The Colonist

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a line solid Nonparell, each insertion. No advertisement inserted for less than \$2.

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HORSEFLY MINING CASE.

The hearing of the special case referred to Mr. Justice Drake under the provisions of the supreme court reference act 1891" by the government with reference to the application of the " Horsefly Gold Mining Company Foreign" for the renewal of a lease obtained by them from Thaddeus Harper, occupied the attention of His Lordship yes-The question referred for discussion and report was as to the extent to which the covenants of their lease had been performed by the applicants or their pre-

Both parties practically admitted that the claim had been sufficiently worked in 1891 and 1892 and that no work had since been performed. The court refused to receive noe that no work had been done from 1884 the date of the lease until the fall of 1887 and from July 1888 until 1891. Mr. Lindley Crease on behalf of the Horse-

fly Company contended that as the gold commissioner had received rent after the defaults in work, the clause of forfeiture had been waived and could not now be taken advantage of, and the company had an absolute right to a renewal. If the govnment had the power to give a new lease they had power to contract to give a re-newal in the original lease. The company had vested rights under the acts in force at time of lease and these rights had been conbe given and they should not be bound to the close letter of covenant. A renewal had been granted over the time the petitioners had filed their claims, and the government as well as petitioners were stopped from dis-puting that the ground was reserved to the company. The lease had been granted upon an order-in council, and the Lieut. Governor ad exercised his power in favor of the lessees. As to the performance of the cove-nants the evidence showed that there had been an expenditure since 1891 of \$29,300 The terms of the lease, he held, had been substantially compiled with — whenever work had been suspended it had been for proper reason and with permission of the gold commissioner. It was further agreed that outsiders could not interfere as between the landlord and the tenant, and especially not as between the crown and the subject, so as to enforce the terms of a lease. Even though the statute provided that non-com-pliance with any of its terms should render

a lease void, they would be held as voidable only and not void at option of the crown. For the petitioners Mr. W. J. Taylor argued that the gold commissioner had not the power by virtue of the mineral act of 1884 to issue a lease for a longer term than 10 years. The clause relating to renewal for a further period of 10 years was ultra vires of the gold commissioner and could only be exercised by the Lieutenant Govor in council by section 121 of the act, and it must be assumed the applicants knew The lease included a greater quantity of land than the commissioner was empower-ed to grant. On the expiration of the original term of the lease, the company had not a right to a renewal, but only a status to ask as a matter of grace for a renewal in any event and then only if they had fairly and substantially performed the working conditions of the lease each year, and these the testimony had shown had not been observed. No order in council had been produced showing that the Lieutenant-Governor in council have ever approved of the lease, and the condition was void. Payment of rent, he admitted, constituted a waiver, but the question for report was not as to any previous technical waiver, but so leave the condition of the lease. any previous technical waivers, but solely her the applicants had established an inchoate equity without a right to a renewal by the performance of a sufficient amount of work upon the ground yearly, and admitted-ly this had not been done. Decision was

PERISBED FROM COLD.

FIRE ISLAND, Feb. 9.—It is stated that nine of the crew of an unknown schooner ashore off the Lone Hill life-saving station have perished. Through a field-glass some one claimed to have seen eleven men in the rigging shortly after she struck yesterday, but one by one they fell into the sea, om cold and exposure until but two remained. The vessel struck in the outer bay, off the Lone Hill life saving station. The life saving crew, as soon as they discovered

BOARD OF ALDERMEN. Ald. Bragg's Motion to Insert a Nine

Hour's Clause in Contracts Carried.

The Tenders Opened for Supplies for Old Men's Home and for Sidewalks.

There was a full meeting of the city counoil last night and a good deal of business was disposed of, the sitting lasting until a late hour. Drake, Jackson & Helmoken wrote asking

what action the council would take with respect to Mr. Bossi's request to have Cormorant street sewer lowered in order that he could comply with the city's demand to connect his premises with it.

ALD. WILLIAMS said that it seemed hard on Mr. Bossi that when the sewer was building there was a sudden rise in its line just as it came near his property.
His Worship remarked that he

agreed with the alderman. He tho Mr. Bossi was hardly treated fairly. When the main sewer was laid the rock should have been properly blasted.

Ald. McMillan and Humphrey held that

the city should not be expected to put sewers down to accommodate celiars that might be an unreasonable depth. Referred to the sewerage committee to

The resolution passed at the public meeting in favor of day work as against contract work by the city was read. ALD WILLIAMS moved that a reply be

ALD. MACMILLAN, while heartily in acord with day work said the name of Mr. Eden who moved the resolution came up in another connection—the cutting of wood for the old mens' home. Three bills had come in for the cutting of the wood amount ing to \$50 for five cords of wood. That was too much, and he was not in favor of rob bing the city to the extent of \$5 a cord for

ALD. WILLIAMS' motion was carried. Commandant Booth wrote in regard to the Salvation Army refuge home asking for a grant of \$1 000 towards helping.
ALD. HUMPHREY thought that the matter night be left in the hands of the Mayor and nance committee to deal with. A certain sum was left in the Mayor's hands every year for charity and this might be given t

HIS WORSHIP said they would do nothing till after reporting to a special meeting of Ald. Humphrey's motion was carried. H. Saunders, agent, offered the steamer Cariboo and Fly for sale to the council as he

had heard that the city had some idea of purchasing a steamer.

ALD MCLELIAN moved that the offer be efused as the steamer was not required. ALD WILLIAMS moved that the matter be laid over till the garbage question was onsidered

ALD. MACMILLAN seconded the amend nent, as the time, he thought, would come

out at the Old Men's Home. ALD MACMILLAN moved that Mr. Eden

ing test.

ALD MACMILLAN stated that Mr. Stickels had fold him there was a proper guarantee.

ALD BRAGG said the committee had visit ALD BRAGG said the committee had visited the work and found there was no arrange ment for the construction of the line shaft. As far as they could gather from Mr. Stick

out of the funds obtained under authority of the electric lighting by law 1894, there only remains some two hundred odd dollars to complete everything, and it will be necessary to provide fundate meeton betanding and future liabilities. In 1890 the sum of \$10,000 was borrowed for the erection of a crema-tory; this amount is still on hand drawing interest at 4 per cent. per annum. Section 141 of the municipal act, 1894, provides that when the corporation of any mi ity shall bave a sum of money on hand which has been borrowed for a special purpose by the authority of a loan by-law and when the council deems it undesirable to expend for such purpose money borrowed, it shall be lawful for the council to place before the ratepayers a by law pro- 84, an old resident of the township of Ellice, viding for the expending of such sum of was found dead on the floor of his house on noney for some other purpose. I would

light system. JAS L. RAYMUR, Auditor. Laid on the table. One tender only was received for the purchase of the Deluge fire hall, that of Arthur G. Davis for \$5,200 Declined as too low. Tenders for \$5,200 Declined as too low:
Tenders for forage were received as follows:
Brackman & Ker, hay, \$14; oats, \$17;
bran, \$16; straw, \$13; chopped feed, \$20;
R. Baker & Son, hay, \$14; oats, \$27; bran,
\$15; straw, \$10; chopped feed, \$20.
Referred to fire wardens to let to lowest

enderer. Tenders for sidewalks were received from John Northcott, F. Wills, Wilson & Noble, Angus S. Braser, Thos. Elliott, H. E. Smith. Referred to streets committee to award to lowest tenderer.

Tenders for supplies to the Old Men's Home were received from the following groceries: D. H. Ross, H. Saunders, H. Crogan, L. Dickinson, R. H. Jamisson, Swing.

ALD WILLIAMS moved that a reply be given that the bouncil would consider the matter later in the season when there was work to deal with.

ALD HARMSTRAN while heartily in account of the season with the season when there was a constant of the season when the season when there was a constant of the season when the seas 20 cents; H. Monday, 20 cents. Bread-M. R. Smith, 3 cents a pound. Meat-L. Goodacre, Roba. Porter & Sons, John Parker. Referred to home committee to award to lowest tenderer.

A petition from R. P. Rithet and 414 others asked the city to give an annual grant to the band in return for which the band were willing to give open air concerts

Deferred till estimates come down. G. J Kinarny and several others repeat their complaint that Mr. Stickels had dis charged them to make way for "more ex pensive linesmen." They accuse Mr. Stick-els of extravagence and claim he was ventng his spite on the petitioners.

Referred to electric light committee. The figance committee were granted 31,419 30 out of ordinary revenue; \$358 out f electric light funds and \$59 from waterworkt loan.

ALD. BRAGG held that in future venchers for electric light work should not go direct from Mr. Stickels to the finance committee years. but should be signed by a member of the electric light commit HIS WORSHIP said this was provided for

hydrant be placed at the corner of Toronto presented to the court by Christopher Roband Carr streets, and one at the corner of inson, Q.C. Sir Charles has been until Turner and Henry streets; also that 1,000 now only a member of the Nova Scotia bar. feet of hose be purchased from the Toronto Gutta Percha Co. A tender was read from Joly, ex premier of Quebec, made an inter-

be no surrender on the part of labor; and the whole country is to be starved into forcing concessions to laborers demands. The leaders have not yet decided what complaint will be used as the occasion for this general paralysis of commerce; but those ready for a granular will contain the

complaint will be used as the consideration to add the committee had found on investigation that ten cords of wood out at the Home cost \$5 a cord. This was altogether too much.

ALD MCLELLAN remarked that the question was practically settled last year, as the bill was certified by last year's committee.

Ald Macmillan's motion was after a little discussion carried.

The Wm. Hamilton Manufacturing Cosent in a certified announcement of the completion of their machinery contract on the selectric power plant. Referred to the electric power plant. Referred to the electric light committee.

The Wm. Hamilton Manufacturing Cosent in a certified announcement of the completion of their machinery contract on the selectric power plant. Referred to the electric power plant. Referred to the electric power plant aguarantee that the boilers would furnish a certain power the city ought not to be called upon to pay extra for boiler covering so as to make the boilers work up to that power.

ALD WILLIAMS said the whole thing had been very loosely conducted as therefore a proper work ing test.

ALD MACMILLAN stated that Mr. Stickels.

workingmen did incalculable harm to their own cause, by allenating public sympathy and by cutting away from the support, which such sympathy would have given.

The experience should be an effective lesson. Practically, the workingman is the legislator in America, and if he enlists the sympathy and secures the assistance of other classes as well, he can curtail the unfair privileges of combines and corporations. He can legislate all the injuities of the trust system out of existence, but he can desired.

CANADIAN NEWS.

Sale of Ontario Timber Limits to New Yorker-Nova Scotian Finances.

Rumor That Hon. Mr. Curran Wil Be Raised to the Bench -Fire.

(Special to the Colonist.) STRATFORD, Feb. 11.—Thomas Kelly, aged 34, an old resident of the township of Ellice. Saturday. His aged wife, who has been an invalid and insane for some years, was found strapped in a chair in the same room. QUEBEC, Feb. 11.-William McLaren overnor of the Quebec district jail, died esterday, aged 50 years.

PORT HOPE, Feb. 11. - Trinity school for boys here, was burned on Saturday night; loss \$80,000, insurance \$61,000. The alarm was raised at 11:30, and it was with diffioulty that the 150 boys and 25 masters and attendants escaped without accident. Studies will be continued in temporary

Owen Sound, Feb. 11. - James Masson the choice of the North Grey Conservatives for the House of Common

HALIFAX, Feb. 11.—A dispatch has been received by the maval authorities here stating that H. M.S. Rambler will be added to the North American equadron this year. She is a third class gunboat.

London, Feb. 11.-The mangled remains William McKenzie, a wealthy farmer living in East Williams township, were found esterday on the Grand Trunk track near Lucan crossing. In the pockets were found \$500, which he had drawn in London the previous day. He was making train con-nections at the Lucan crossing, and it is supposed was struck while walking on the track waiting for the train. The snow storm prevented him seeing or being seen. Belleville, Feb. 11-A snow plow umped the track on the Grand Trunk near Sydney station, on Saturday evening. Three rainmen, John O mond, Meagher and Horne, were hurt, Ormond probably fatally. MONTREAL, Feb. 11.—Sir William Van Horne arrived here this morning from New

MONTREAL, Feb. 9. - (Special) - The storm s still raging here with very little sign of making strenuous efforts to keep its tracks clear but with only partial success. Yes-terday's receipts of the company were the lowest in its history. The barometer is still falling slightly. The storm is the worst for

TORONTO, Feb. 9. - (Special) - Before the Court of Common Pleas, Sir Chas. H. Tupthe fire wardens recommended that a fire called to the Ontario bar. The minister was

soins were made was found. They were arraigned before the police magistrate and pleaded not guilty. They were remanded until Friday. More arrests are likely to be

the financial situation of the city, as disclosed by the finance committee, the treasurer and auditors, and will, after careful inquiry, give a written opinion to be presented to the city council.

HALIFAX, Feb. 12,-At McMullin & Winn's sawmill at Truro, yesterday, Edward Brenton's coat became entangled with the machinery and he was thrown across a circular saw. His limbs were frightfully mangled and he died in half an hour.

Toronto, Feb. 12.-Dr. C. H. Hopkins, of the provincial board of health, has resurned from Malahide, where he visited the districts a flicted with smallpox. He thinks the disease is now completely under con-trol. Mrs. H. Percy, of Copenhagen, has succumbed to the disease. Her husband died fortnight since.

HARROW, Feb. 12.-About 12:30 last

Montreal Centre (St. Ann's division) in place of Mr. Curran will be M. J. F. Quinn, Q.C., Crown Prosecutor and president of the Junior Conservative club.

PORT HOPE, Feb. 12.—Trinity college ool, which was burned out on Saturday night, re-assembled this morning, the classes being organized and lessons resumed in the town hall.

TOBONTO, Feb. 12. - William Redford, an extensive real estate, insurance and general broker for some years, is dead, aged 60

OTTAWA, Feb. 12.—The valuable property known as Ward's timber limits on the Rouge river, comprising 550 square miles, has been sold to E. J. Swan, of New York,

FATE'S REVENGE.

for \$100,000.

(By Charles B. Lewis-" M. Quad.") We had gone up into the Big Horn Mountains from Fort Phil Kearny to bridge a hauling wood and timber. 15 was a chasm thirty three feet across by the tapeline, and Pacific. They are in belligerent mood, and a stone tied to a string dropped down ex-actly 178 feet before it struck the rocky bottom below. There was not a soldier among the twelve of us who dared stand on the edge of the chasm and look down into its dark depths. A fall down there meant that one would live a year in the few seconds it Dakota bar. Mr. Johnstone thus tells his

us, and we seen had them down and the ernment as a detective right up to trunks quared. Three men had gone up the moment of my arrest. I had on the other side, and when the first stick just made arrangements with another of timber was ready it was hauled across by Scotchman to take up arms for the means of rope and tackle, and night put an government when a message reached me end to further work. There was a camp on from the marshal saying that he wanted to either side of the chasm. No man dared see me. I hurried down to the station fully try that foot bridge, though the timber was a foot square. The ends must first be secured on the rocky banks. At our end it rested near the edge of a rocky shelf, and was three feet higher than at the other. For two hours after supper we talked back prison

and forth and congratulated ourselves on getting the first timber across. Then one by blankets and turned in to eleep. By 10 were allowed, and even our foreign mail was o'clock all was quiet on either side. There taken from the post office, opened and readhad been no talk of Indians. The last batbeen weeks and months since a redskin had of the cause of our arrest. been seen. A single sentinel was stationed. but more because of military discipline

and thus receive warning. As he sat there, his carbine between his knees and his thoughts far away, sleep came to him, and when that terrible cry rang out he awoke with the rest of us.

panther strikes the ear of the hunter there came to us a death shrick—a chorus of death

with terrible sound below. Not a cry, not a groan ascended from that terrible pit.

Ashamed of that first cry they went to their deaths as a warrior prides himself on

to the Sandwich islands, was held this morning. The casket containing the remains rested in the study of his late residence beneath wreaths of flowers. At 10:30 there were brief exercises at the house, and at 11 o'clock a public ceremony followed at the Winthrop St. Universalist church, of which the deceased was a member. The burial was in the family plot at Hallowell.

San Francisco, Feb. 6.—J. S. Kimball's VIENNA, Feb. 8.-Dr. Anton von Palit

EXILED FROM "PARADISE."

Three Unwilling Passengers by the "Warrimoo" Who Make Very Bitter Complaints.

Hustled on Board Without Even Being Allowed to Get Their Money or Clothing.

An interesting trio of passengers from Honolulu by the Warrimoo were Mesers. J. B. Johnstone, J. Cranston and Alfred Muller, who came here very much against their will -having in accordance with Hawaiian precedent been marched down to the steamer by the authorities and forcibly detained on board until she sailed. The chasm and make a short out for the teams Hawaiian government paid the fares of these exiles from the troubled Paradise of the

took him to fall, and the end would be the story:

Con Monday afternoon January 7, I was most cruel of deaths.

The engineers had marked the trees for arrested. I was in the service of the govstrong armed guard and thrown into Oahn

one the men wrapped themselves in their communicate with no one. No newspapers

tle had driven them to the north, and it had to weeks and still we were left in ignorance "Three months ago Marshal Hitchcock said to me: 'If ever the Royalists revolt than from any fear that the savages might be skulking about. The one sentinel would guard both camps. He was stationed on a rock to the left of the tim. is still raging here with very little sign of ber, and when relieved at midnight report. foreign ministers were powerless. There abatement. The street railway company is ed that all was well. The man who relieved was no warship in the harbor to back them him was wide awake at 1 o'clock, because or to protect us. At last the U.S ship he crept down to the flickering camp fire to consult his watch. He had scarcely resecure. The trials proceeded, but they were turned to his post when he fell asleep. Like gressly one-sided. The government lawyers many another soldier he fell asleep with his would not defend the prisoners, and all the eyes wide open. His eyelids did not grow Boyalist lawyers were in jail. The prison-heavy, nor did he find himse f nodding, ers were, therefore, at the mercy of their

enemies. natives who had been taken prisoners during hostilities testified strongly against him. In cross examination Paul Neumann, who As suddenly as the scream of the prowling defended Ashford, asked : come here to testify against Mr. Ashford?'
Note the reply! We were kept in our came to us a death shrick—a chorus of death shricks. Every man knew that the voices were human before he had cast aside his

for the section of the same of

raigned before the police magistrate and pleaded not guilty. They were remanded until Friday. More arrests are likely to be made.

RIDGEWAY, Feb. 12.—The public school in this village is closed because of the prevalence of a violent form of diphtheria. Miss Maggie Sager, one of the victims of the disease, died Typhoid fever is also rampant, and a number of residents are stricken down. Several deaths have occurred,

CHATHAM, Feb. 12.—Managor Scholfield, of the Standard Bank here, will investigate the financial situation of the city, as disclosed because of the series of

TO PROTECT GOLDEN GATE.

When morning came and the sun shed its rays down upon the three soldiers on the other side of the camp, it told us nothing new. We knew they were dead—knifed as they slept, and as our sentinel slept—and at the belts of three of the savages seeking also to surprize us there were three bloody scalp looks.

M. QUAD.

SAN FRANCISCO, Féb. 9,—Golden Gate will be protected by three of the biggest guns in the United States. Pointed seaward from vantage positions on either side of the gate, they will furnish complete defense against any oratt that might escape the shells which the new mortar batteries will send to sea for a distance of six miles. The AUGUSTA, Me., Feb. 11.—The funeral of send to sea for a distance of six miles. The the late Hon. John L. Stevens, ex-minister to the Sandwich islands, was held this approximately fifty seven tons each, or 371, 460 pounds in all. Each gun has a diameter

gasoline schooner Moro has arrived from VIENNA, Feb. 8.—Dr. Anton von Faituschek was tried to-day on the charge of having embezzled money entrusted to him when
he was Austrian consul in New York. He
was found innocent and was acquitted.

The office of the word to cold storage warehouses,
the intention of the owners being to send
the Moro back north before the end of the that Hon. J. J. Curran, Solioitor-General is about to be raised to the superior court bench to fill the vacancy caused by the death of Sir Francis Johnson. It is also understood that the Conservative candidate in

MANIT

Formal Speech

C, P.R. Frei

WINNIPEG the eighth l Mr. Finley The speech following ch You will stantial inc has been obt thorities. A troversy for satisfactory province has By the jud tee of the nounced on Court of Can appeal lies to cil on behalf vince, inasmt leges given by the minority been affect of fore the G power to mak thereto. Wa made by the act shall be m government my governm tem, which would in all versal through The comm minion govern House of Con cessive freigh cific railway sittings. My duty of placin ject in the ful sioners. The with will be You will b

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oomplished. Mr. Dickso legislature, o CHICAGO. revenue offic sive scheme men and da customs by Two arrests seven comp grand jury. been obtained who was set the indictme selling over packages. CITY OF 1

> Guatemala, called fro city of with an ico. It is be is required or news is cf but the El U readers that lifficulties to NEW YOR iety among number of pil have been blo gale, was alls five of the s and anchors K. Fox is no

13.—Telegra

about ten di and must ha ripped up the DEADWOO head and sev police at the terpreter at the agent, Fielder wit come, so t lead, and br

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JACKSONY an to fall i boom turned hassee and c of Florida r 9 o'clock to

Dr. Price