture. It is a well settled principle of the common law that a husband can not convey lands by deed to his wife during coverture, and it is equally clear that a wife can not convey her own lands to a stranger, unless her husband joins in the conveyance. Our Statute is a virtual re-enactment of the common law as applicable to marital rights. The wife, in the language of the Code, is deemed, for all civil purposes, merged in her husband, and civilly dead.

rents and profits of all property of a fixed and immovable nature belonging to the wife unless otherwise stipulated by express contract, but if the wife shall first die, the same shall immediately descend to her heirs as if she had died sole, unless there happens to be legitimate issue of the marriage within the age of legal majority, in which case the husband shall enjoy a courtesy in said property until the said issue shall attain majority, when the property shall descend to the heirs of the body of the wife. All the authorities sustain the position that by the common law a deed of the wife of her own lands to the husband is void. These authorities should have great weight in the construction to be given to our Code. Perhaps it should be regarded as conclusive, as the enactment was made, doubtless, with a full knowledge of the construction given to the provisions of the common law, not only by the English Courts, but by the American as well.

The Supreme Court in Maine sustained this doctrine until by legislation, the wife was authorized to convey directly to the husband. In the case of Allen vs. Hooper, 50 Maine Rep. 371, Chief Justice Appleton says, "that by the common law, the husband can not convey by deed to his wife. He must do it by the intervention of a third person, nor can the wife convey to the husband. She is deemed sub potestate viri, and incapable of contracting with him. All contracts between them were void." Martin vs. Martin, 1st Greenl. 63. The Chief Justice then refers to the Statutes which have been passed, and says "that the common law has been changed, and that henceforth the wife may deed directly to the husband."

A Thrilling Adventure. It was about the year 1820 that I settled in Virginia, near the falls of Kanawha. The country at that time was an unbroken wilderness. But few settlements had been made by the whites, and they were so far apart as to render vain all hopes of assistance in case of attack from hostile Indians, numbers of whom still infested the neighborhood. I lived there with my wife for several months untroubled, and by dint of perseverance, when young and hardy, had succeeded in making quite a clearing in the forest, which I planted with corn, wheat, and other garden crops, and in the fall of the year I had dispatched our humble meal, and I had just prepared to venture forth upon my accustomed routine of labor, my attention was attracted by the tinkling of a cow bell in the corn field.

"There," said my wife, "the cow is in the corn field." But the ear of the backwoodsman becomes by education very acute, especially from the fact that his safety often depends upon the nice cultivation of that sense.

I was not easily deceived. The sound was repeated. "That," said I, in reply to my wife's remark, "was not the tinkle of a bell upon a cow, but a deo from some Indian who wishes to draw me into an ambush."

I had previously placed my wife on the cross pole in the chimney, so that in case our enemies, effected an entrance into our cabin house, she might climb out through the chimney and make her escape. For myself I entertained no hope, but determined to sell my life dearly.

With breathless anxiety I waited at the porthole. At length I saw them emerge from the shadows of the stable and advance across the open ground toward my cabin. One—two—three—great heaven! she stalwart Indians, armed to the teeth, and urged on by the hope of revenge, and I alone to oppose them with one charge of powder. My case was desperate, indeed. With quick and steady steps, in close files they approached, and were already within a few yards of the house, when a slight change in the movement of the forward Indian changed the six, so that a portion of the side of each was uncovered.

They were in range, and one aim would cover all. Quick as thought I aimed and fired. As the smoke cleared away I could hardly credit what my senses showed me as the result of my shot. My first aim was at the porthole on that side of the cabin, and there my work well: five of the six Indians lay dead upon the ground, and the sixth had disappeared. Although no enemy were now in sight, I did not venture forth until morning. There by the bodies of five Indians, undisturbed, together with the rifle of the one. Securing the arms of the fallen Indians, I followed up the trail of the missing one until I reached the river, beyond which I could not discover his trace whatever. From the amount of blood which marked his trail, together with unmistakable evidence that he had picked his way with difficulty, I was led to believe that he was mortally wounded, and in order to prevent his body from falling into the hands of the foe, he had groped his way to the river and thrown himself into the current which had borne it away.

1872.

STATEMENT OF THE MUTUAL LIFE INSURANCE COMPANY OF NEW YORK, 144 and 146 Broadway. For the Year Ending Dec. 31, 1871. F. S. Winston, President.

Table with columns: ASSETS, LIABILITIES, and various financial figures for the Mutual Life Insurance Company.

INSURE IN THE MUTUAL LIFE INSURANCE COMPANY OF NEW YORK, WHICH HAS THE Lowest Expenses, Lowest Mortality and Largest Dividends.

JUST RECEIVED! PER "GARSTANG" FROM NEWCASTLE-UPON-TYNE. SMITHY COAL of superior quality.

Also, Just received via Panama PER STEAMER MONTANA, CASES PINK PRINTS, Cases neat Pattern Prints, Cases fine and stylish Prints, Cases small checks and striped Prints.

Also, on hand per bark "Malvina," CASES BARCLAY'S PORTER, Blue cases Gine, Cases All-Whisky, Basket cases, Cases Cognac, Cases Brandy, Cases Lager Beer, Cases Scotch Ale, Cases Pickles, Cases Pickles, Cases Pickles.

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For San Francisco. THE FINE THREE-MASTED SCHOONER A. P. JORDAN. Will have Quick Dispatch for above port.

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WATER! WATER!! NOTICE. ALL PERSONS HAVING the privilege of irrigating from the Government pipes are hereby notified that they must confine their irrigating within the following hours, viz: from 8 to 9 A. M., and from 4 to 6 P. M.

Lumber, Lumber, Lumber! WE ARE PREPARED TO FURNISH ALL KINDS OF LUMBER AND BUILDING MATERIALS.

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DEVOE'S KEROSENE OIL. WARRANTED TO BE THE GENUINE ARTICLE, and five cases to one of Devos's sold in San Francisco, where they know what the article is. For sale by BOLLES & CO.

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ESTABLISHED 1851! JOHN THOS. WATERHOUSE, IMPORTER OF GERMAN, FRENCH, ENGLISH AND AMERICAN GOODS!

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THE LATEST COLUMBIA RIVER SALMON. Withshire Cheese, Sardines in tins, Chocolate, Confectionery, &c. BASS' ALE, Pints & Quarts, BEYOND A DOUBT, THE FINEST TO BE OBTAINED IN THIS MARKET!

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