MR. JARDINE REPLIES TO CHARGES MADE

Denies In Toto Allegations That He "Grafted" On Paint Contract Or Padded Election Bills

The charges of "grafting"—to put it in plain terms—preferred by Mr. John Oliver, provincial leader of the Liberal party (outside the legislature) and by Hon. William Templeman, British Columbia's representative in the Dominion cabinet, against Mr. John Jardine, the sitting member for Esquimalt in the provincial legislature, were on Friday discussed by Mr. Jardine in an interview, an unqualified denial of the truth of the statements by both Mr. Oliver and Hon. Mr. Templeman being given, and documentary evidence being exhibited in support of such denial. Mr. Oliver's charges were made, it will be remembered, in an address delivered at the annual meeting of the Esquimalt Liberal Association on Tuesday evening last, a report of the proceedings of which meeting was given especial prominence in the Times newspaper of Wednesday evening: Hon. Mr. Templeman's charges were also made publicly, through the medium of the Times, in the form of an interview given at Ottawa by the minister and telegraphed to the Victoria Liberal newspaper by its correspondent at the national capital.

Mr. Oliver's charges were made with the directness, positiveness and bluntness characteristic of the late member for Delta; and he apparently invited legal proceedings on Mr. Jardine's part, punctuating his indictment of the Esquimalt member by such declarations as "I am not fenced in by the privileges of the floor of parliament, where a man is free from being taken into the courts for what he says." . . . "Is this plain enough to found an action at law upon? If it is, let John Jardine start it tomorrow and I will stay here and give him the proofs." . . . "If Mr. Jardine disputes this let him take me into the courts of the land," etc. All who have known Mr. Oliver in politics are well aware of the extra-positiveness with which all his statements are made. When asked if it was his intention to initiate such proceedings as suggested, Mr. Jardine said yesterday:

"No; such is not my intention. I know, and both Mr. Oliver and Hon. Mr. Templeman know, and the leaders of the Liberal party in this city and Esquimalt district know, that the charges as made by Mr. Oliver and Mr. Templeman are quite untrue. But what chance has any poor man to get redress for injury done him in this manner by appeal to the courts? I know it, and you know it, and such lawyers as Mr. Bodwell tells me the same—that it would be a most difficult matter to get a jury to give any substantial verdict in a political matter. Politics—and especially British Columbia Liberal politics—are not above suspicion in the public's estimation, and an appeal to the courts would not guarantee that truth and equity would prevail. I imply no reflection upon the courts. But semi-political litigation is looked upon by juries in a different way from any other actions of law on similar grounds could be; and besides, as they well know, I haven't the money to spend in costly legal proceedings, while Mr. John Oliver and Hon. William Templeman would have all the resources of the Liberal chest for Canada at their disposal to fight me, by every trick and technicality that high-priced lawyers could suggest. That is why I am not proceeding against Mr. John Oliver and Hon. William Templeman and the Times newspaper in the courts. I haven't got the financial resources to do it, knowing what moneys they would be able to command in fighting me; and besides the lawyers I have consulted advise me that however strong in truth and equity my case is, it would be hard work to get a jury to award any substantial damages where politics enter so largely into the case."

The Charges.

The charges of Mr. John Oliver and Hon. Mr. Templeman against the local representative of Esquimalt narrow down to two: That Mr. Jardine, subsequent to 1907 and before the next ensuing federal general election, undertook certain work in his line of business—that of a painter and contractor—at William Head Quarantine Station; that he performed additional work without authority; and that he obtained from the Federal treasury an amount of money greatly in excess of the fair value of and estimate for the work, his quarrel with Hon. Mr. Templeman of last autumn originating through the latter protesting against what is described as Mr. Jardine's "grafting" in this particular case. The second charge is that Mr. Jardine "padded" his expense account in connection with his election in Esquimalt district in 1909, and endeavored thereby to secure money from the Liberal party funds to which he was not entitled. As to the first portion of this dual charge, Mr. John Oliver declares that the fracas between Mr. Jardine and Hon. Mr. Templeman toward the close of 1910 arose through the Federal minister "stopping the graft of John Jardine" in a matter then two years old. It is stated that the money paid for Mr. Jardine's work at the Quarantine Station in 1908 was "paid without the knowledge of the minister and without the knowledge of the government." Mr. Templeman says: as reported in the Times of Wednesday last, that "Jardine was authorized to do a certain amount of painting at the quarantine station, not to exceed $2,000 in cost. . . . When authorized to proceed to that extent, Jardine took advantage of the opportunity and without the knowledge of the government agent expended four times as much, or nearly $8,000. . . . He was subsequently paid for the work done, although designedly exceeding his instructions, and absorbed nearly $8,000 when only $2,000 was authorized."

Mr. Jardine's Reply.

To this Mr. Jardine says:

"I have not at any time received from the Dominion government $8,000 or anything approaching that amount, for work at the Quarantine Station or anywhere else. When the Dominion elections of 1908 were approaching, I was given the charge, under day labor, of certain work at the Quarantine Station, to be performed according to specifications drawn up by the resident agent of the Public Works Department, this work to be done under the supervision of Mr. Henderson, the resident agent, and under the direct instructions of Dr. Watt, the resident superintendent at the William Head station. No specific sum was at that time mentioned as a maximum allowance for this work so far as I am aware, but it was agreed with the agent of the Works Department, Mr. Henderson, that 35 cents a yard would be a fair price for the work, which was described in his memorandum as follows:

"Cleaning roofs, burning off and removing old paint from walls, reglazing sash and painting the following buildings, including all entrance doors, primed with one coat lead color and two coats Japan color and one coat varnish color, at Quarantine Station, William Head, B. C., the buildings thereafter named—including the Laboratory, Superintendent Watt's stables, Dr. Watt's workshed, the tank house, Japanese building, Chinese building, two w. c's, ice house, water house, cookhouse, storehouses, window and door screens throughout, first-class detention building main hospital, Superintendent Watt's residence, and Captain Riley's residence.

"The work was carried out under Dr. Watt's direction as it proceeded, and Mr J G. Brown, and I think Mr. Henderson also, inspected it on completion before the accounts were passed for payment. These accounts were two in number, prepared by the public works department here, not by myself, the one covering 9,778 yards at the agreed price of 35 cents, $3,422.30, and the other for 228 days carpenters' and 128 days laborers' wages at $4.50 and $3.00 a day respectively or $1,410—or a total of $4,832.30.

"This is all I have ever been paid in connection with this work, and both John Oliver and Hon. Mr. Templeman know it. By far the greater part of this amount was disbursed by me in payment of the wages of the men employed and for materials, at the current scale and prices in both instances. For my own labor and as in charge of the work I did not receive as much as $1000 or anything like that sum, the work continuing for from two to three months. The work performed was necessary. No inflated price was charged. I did not stop the work on the completion of the first section because it was then in that stage of completion that it would have been a wasteful proceeding to do so; and because, too, it would have been bad politics to lay off the men just before the election. Mr. John Oliver knows this. So does Mr. Templeman.

"There never was a suggestion that I had done anything that I should not have done in the matter until I voted for the government's railway policy in the provincial house last session. And that work at the Quarantine Station was done in 1908. It was paid for by two Dominion government checks for $3,422.30 and $1,410 respectively, issued in the ordinary course from Ottawa upon the certificates of the works department. Mr. Oliver and Mr. Templeman say I was paid $8,000, or nearly $8,000. Can they substantiate their statements by the public accounts? I say they cannot, and, further, that, being well aware of every detail of the whole transaction, they found no fault therein—counted themselves my friends—supported me in my campaign of 1910! And only when I had found it my duty to my constituents to support the Conservative government of this province in its railway policy for the advantage of Vancouver Island did they awaken to discover in me a 'grafter.'

"And as for my action in voting for that railway policy, it must not be forgotten that I announced my approval of the government's plans for giving railway facilities for Vancouver Island before the election took place, so that neither the Liberal leaders nor my constituents can charge me with any breach of faith in taking the course I did.

Election Expenses

"Now as for the election expenses matter: My expenses in my first election, when the late Mr. John Annett acted as my agent, did not exceed $500. In the election of November, 1909, my agent was Mr. J. C. McIntosh. I did not personally incur one dollar of these expenses. The bills contracted by J. C. McIntosh as my agent, will run a little over $5,000. I realized that the campaign would cost more to run than had the one before, but I did not for one moment expect that the expenses would overrun $2500. A few days before the election I asked Mr. McIntosh about what the accounts would amount to, and he replied: 'Six or seven or eight hundred dollars at the most will cover everything.' I said, 'Well, that's all right then, at the worst I can provide for that out of my sessional indemnity.' The accounts were made up by Mr. McIntosh, to whom I paid in cash and checks, for disbursements, in all upwards of $2,350. I have paid on account of these bbills, out of my own pocket, roughly $2,350 as stated, exclusive of $700 in cash loaned to me personally by Mr. J. N. Muir, and for the repayment of which I am of course responsible. A sum of $800 was contributed through Mr. H. A. Munn and Mr. Brewster; Mr. John Oliver supplied $200 and the Liberal organization $200; and Mr. Adams satisfied one of the harassing post-election accounts of about $90. That left me with $1,700 still to provide and I thought that the Liberal organization should provide for that and also reimburse me, in part at least, for what I had paid out of my own pockets and which left them absolutely empty. Mr. John Oliver took the accounts, which Mr. McIntosh had made up, and when he was going east said that he would see what he could do to get the money. He came back and said that he could arrange nothing now that things had gone the way they had with the party in British Columbia.

"I had nothing whatever to do with contracting these accounts or with preparing the post-election statement. All these details were in the hands of Mr. J. C. McIntosh, who took the accounts, after Mr. Oliver returned. I had had a statement of these accounts prepared by Mr. James Hastie, and he is ready to make affidavit to the accuracy of this statement, as being according to the accounts prepared by Mr. McIntosh.

"Neither with regard to work on the Quarantine Station nor the election expense account was any suggestion made by the Liberal leaders reflecting upon me until I thought fit to vote with the McBride government on the railway policy as it affected the Island. I voted for this policy because it seemed to me the only practical project for the advantage of Vancouver Island, while on the other hand there was no tangible policy. Mr. Oliver himself admitted this before the provincial election—admitted in effect that his and his party's railway policy was a myth—and said, as I have already stated in the House that, as a matter of fact, 'Dick has us skinned to death before we start in.'

Something to Explain

"He has been having so very much to say about me that he has seemingly overlooked all chances for a little explanation on his own account. As the leader of a political party he might do a little explaining of his promises and statements to the provincial electorate as to a railway policy on which he asked to be entrusted with the administration of the business of British Columbia, which policy he well knew to be no more substantial than the few colored lines he had himself delineated with his facile brush across the map of the province."

Mr. J. E. McMullen, C. P. R. solicitor, is on a business visit here.

DISEASE GERMS USED AS POISON

Sensational Disclosures At Trial Of Two Alleged Murderers In St. Petersburg—Old Doctor's Action

ST. PETERSBURG, Feb. 3.—The trial of Dr. Pantchenko and Count O'Brien de Lassy, who are charged with murder in the poisoning of Count Vassili Bouturlin, De Lassy's brother-in-law, continued today, productive of sensation after sensation.

Testimony was adduced that Pantchenko had secured tubes of both diphtheria and cholera germs, which he had represented were required for scientific purposes. He said he had given the tubes of cholera to De Lassy, who had furnished the money with which he made the journey to Kronstadt to get them.

The diphtherial toxin, he said, he had thrown away.

A commission of medical experts testified that Bouturlin's death was due to poison and that the poison could have been diphtherial toxin. Throughout the report of the experts, Pantchenko's face lost color and he fidgeted nervously as he watched them. The prisoner's agitation heightened when the prosecutor announced the result of the medical evidence.

In addressing the presiding judge the prosecutor said: "Pantchenko during the trial postponed his examination until the tests of the medical experts had been concluded. Perhaps Pantchenko now will find it possible to answer the question whether he injected diphtherial toxin into Count Bouturlin."

All eyes in the courtroom became focused on Pantchenko, who slowly rose from his seat and stood silent for several moments, plucking his patriarchal beard with trembling fingers.

He finally clasped both hands to his forehead and answered in a hollow voice: "I don't want to."

TEST AEROPLANE IN WAR SERVICE

NEW YORK, Feb. 4.—The aeronautical reserve will seek to mobilize an aeroplane corps for scout duty on the Mexican border. Commodore John Barry Ryan, of the reserve, left today for Washington to confer with General Leonard Wood, and the American will say tomorrow that General Wood approves part of the plan to seek the services of trained aviators to take up army officers for reconnoitering. The officers will report any violation of neutrality. If the plan proves feasible, it will be the first test of the aeroplane in war.

Matai at 'Frisco.

SAN FRANCISCO, Feb. 4.—The Union Steamship Company's liner Maitai made her second arrival at this port last night, too late to pass quarantine, and docked this morning. Among her passengers was Hon. Sir Wm. J. Lyne, treasurer of the Australian commonwealth since 1907 and a member of the British parliament en route to London to attend the coronation of King George. The Maitai steams again for Wellington next Wednesday. Her cargo consisted chiefly of butter, of which she brought 3,640 boxes.

Edith's Fine Remitted

The fine of $100 imposed upon the owners of the steamship Edith by the collector of customs at Seattle for employing an unqualified mate, was remitted yesterday by the U. S. department of commerce and labor. Joseph S. Miller, chief mate of the Edith, who did not hold a license qualifying him to act as chief officer of a vessel of more than 2,000 tonnage, was refused a remittance and his fine of $100 will stand.

POLICE SHAKE-UP IN SAN FRANCISCO

Cashbook Of Gambling Club Shows Payment Of Money To Officers — Miniature Monte Carlo Found

SAN FRANCISCO, Feb. 3.—The latest outcome of the shooting of Gustav Postler in a duel with E. L. Kripp, keeper of a gambling joint known as the Saratoga club, shook the entire police department tonight, when Captain Thomas Duke found the cashbook of the club with entries of $10 paid on one day to each of six men whose names correspond to those of the officers on gambling details for that day. One entry is in the name of "Donovan." Sergeant J. T. Donovan is under suspension for giving Kripp the gun with which he attacked Postler.

Captain Duke entered the clubrooms this afternoon with a detail of men and found a miniature Monte Carlo. Over 15,000 chips were stacked on the various tables, roulette, faro and poker. A sawed-off shotgun was part of the defences of the place.

"If any one thinks San Francisco is contented with this sort of thing, he is wide of the mark," said Captain Duke, in canvassing the effect of the disclosures.

"I have been given a free hand by Chief Seymour with orders to go to the bottom of any corruption that may have existed, and I am going to do it. Every crook in the department will be got rid of."

COLUMBIA COAST MISSION

At Annual Meeting Held in Synod Office Reports Show Progress

The annual meeting of the Columbia Coast Mission was held on Friday evening at the Synod office, Pemberton block. The affairs of the Mission are managed by a joint committee of the dioceses of Columbia and New Westminster. The Bishop of New Westminster (Right Rev. A. U. DePencier) Reverends C.C. Owen, F. A. P. Chadwick, and Messrs. F. Beecher and F. Steele were present and the Dean, Canon Cooper (secretary) Archdeacon Scriven and Mr. E. Baynes Reed. The Rev. J. Antle, superintendent of the Mission, presented the annual report, detailing the work of the past year, which will be printed in due course. There has been decided growth and development. The fire that destroyed the Rock Bay Hospital has proved a blessing in disguise, as there is every prospect of a far superior Hospital being built at once. Two thousand dollars have been collected, and as the cost will be about $10,000 earnest effort will have to be made, and it is hoped that the Provincial government will make a substantial grant, as they did to the hospital at Alert Bay. The work of the four Doctors that are employed at the three hospitals and on board the steamer, and the staff of trained nurses, were eulogized. The boat itself, Columbia II., has proved a great success. Her cost was $24,000, but it is said that she could not be duplicated for $35,000. The camps are now regularly visited and the fact that the loggers themselves subscribe $14,000 a year speaks volumes. At Campbell river, which is visited weekly, there is a demand for a hospital. A gasoline launch has been presented by Lady Musgrave in memory of a former Governor of British Columbia. Mr. Comley has been appointed for Church work with the hope of being ordained later on.

The Bishop of New Westminster in proposing the adoption of the report spoke in the warmest terms of the Rev. J. Antle, and gave his personal experience of the work from a trip which he took in the Columbia. He said that no one could form an idea of what had been done, and was being done, at the various camps. Nothing could exceed the cordial feeling of the loggers towards the Mission and the Superintendent.

A vote of thanks was passed to the late treasurer, Mr. C. W. Durant, who has been an enthusiastic helper since the formation of the Mission five years ago. He has found it necessary to resign, and Mr. F. Steele was appointed as financial secretary in his place. Mr. Steele presented the financial statement, which was most satisfactory, especially considering the fact that owing to the delay in finishing the new boat it was impossible to visit the camps for some months. The turnover of the Mission is now $23,450 as compared with $11,850 in 1907. There is a small deficit of $950 on the year's work which it is hoped will soon be met. An Auxiliary of the C.C.M. has been formed in Vancouver, to supplement the valuable help that has always been given by the Woman's Auxiliaries of the M. S. C. C. throughout Canada. This is rendered all the more necessary as the M.S.C.C. which has hitherto helped the Mission has not seen its way to renew its grant for this year. A remonstrance at this was unanimously adopted and will be forwarded to the authorities. At the same time, if the good work being done by the Columbia Coast Mission were known as it should be in this Province, there would be no need of making any application outside. Bishop Perrin will gladly receive any contributions to the general fund, or to the fund for rebuilding Rock Bay hospital.

TOPSY TURVY LAND

In far-off eastern seas there is a wonderful isle called Ceram, where the sea beach is alive and crawls, where the trees have roots that grow in the air, and where the fishes come out of the ocean to climb the trees of the jungle along shore.

This is not a fairy story. Almost the first actual object that met the eyes of David G. Fairchild, of the United States Agricultural Department upon landing in this strange place, on a recent visit there, was a species of fig tree whose roots start out of its trunk at a distance of eight to ten feet above the ground, and then grow downward to meet the marshy soil in the form of flying butterflies. These trees are 50 to 60 feet in height; their leaves look like the leaves of the rubber plant, and their juice is milky white like that of the milkweed.

"This tree," says Mr. Fairchild, "grows so near the seashore that a species of climbing fish crawls up the roots, sometimes to a distance of 30 or 40 feet. When we landed on the island, there were hundreds of these fish jumping around on the sand and climbing the roots of such trees as this, hunting for insects."

But this was by no means all. A greater marvel was still to come. Mr. Fairchild goes on to say:

"As we set foot on this coast of wonders I turned and said, "Why, Mr. Lathrop, the sea-beach is running away!" It is no exaggeration to say that the beach was alive with hermit crabs. They seemed as numerous as the sands of the sea, and were of the same color. Their shells ranged in size from a pin's head to that of a horse chestnut, and they were in constant motion, thousands upon thousands of them, crawling up and down the blades of grass, and swarming over the trunks of the trees along the edge of the jungle."—From 'Where fishes climb trees,' in January Technical World Magazine.

NOW CONSTITUTED A SEWERAGE DISTRICT

Area Defined In Which Sewerage System May Be Laid Under Local Improvement Plan

The agitation some time ago initiated for the carrying out of necessary sewer work to generally improve the sanitation and health conditions of Esquimalt district has brought fruit in the creation by the Lieutenant-Governor-in-Council of the Esquimalt Sewerage District, under the act of last year. The area of this includes all lands bounded on the east by the westerly boundary of Victoria City, on the north by the southerly boundary of the E. & N. Railway Company's right-of-way and the eastern boundary of Section 2 of the Esquimalt district, and on the west and south by Esquimalt harbor, the Straits of Fuca, and Victoria harbor.

At a meeting of the property owners in the interested district held recently a resolution was unanimously passed providing for the holding of a public meeting to consider sewerage matters for the district at the Lampson street school on the evening of the 28th inst., when three or more sewerage commissioners will be elected. Mr. A. R. Wolfenden in the meantime is acting as secretary of the movement pro tem.

RECOGNITION OF DOMINIONS

LONDON, Feb. 3.—The Daily Mail says that the action of the Canadian Conservatives in leaving the representatives of the Dominion a free hand at Washington is the strongest testimony of the popularity of the agreement as being amongst the methods of preserving Canada for the empire.

At the opening of parliament on Monday, Lord Strathcona will wear peer's robes and the other high commissioners levee dress, and will have seats to the right and near the throne. The Mail says that this recognition of the width of the empire possesses a significance which it is impossible to overlook and throws open the essential ceremonies to the Dominions as well as the United Kingdom.

The Morning Post in an article on the cable rates complains that the dilatoriness of the government is the cause of ignorance and misunderstanding which is inevitable while the rates remain so high. "Surely the ministers," it adds, "might show the cable companies that it would be much to their own interests to help promote a community of thought among the English-speaking people."

REX vs. ALLEN

Mr. Justice Martin's Opinion Given in the Appellate Court

In the report of the decision of the Court of Appeal in the case of the King vs. Allen, under sentence of death for the murder of Captain Ellis-ton, Mr. Justice Martin was stated to have delivered an oral judgment. He has since reduced it to writing, and as the matters discussed in it are of profound interest to the legal profession we publish it below:

Rex vs. Allen: In my opinion, in the circumstances of this case at least, the evidence objected to was admissible. In any event, as a matter of strict procedure upon cross examination it was admissible to test the memory and credibility of the accused, who had gone into the witness box and given a long, rambling and unsatisfactory account of himself and his actions, in the course of which he attempted to shield himself from damaging admissions by alleging loss or absence of memory and failure to concentrate his mind of pp. 92, 95, 99, 101-3, 106, 109-10. Now in such circumstances it was not only the right, but the duty of the crown counsel to test the witness's credibility in any lawful manner, and why he should have been prevented from asking questions about Corrigan in particular I fail with all respect, to understand, seeing that the witness himself had introduced the subject of Corrigan in his examination-in-chief, and made an attack upon his evidence in the police court as follows, pp. 92-3:

Q. You might tell the jury what you know of this affair.

A. Well, I am afraid I shall be able to tell them very little, because I am of opinion that the man who left here, that is Corrigan—Corrigan came here the same as Trimbly, with a manufactured statement, he was not prepared at the time, apparently, and he came along here with a rambling statement at the preliminary investigation; and I am of the opinion that Corrigan deserted as a consequence of afraid to stand the cross-examination that he might have been subjected to.

Q. What I wanted to get at—— A. As a consequence of that, sir,—because he stated, you see, sir, in his evidence that he had a bottle of whiskey that morning.

Q. Before you come to that now, tell the jury what you know of this affair; you are charged with having on the 1st of August. A. I can remember an explosion taking place by my bed, in that vicinity.

Q. You remember an explosion? A. An explosion, a noise.

Q. In that vicinity? A. Yes, sir, and that is all. . . And he twice later brings similar charges against Corrigan at pp. 95 and 97-9, at the close of his examination-in-chief, whereupn the crown counsel very naturally opened his cross-examination with the preliminary investigation that the witness had voluntarily spoken of. The witness had also denied to his counsel that he had any grudge against the deceased (p. 97), and the matter was specially important, as regards Corrigan because the witness suggested (p. 98) that Corrigan was implicated in the crime saying "I have a very strong suspicion that the man Corrigan knows more about this, sir, than anybody else, and that is the reason he deserted, something tells me, sir, that that man Corrigan acted crooked on that morning."

Such being the case, why was it not permissible to ask the witness if he remembered exactly what Corrigan had said in his evidence in his presence and to make sure of it, to read from a question put to Corrigan? And if the witness admitted that he did remember Corrigan saying that the witness made a threat against the deceased, could he not have been asked if Corrigan spoke the truth? And if he admitted that Corrigan had told the truth, could that admission thus obtained by the crown from the accused's own mouth have been struck out of the record, and kept from the jury? Assuredly not. An accused who offers himself for examination to help his cause must also accept like other witnesses, the results of cross-examination should be happen to break down under it (which I have not infrequently known to occur in my experience as a trial judge) or be forced to make damaging admissions if he denied that he had made threats to Corrigan he was entitled to have that denial recorded in his favor; likewise if he admitted the threats the crown was entitled to have the admissions recorded against him. There would be no difference in principle between asking the witness about his recollection of Corrigan's statements made in the police court, or before or after that time, so long as they were made in his presence. The fact that they were made under oath would only effect the weight of credibility a question of degree and illustration, indeed, of my view is to be found on p. 112 of this very case, where the accused was asked later on in cross-examination, if he had not stated to one of the prisoners named Henderson that he "would cheat the hangman yet if (he) possibly could?" The accused answered "no," and as he was not contradicted the point was thereby closed in his favor. No objection was taken to the question, and who shall say that it was not a proper one? And in what respect would the principle be altered if Henderson had given evidence to the police court respecting what had passed between him and the accused? Of course I do not wish it to be understood that if it clearly appeared that counsel under the guise of testing credibility were really attempting to set evidence before the jury, which should be excluded, that it would not be the duty of the court to interfere at once, and protect the accused from such an improper and unfair proceeding, but such is not, in my opinion the case at bar: the whole evidence must be looked at, and a clear case established before the strict rights of a cross examining counsel can be curtailed. opinion that in any event the accused

But further, in this case I am of the was not prejudiced by what happened even if the questions were not admissible. The accused not only flatly denied having made use of the suggested language to Corrigan, stigmatising the suggestion as "nonsensical," but later, on being re-examined, pp. 112-3, he returned to the subject and stated that Corrigan's evidence in that respect was—a "false accusation" I note here that the learned trial judge is in error in stating in the case after giving the extract at page 100 that "no further allusion was made to this matter by either of the counsel or myself," because the evidence he referred us to contains the further important evidence I have quoted. This repeated denial coupled with the fact that the judge stopped the cross examination saying that the counsel had no right to mention the statements and that "you must test him (the witness) by standard methods," would have in the circumstances the effect of removing any harmful impression from the mind of the jury. Hence there is no similarity between this case in this respect and R. V. Walker (1910) 15 B. C. 100 wherein certain very damaging statements of the crown counsel went to the jury without any contradiction by evidence on comment by the court.

On the whole case I find myself unable to hold that there should be a new trial, because sec. 1019, clearly declares that we ought not to set aside the verdict and judgment unless we can affirmatively reach the "opinion" that "some substantial wrong or miscarriage was—occasioned on the trial." That opinion I cannot reach, therefore the proceedings below should stand.

ARCHER MARTIN, J. A.

CONFERS WITH PREMIER REGARDING RAILWAYS

Vice-President Gilman To Submit Proposals When Endorsed By Great Northern Railway Company

Mr. Gilman, vice-president and assistant to the president of the Great Northern Railway, who with Judge Brown, general counsel of the Company at Seattle, and Mr. MacNeill of Vancouver, British Columbia representative, has been in conference with Premier McBride during ten days or a fortnight past in respect to various matters of mutual concern with the railway company and the British Columbia public, has returned to Seattle, where he will rejoin President Louis W. Hill, proceeding then to St. Paul without delay.

It is understood that the subject of the recent interviews with British Columbia's Prime Minister was of a threefold nature: the extent to which the Government is prepared to go in legislation to be introduced by the Attorney-General this session with respect to confirmation of the agreement tentatively entered into with the City of Vancouver for utilization by the Great Northern of the False Creek flats; the desired reconstruction of that portion of the Kaslo & Slocan railway between Kaslo and Sandon, and the resumption of regular traffic between these two Slocan points; and the adjustment of differences which have arisen as to the liability of the Provincial Government and the City of Victoria in connection with the Victoria & Terminal Railway, better known generally as the Victoria & Sidney, control and ownership of which is now virtually vested in the Great Northern.

With respect to the False Creek flats matter, it is understood that the Government has outlined just how far it is prepared to go in legislation desired both by the city of Vancouver and the railway company, and a memorandum in this connection will be submitted by Mr. Gilman to the heads of his company at St. Paul, their views being subsequently communicated to the Government here.

In regard to the resumption of the operation of the Kaslo & Slocan line and the Victoria & Terminal Railway matter, certain overtures were made by Mr. Gilman and certain proposals submitted. So soon as these have been formally endorsed by the company, the Government will be in a position to decide as to whether they shall or shall not be deemed acceptable.

THE CAUTIOUS CAT

A Cautious Cat
And a Reckless Rat
Went to sea with an Innocent Lamb;
They sailed in a yawl
With nothing at all
To eat but a Sugar-cured Ham.
The wind blew high
In a sky-blue sky
At a rate they had never foreseen.
The wind blew low,
And the wind also
Blew a little bit in between—
Just a little bit in between.

Said the Cautious Cat
To the Reckless Rat
Likewise to the Innocent Lamb:
"We'll tack this smack
And sail right back
To send a Mar-coni-o-gram.
For the winds might blow
Both high and low.
And I wouldn't care a Lima Bean,
But I never can sail
When the ocean gale
Blows a little bit in between—
Just a little bit in between.

"Of course, with me
You will never agree."
Said the Cat to the Rat and the Lamb.
"But if you balk
You will have to walk—
That's the kind of a kitten I am!"
So they sailed right back
On the larboard tack
To the nearest port of call.
And the Reckless Rat
Let it go at that
While the Lamb said nothing at all—
Said nothing—whatever—at all.

—D. K. Stevens, in St. Nicholas.

Can Save Steamer.

SEATTLE, Feb. 4.—Capt. E. C. Genereaux, representing the San Francisco board of marine underwriters, has returned from the wreck of the steamer Cottage City at Cape Mudge. Contrary to the general report, Capt. Genereaux states that the old Skagway liner can be salved at reasonable expense. It is not yet decided what action will be taken, but it is probable that plans will now be matured for raising the vessel.

Reached Golden Gate.

The British steamer Bessie Dollar arrived at San Francisco yesterday from Shanghai. It is presumed she will load a return cargo of lumber on the Sound.