THE FULL JUDGMENT

In the Application of Geo. Bowack for Release From the Vancouver Quarantine.

No Medical Man of Repute Could Stamp Victoria as an Infected Locality.

Such Imprisonment Intolerable in a Barbarous, Much Less in a Free Country.

SUPREME COURT.

JUDGMENT OF MR. JUSTICE WALKEM, JULY 27, 1892.

Re George Bowack, detained by the Vancouver Health Authorities, *habeas corpus*.

An application similar to the present one having been made to, and refused by, my brother McCreight, I intimated to Mr. Bowack's counsel, when he moved for the rule *nisi*, that I had doubts as to my jurisdiction in view of the recent decision of the House of Lords in what is familiarly known as Bell-Cox's case, which was one of *habeas corpus* (Cox v. Hakes, 15 App., Ca. 514). The question of jurisdiction has now been raised, as I anticipated would have been the case, by counsel for the Vancouver authorities. In Bell-Cox's case the point decided was that in England no appeal lies in *habeas corpus* cases from an order of release, under the general appeal clause in the Judicature Acts; but their Lordships studiously refrained from giving any authorative decision as to whether, in case of the release being refused, an appeal would lie under the same enactment. Different opinions on the latter point were, however, expressed by members of the House; and those opinions, it is needless to say, are most valuable now that the point has been submitted to me for decision, especially as it was suggested in the English tribunals that if the appeal existed the inference possibly was open that the legislature intended that it should displace the practice in force prior to the Judicature Acts. That practice, as stated by the Lord Chancellor, was that "if release was refused, a person detained might—see Ex-parte Partington (13 M. & W. 679)—make a fresh application to every Judge or every Court in turn, and each Court or Judge was bound to consider the question independently, and was not to be influenced by the previous decisions refusing discharge." By the English Judicature Acts, a fusion of the English Superior Courts into one High Court of Justice was effected; but the jurisdiction in matters of *habeas corpus* was left, according to Lord Bramwell's view of the matter—if not unsettled—pretty much as it was before—(15 App. Cas. 523). Our Judicature Act, on the other hand, mainly relates to procedure. No fusion of Courts was effected by it, for none was needed, none possible, as we have had all along but one Superior Court—the Supreme Court. We have in our Judicature Act the same appeal clause as appears in the English Judicature Act; in addition to that, an appeal to the Divisional Court is specially given in cases of *habeas corpus* by Section 62 of the Supreme Court Act. How that appeal is to be enforced where a discharge has been ordered, I fail to see, for no machinery is provided for the purpose of bringing "the body" that is gone before the Appellate Court. At all events it is not with a case of that sort that I am concerned; but it is with the converse one of a discharge being refused.

An appeal, on Mr. Bowack's behalf to the Divisional Court, from Mr. Justice McCreight, may, in its details of procedure, perhaps be launched as it was in the Bell-Cox's case, though Lord Bramwell seems to have disapproved of the whole proceeding, as there was no *lis* in which to appeal, and no question of judicature involved. Be this as it may, I shall assume that Mr. Bowack's right of appeal could, if he chose to assert it, be, in some way, legally presented. Then comes the question: Does the fact that the Legislature has expressly given him that remedy impliedly operate as a bar to the proceedings before me? These proceedings undeniably involve the question of his personal liberty, and as such have, in the past, been regarded as a part of the subject's constitutional rights, and therefore as rights of which he should not be deprived by mere implication, for "the spirit of our free institutions requires that the interpretation of all statutes shall be favorable to personal liberty," (per Lord Abinger, in Henderson v. Sherborne, 2 M. & W. 239, as cited in Maxwell.) Hence I must hold that as the enactment giving the appeal has not expressly substituted it for the old practice, Mr. Bowack is entitled to the advantages which that practice gives him, by seeking, as he now does, my opinion as to the legality of his arrest and detention regardless of the fact of his failure before another judge. It might add that his application to me is, in no sense, an appeal from my brother McCreight, but is one as to which I have to exercise a primary jurisdiction without knowledge of the materials before him, and upon much more evidence, as I am informed, than was presented to him.

The present case has arisen under the Public Health Act and a set of By-laws passed under its provisions by the Corporation of Vancouver; the by-laws are within those provisions, and the act itself, in so far as it relates to the question I have to decide is constitutional, as the subject of Public Health falls within the class of legislative matters assigned to the province by Sec. 92 of the B.N.A. Act. Acts relating to the Public Health are to be liberally construed so as to suppress the mischief and advance the remedy (Max. 84); but when any reasonable doubt exists in respect of their language, or of that of their subsidiary by-laws, the benefit of that doubt must unhesitatingly be given to the subject on the important constitutional principle that I have already stated, which will well bear re-quoting, viz.: "That the spirit of our free institutions requires that the interpretation of all statutes shall be favorable to personal liberty."

According to Mr. Bowack's affidavit, he is a merchant and resident of London, Eng; he arrived in Victoria on the 13th instant and left at 2 a.m. of the 15th by the steamer Yosemite for Vancouver, which place he reached six hours afterwards. He further states that while in Victoria he was aware that cases of smallpox existed in the city; that he took every precaution against contagion and exposure to it; that to the best of his knowledge he was never exposed; that he was successfully vaccinated on the day of his arrival, and got a medical certificate to that effect; that the Yosemite, on which he departed, had, as he believed, complied with the smallpox regulations before leaving Victoria; that, upon his quitting the steamer, and landing on the C. P. R. Co.'s wharf at Vancouver he was taken in charge by a Vancouver policeman, named Grady, by instructions of the Vancouver Chief of Police, and, against his will, thereupon taken to a hospital on Cambie street and there detained till now; that before he was so taken and detained he was asked no questions respecting his exposure to smallpox or as to the places where he had been previously staying, by any health officer or other officer, in authority; that his arrest and detention are not the result of any criminal charge, but that he was so arrested and has been so detained under color of certain Government regulations relating to smallpox; and further that during his detention he showed the policeman his certificate of vaccination, and that the policeman informed him he was held under verbal instructions of the Chief of Police acting as an officer of the Vancouver Board of Health. The affidavit of the Vancouver Medical Health Officer, Dr. Herald, alleges that according to his information and belief, the City of Victoria *is an infected locality within the meaning of* the Government regulations as to smallpox, there having been for the last 14 days, viz.: from the 9th of July to the 23rd, (the date of his affidavit) "a large number of smallpox cases existing therein," that those cases had "broken out in various parts of the said city and the said disease had been thereby widely spread through the said city;" that "the Health Officers and authorities in Victoria, owing to the increase of smallpox in the said city, and to the great danger there was of the contagion spreading," had "ordered that no meetings should be held, and that the law courts should be closed for the trial of actions, and that the public examinations should not take place;" that when the Yosemite reached Vancouver on the 15th instant, he "boarded her as Health Officer for the purpose of having the freight and cargo disinfected and *examining* and if necessary, detaining any passengers that might be on board the said steamer so as to prevent, as far as possible, the spread of the contagion of smallpox in Vancouver;" that he "then informed the passengers that if any wished to land at Vancouver it would be necessary that they should be held and detained in a place isolated from its inhabitants for a period of time, so that the danger of their spreading the disease might be averted;" that "George Bowack not heeding what was thus said went on shore from the said steamer and defied the regulations;" that "Bowack was thereupon restrained from going amongst the citizens of Vancouver and was taken to a building provided by the city where persons coming from an infected place and *who had been exposed to contagion* were to remain until all danger of their spreading the disease should be past;" that, as a "medical practitioner and health officer," he considered "that it would be extremely dangerous to the inhabitants of Vancouver if persons coming from an *infected locality*, such as Victoria was," between the 15th and 23rd instant, "were allowed to go about the streets of Vancouver without having been thoroughly disinfected and excluded from intercourse with people for a period of 14 days;" that "it is impossible to discover whether a person has the disease of smallpox on him by physical examination until the disease has actually broken out, as the disease takes 14 days to incubate, and though the person afflicted may be thoroughly well to all outward appearances, yet he might have the disease upon him and thereby be capable of spreading it;" that "there are no modern appliances in Vancouver, or," as far as he knows, "on the Pacific Coast, to ensure a thorough disinfection, and" that, "therefore, there is greater danger in allowing people who come from an infected place to go at large." He then instances the cases of two arrivals in Vancouver from Victoria, prior to the 15th, who, shortly afterwards, fell ill of smallpox and who, as he alleges, doubtless quite correctly, must have had the disease in an undeveloped state in Victoria, and on the steamer. He also expressed the opinion, with which one must, as a matter of common knowledge, agree, that the spread of smallpox may be effected by vaccinated persons, as they may carry its germs about them. Affidavits of many other medical gentlemen of Vancouver, who pledge themselves to the statement that Victoria "is, 'according to their' information and belief" an infected locality, have also been placed before me; but as they were all made on the 23d inst. and refer to the sanitary condition of the city at that time, they are not evidence of its state on the 13th and 14th of July, when Mr. Bowack was in the city, for it is only with the latter period that I have to deal. Dr. Morrison, of Victoria, however, states that on the 15th there were about fifty cases in the city, but he abstains from giving an opinion as to whether Victoria was or was not on that account an "infected locality." There is an affidavit of the Mayor of Vancouver, to the effect that he received a telegram from the State of Washington that some of its cities and towns had, to quote the language used, "declared their cities to be quarantined against British Columbia in consequence of the prevalence and spread of smallpox in Victoria." This information, as I pointed out when it was read, is hearsay evidence of such a character that it must be unhesitatingly rejected. It has not even the virtue of being vouched for, as to its truth, by the Mayor. It may be too true, but would a man on trial for his life or liberty lose either on a telegraphic despatch of this sort? I felt surprised when asked to give the telegram any consideration. Independently of this the authorities of Vancouver, as well as those of all other places, must, in matters concerning the health of the public under their guardianship, act on their own judgment, and on substantiated facts within their own knowledge. The next evidence of importance is that of Doctors Davie and Watt of Victoria. Dr. Davie occupies the important position of Medical Health Officer for the Province. He states that having read Mr. Bowack's affidavit, he is of the opinion that the latter *ought not* to have been quarantined "unless a personal examination resulted in the discovery of disease," and that the facts deposed to by Mr. Bowack are sufficient to have justified any medical health officer "in allowing him to go at large." Dr. Watt, who is deputy of the Inspector of Health for Victoria, alleges that, in accordance with his public duty, he inspected and examined all the passengers who went on board of the Yosemite prior to her departure from Victoria on the 15th inst., and that *none were infected with smallpox*, and that, to the best of his belief, *none had been exposed* to such contagion, so as to create danger of their developing it; and that on that day he consequently gave the master of the Yosemite a clear bill of health. In a second affidavit of Dr. Davie, put in yesterday, he controverts the opinions expressed by Drs. Herald and McGuigan to the effect that vaccination does not prevent the spread of smallpox, and alleges that those opinions are opposed to scientific knowledge and experience, which show "that fourteen days after a person has been successfully vaccinated, and for some years afterwards, while it is possible that he may contract and spread smallpox, the probability of his contracting and spreading it is reduced to almost a nullity, unless such protected person has been brought in *immediate contact* with the disease, when the danger of that person communicating the disease to others is limited to his clothing." He also states that as Provincial Health Officer he has "a knowledge of the circumstances connected with the cases of smallpox in Victoria," and that, in his "opinion, the city *was not on the 13th of July or at any time since an infected locality* to such an extent that every person going from the city was, on the 13th inst., or since, would be likely to infect others, unless such person had been brought in direct contact with the said disease;" that "having regard to the number of persons afflicted with the said disease on the 15th of July, not more than from one to two per cent of the population could be said to be at all likely to carry the infection;" and that "a few days or hours residence in Victoria from the 12th inst. to the present time," (that is yesterday), "at the Driard Hotel could in no sense without more, be said to *be an exposure* to infection." The reference to the "Driard" is made as Mr. Bowack put up at that hotel while in Victoria, as appears by an affidavit of Grady the policeman, which I have not hitherto referred to. I have given as considerable length the substance of every pertinent affidavit read in this case, least any fact of importance should escape attention. Moreover, the opinions of the many medical gentlemen, which I have stated, are not only valuable to me as a guide, but are of unquestionable value to the community at large in so far as they impart information as to contagion or infection. Dr. Davie, at first sight, seems to disagree with some of his medical brethren at Vancouver on questions of pathology, but upon a close examination of their affidavits, I find that in the main they are in accord. On one most important fact they materially differ. All the affidavits of the medical gentlemen in Vancouver, with respect to Victoria being an infected locality, refer to its having been so on the 23rd inst.; but suppose, for the sake of argument, that instead of the 23rd inst., the date had been the 13th and 14th inst., when Mr. Bowack was in the city; even in that case, their statements, as they are based upon mere information, cannot prevail against those of the Provincial Medical Officer, whose knowledge derived from experience on the spot justified him, as he must have deliberately thought, in pledging his oath that Victoria *was not* "at the time mentioned, or since" "an infected locality." Being an officer appointed for the Province at large, he is responsible for the protection—not only of Victoria, where he happens to reside, but of Vancouver, and every other locality in the province, against the inroads of smallpox. His opinion, therefore, is entitled to much weight. While this must be the case, equal weight would be due to the opinion of his brethren in Vancouver, if uncontroverted facts called for decision. There is a broad distinction between information, that is second hand, and positive knowledge, that is first hand. In deciding between the two, the latter must, as a matter of common sense, prevail. Dr. Morrison states that there were 50 cases of smallpox in Victoria on the 15th instant. The population of Victoria is 20,000 or over; hence out of every 400 people there was but one patient; but taking the Dominion census of 15,000, there was, on the doctors' showing, one patient to every 300. Dr. Davie's statement, that from one to two per cent. might, at that time, have borne infection seems, therefore, a fair, if not a very liberal, estimate. In view of these facts, can any medical man of repute deliberately stamp such a locality as "an infected locality." Take a village of 100 inhabitants, would a physician who valued his reputation, pronounce it to be "an infected locality," if two or even five of its inhabitants happened to have smallpox? Yet this is what the medical gentlemen of Vancouver have unwittingly done in consequence of information that misled them.

The authority under which Dr. Herald is alleged to have acted appears in sections 8 and 29 of the Health by-laws passed by the Vancouver corporation. Section 8 is as follows: "The Medical Health Officer shall have power to stop, detain and examine every person or persons, freight, cargoes, boats, railway and tramway cars coming from a place infected with a pestilential or infectious disease, in order to prevent the introduction of the same into the city." Admitting, for the sake of argument, that during the period in question Victoria was an infected locality, the question arises, did Dr. Herald comply with this enactment—for it has the force of a statute—in what he did on the 15th instant? He seems to have been fully aware of his duties, for in his affidavit he makes the important statement that he went "on board of the steamer for the purpose of having the cargo disinfected and examining and, if necessary, detaining any passengers so as to prevent the spread of the contagion of smallpox in Vancouver." The by-law authorizes him to stop, detain *and* examine—not disjunctively to stop, detain *or* examine. He did not 'examine,' because, as he virtually says in his affidavit, "what was the use of an examination, for it takes 14 days for smallpox to show itself?" But he was bound to obey the by-law, and to examine the passengers as directed; and if, upon examination, he discovered a case of disease, to detain the patient. That is the meaning of the by-law. As observed by my brother McCreight, such by-laws are drawn with the assistance of medical men, who must have known as well as Dr. Herald that smallpox takes about 14 days to develop itself; hence the requirement to "examine" can have only one sensible meaning, viz., to examine with a view of ascertaining whether a developed case existed. Dr. Herald cannot be said to have acted under section 8, for he did not detain and examine Mr. Bowack, but detained him without examining him. We have therefore to ascertain whether his course was justified by the terms of section 29, which is as follows:—"In case any traveller coming from without the city, or any person residing in the city, is infected with or exposed to any of the diseases mentioned in this by-law, the medical health officer, or board of health, may make effective provision, in the manner which to them shall seem meet and best for the public safety, by removing such persons to a separate house, or by otherwise isolating them, if it can be done without danger to his life, and by providing nurses and other assistance necessary for them, at his own cost and charges, &c." I need not read the rest of the section. Common sense suggests that this section means, that if an incoming traveller is infected with smallpox, or has, according to the Health Officer's *knowledge, been exposed to it*, the Health Officer may remove him and isolate him; and what else? "Provide nurses" for him. The last very proper provision could only apply to sufferers, because only such would need nursing. The authority to detain, isolate and nurse can only refer to patients. To put any other construction on the section would be manifestly improper. Reading the by-law in the light of Dr. Herald's course with respect to Mr. Bowack, the section would give him authority to practically imprison for 14 days every person belonging to Victoria, whether afflicted with smallpox or not, who ventured to land in Vancouver. Travellers, as in Mr. Bowack's instance, would also meet with the same penal fate. The Vancouver authorities, as well as all similar bodies, may usefully follow the example set in matters of public health by England and other civilized countries. No ship with its cargo and passengers coming even from a notoriously infected port is ever quarantined, if she is found on examination at the port of destination to be free from disease. Quarantining is necessarily a severe measure; and no one has ever heard of its being resorted to on mere surmise or apprehension of danger. The imprisonment of one or 100 individuals for 14 days for the purpose of finding out whether he or they might develop smallpox would not be tolerated in barbarous countries, much less within the boundaries of an Empire that justly prides itself on the fact that throughout its legal history of several hundred years the liberty of the subject has been the foremost principle in its constitution. The zeal of the Vancouver Board of Health in endeavoring to protect its wards and guard them against the attack of a loathsome disease is assuredly commendable in the abstract, but that zeal has been carried beyond even the legal limits of the by-laws of their own Municipality. For this reason alone Mr. Bowack would be entitled to his release. But supposing that this were not the case he would be entitled to his discharge on the evidence before me, which I have not yet referred to. Dr. Davie's evidence, as well as Mr. Bowack's, shows that Mr. Bowack could not be said to have been "exposed" to smallpox when living in Victoria. It was not incumbent on Mr. Bowack to prove this, but it was clearly incumbent on Dr. Herald to prove exposure, as section 29 only justified detention in cases of disease or exposure to it. Neither one nor the other existed so far as the evidence goes in Mr. Bowack's case, and there is not a word in any of the bye-laws which would warrant arrest and detention on suspicion or mere surmise. Dr. Davie also, in positive language, swears that from what he daily saw about him Victoria was not on the 13th inst., and has not since been an infected locality in a medical sense. Such evidence, as compared with statements made on information and belief must, according to a well established rule, as well as to common sense, prevail. Mr. Bowack seems to have dreaded the disease, and as far as possible kept out of its way. As I pointed out during the argument, that might be a difficult thing to do. The germs of the disease may be in this court room; but would any sensible person say that on a mere surmise of their presence, every one of us should be marched off to Ross Bay as "suspects?" I think that by putting the case thus, the absurdity of the whole proceeding at Vancouver must be apparent. On the facts deposed to, as well as on the legal construction of the by-laws of Vancouver, Mr. Bowack has been illegally arrested and detained. I must, therefore, order his immediate release, and give him, as requested, the costs connected with his present application.

(Signed). GEO. A. WALKEM, J.

SEMITIC PERSECUTIONS.

Vexatious Accusations Against the Jews Disposed of in Germany.

BERLIN, July 29.—The long drawn prosecution of Buschoff, a Jew residing at Cleves, accused of having murdered a Christian boy for ritual purposes, has at last come to an end. The absurdity of ever having brought charges against the man is now apparent even to the most violent of the anti-Semitic party, who are responsible for what has turned out to be a disgraceful persecution of an innocent man. The dead body of a boy named Hegemann was found in a stable about two months ago, and it had been mutilated in a way that suggested some anatomical knowledge on the part of the murderer. The discovery caused intense excitement in the town, and suspicions fell on the Jewish butcher Buschoff. The case was taken up in the most violent manner by the anti-Semitic agitators, who roundly alleged that the boy had been murdered in order that his blood might be used for Jewish ritual purposes. This charge was repeated in public meetings and in pamphlets which were distributed broadcast through the city. Buschoff was arrested and brought to trial, and after a prolonged investigation he was released, the evidence against him being insufficient. A month later, after the popular agitation had reached an extraordinary pitch, he was re-arrested, the police having obtained fresh evidence, and he was eventually sent for trial before a jury. The proceedings were prolonged. The number of witnesses for the prosecution was 99, while 18 came forward for the defence. Upon the prisoner being called upon by the judge to say whether he was guilty or not, Buschoff declared in the most emphatic terms that he was guiltless of the crime imputed to him. The presiding judge in opening the proceedings pointed out to the jury that the sole motive put forward in the indictment was that Buschoff desired to take revenge on the boy because he had damaged some Jewish gravestones. The evidence brought forward by the prosecution was of so flimsy a character that the jury, although containing several who are known to be in sympathy with the anti-Semitic party, was obliged to acquit the prisoner.

A DISGRACE TO THE COUNTRY.

Serious Reflections Cast Upon the U. S. House of Representatives by a Member.

WASHINGTON, July 29.—The usual monotonous proceedings of the House were enlivened to-day for two hours by a personal explanation of Mr. Wheeler (Dem., Alabama,) who charged that Mr. Watson (Dem., Georgia,) had misstated facts regarding him (Wheeler), and had also published, in a recent party campaign book which he (Watson) had issued, matters reflecting on the dignity of the house and the conduct of its members. The citation from the work was as follows: "Drunken members had reeled about the aisles, a disgrace to the Republic; drunken speakers had debated grave issues on the floor, and in the midst of maudling ramblings have been heard to ask 'Mr. Speaker, where was I?'" Mr. Watson arose to reply, but was constantly called to order by several members, who submitted that he was out of order, and was not confining himself to the objectionable language excepted to. In the course of his remarks he said he stood by every word he had written in the book, and was ready to answer any charge of falsehood that might be made against him. Mr. Tracy (Dem., New York) then called him to order, and he took his seat by direction of the speaker. Subsequently the House, by a vote, allowed him to proceed, and he made a statement reiterating the charges which he said were true, and defied any action which the House might take, saying that he would "appeal to the justice which dwelt in the hearts of the American people" for his vindication, if, indeed, such were needed. The matter was temporarily dropped, but was again renewed by a resolution of Mr. Boatner (Dem.) which was adopted, providing for a committee of five members to investigate the truth or falsity of the statements made.

"I would like to sound the praise of Hood's Sarsaparilla over the entire universe," writes Mrs. Longenecker of Union Deposit, Penn.

CITY COUNCIL.

The Sewage Loan By-Law Discussed at Length—Work Done Severely Criticised.

Proposition to Close the Present Contracts—Ald. Hall's One Million Dollar Scheme.

The City Council sat again, last night, chiefly for the consideration of sundry by-laws. There were present Ald. McKillican, Styles, Hall, Baker, Munn, Bragg and Lovell, with His Worship Mayor Beaven in the chair.

The report of the City Engineer regarding the repairs on Point Ellice bridge was the first order of business. It reviewed the work done, the total cost being estimated at $1,620. This report was received and filed.

The report of the Finance committee, detailing expenses to the amount of $983.29, on the Point Ellice bridge, was received and adopted.

General accounts to the amount of $105.16 were ordered paid.

A report of the street committee explanatory of the Major Dupont drain matter was next read.

"Some expense in the matter had already been incurred, but, on investigation, it appeared better to take the drain down the street, and thus not only own the drain, but avoid expensive litigation over the matter. The cost would be but little greater."

ALD. STYLES—The committee considered it better to get out of the difficulty as best we could. The Council only loses when we enter a suit.

HIS WORSHIP—I think the committee has misinterpreted the Council's instructions. There were no expenditures authorized.

ALD. STYLES—It was only to save expense that we made the suggestions in the report.

As it was learned that there were no funds to carry out the provisions of the report, on motion it was received and filed.

A report of the Finance committee recommending the payment of $100, as salaries for Health officers, was read and adopted, and the amounts ordered paid.

The Council then resolved itself into a Committee of the Whole to consider a by-law to provide for the raising of $300,000, for sewerage purposes.

ALD. BAKER—I wish to know what the loan is for.

ALD. MCKILLICAN—It takes $100,000 to enable Mr. McBean to finish his work, and some $200,000 for branch connections to complete certain areas.

ALD. BAKER—Why were those connections not made when the drains were first opened? It would have been much cheaper. It is not right to ask the ratepayers to sink $200,000 in drains, $10,000 worth of which, will not be used in the next ten years. If the by-law is put before the ratepayers in its present shape, I have no doubt it will be defeated. Though we have spent $300,000, we do not know if we have a good system. The only section which has been tested shows that every pipe was broken. Who will stand the expense of putting in new pipes? To spend $300,000 to connect with a system which is still untested is certainly wrong. If you press this by-law on the ratepayers I will try to defeat it. I think the corporation should take the work in hand. McBean has never done the city one dollar's worth of good, why should we attempt to raise such a sum of money for his benefit? He has used a class of labor which has done this province no good whatever. Will this amount reach James Bay, Rock Bay or the Work Estate? I don't think it will.

ALD. MCKILLICAN—The plan is to run through the business portion of the city, and I don't think they will reach those places. What good are the outlets without connections?

ALD. BAKER—What do we know about the present system? Why should we sink $200,000 in something we know nothing about?

ALD. MCKILLICAN—Why should McBean put in poor work when he knows he will have to replace it? This $200,000 is for the purpose of making connections, without which the present work is practically useless.

ALD. BAKER—McBean is not here for his health, nor is our sanitary engineer, who gets $3,000 per year. They wont hurry.

ALD. HALL—I am in favor of asking for $1,000,000 instead of $300,000. I want the whole matter settled, and now is the time for public work, and it would be as well to ask for a million at once.

ALD. STYLES—We find that the $273,000 already spent has been spent in such a way that $300,000 more is needed to make it of use. This is certainly bad. I am not in favor of contracting for the work. Some inquiry should be made regarding the system before we call on the citizens to spend more money for such purposes. Why should we let this work on contract when we see the matter has been abused? I am in favor of taking the matter in hand by day work, and let Victoria's money be for Victoria. Our citizens are asking for work, but they can't get it under the present system. We have men who can handle these matters as well as anyone. Where does the money go? Why—

"To that grand and distant land,
Ten thousand miles away!"

ALD. LOVELL—I should like to see what has been done proved. It was a mistake to hurry such a large amount of work over a large area without being tested and thoroughly examined. I think it would be better for the city to take the matter in hand and complete the work.

THE MAYOR—The voting of $300,000 does not necessarily mean that Mr. McBean must be allowed to carry out the work.

ALD BAKER—I think it does, and I think that is what he is waiting for.

ALD. STYLES—The work was to have cost $283,000, and now he asks for $300,000 to complete that work. Where is it going to stop?

ALD. BRAGG—A meeting of the Council and sanitary engineers should have been held before this by-law was formulated. I wish to see the workingman protected, and I wish to see the money raised in Victoria spent here, and our workmen get the benefit of the work which is to be done.

ALD. MCKILLICAN—I am surprised at the ignorance of the aldermen, when it is so easy to learn all about the matter.

HIS WORSHIP—I have while in this chair received many communications asking for more funds for the work, and think that is all Ald. McKillican wants to do.

ALD. MCKILLICAN—The by-law defines the area in which the $100,000 shall be expended, and the $200,000 is for the purpose of making connections in that area.

The various clauses of the by-law were then taken up and discussed at length, some minor changes being made as each were taken up.

ALD. STYLES—This matter should be thoroughly investigated before we go on. The defects are glaring. Shall we let them go on, and in a few months come on us for more money to take up the broken pipes?

ALD. BAKER—It looks bad for Ald. McKillican to try and force this matter through.

ALD. MCKILLICAN—You state what is false.

ALD. BAKER—I don't, and you know it. Why do you feel so much in favor of this? There must be some reason. The people won't stand the present methods, and it is wrong to ask them to do so.

It was then moved that the by-law be known as the "Sewerage Loan By-law, 1892." Carried.

ALD. MUNN—I am in favor of waiting for an investigation of what is now done. I think that McBean knows his business, but I know many people do not like his methods of carrying out the work, buying and hiring, etc.

The committee then rose and reported the by-law complete, with amendments, and the Council adjourned.

TORONTO TOPICS.

Canal Tolls Question—Ontario Crops Report—Terribly Hot Weather—Powers of Police Magistrates.

[Special to THE COLONIST.]

TORONTO, July 20.—The Mail's Montreal correspondent says he has been informed on high authority that in view of the retaliatory measures adopted by the United States, the Canadian Government will take steps to abolish the rebate system and to make a uniform toll, or to do way with tolls altogether.

An appeal was heard at Osgood Hall against the conviction by the Police Magistrate of a prisoner charged with forgery. Under recent local legislation the Judge sustained the appeal, ruling that the act was ultra vires of the Provincial authorities and that neither Police Magistrates nor County Judges can convict in forgery cases.

The crop reports from all parts of Ontario show that the crops have all come through the trying weather they have had, and will be as follows: Fall wheat, above the average; spring wheat, average; peas, average; rye, average; hay, the heaviest crop in years.

The temperature reached 94 in the shade at the weather bureau at Queen's Park, yesterday and to-day. There were several prostrations. One of the victims, Patrick Lyons, the teamster, expired after three hours terrible agony. Horses succumbed all over the city, and the Street Car Company was a heavy loser.

Charles Stark & Co., a big jobbing firm, handling watches and sporting goods, has assigned, with liabilities placed at $143,000, and nominal assets at $140,000. The firm less than a year ago was credited with a surplus of over $40,000. The principal creditors are the Bank of Hamilton, $49,000; Union Bank, $15,000, and others in Montreal. Keen competition is said to be the cause.

THREATENED WORKMEN.

Terrible Warning to Homestead Strikers Who Have Been Content to Return to Work.

PITTSBURG, July 29.—Of the total number of Homestead strikers returned to work in the mill, about 125, it is said every man has received a terrible warning of dire punishment if he does not quit work at once. Men on going home have found sandbags tied to their doors every morning for the past week, and requests and warnings have been hung on the front door knobs. They have received letters through the mails which contain bloodthirsty threats of punishment for deserting the ranks of the strikers. In addition to this, committees of strikers have approached each man and personally warned him of his peril in remaining at work. These threats have been reported to the Carnegie officials, who have promised protection, both inside and outside the works. The strikers have driven six formen out of the best paying department in the Homestead mills. The men earned $12 a day each. They were told to leave off work under pain of being violently dealt with, but they stayed for a week. Then when one of them was caught outside of the mills he was severely beaten. The others were told they would be murdered if they did not leave. Six foremen left on Monday and were given by the officials ten days to return or their positions would be forfeited. Two of them returned, but they were late and were not re-employed.

UNYIELDING "ORTHODOXY."

Another Presbyterian Heretic Being Hunted by the Fathers—His Church Support Him.

LONDON, July 28.—The Presbytery of Berwick met to-day to consider the case of Rev. Mr. McGuffie, the eloquent young Scotch minister who was ordered by the synod to cease preaching in the little border village of Fal, because of his alleged unorthodox expressions of doctrine. Mr. McGuffie refused to obey the order, and his congregation threatened to leave the English Presbytery and join that of Scotland, or else maintain an independent church all by themselves, unless they could have Mr. McGuffie as their pastor. These facts being laid before the Presbytery, to-day, several members expressed their doubt of the wisdom of proceeding to extreme measures, but the majority were furious at being openly defied by a minister, and voted for Mr. McGuffie's formal deposition from the ministry of the Presbyterian church. It transpired that his congregation have already decided to sever their connection with that body, and it will not make advances to the Scotch church but will remain independent. They have granted Mr. McGuffie an adequate salary for his services. The minister is, however, too much of a fighter to be satisfied with the existing state of affairs, and he is debating the possibility of testing in court the legality of his expulsion. Several good lawyers have advised him, however, that he has no case against the Presbytery.

THE LATEST FROM BEHRING SEA.

Captain Meyers makes a Quick Run—The Albatross Condemned and Ordered to Mare Island.

The "Northern Light" Disaster—Sailors must Sink or Swim with the Ship.

Commissioner Macoun's Investigations—No Seizures of Sealers as yet Reported.

The C.P.N. Co.'s steamer Danube, Captain Meyers, arrived in Esquimalt harbor at 10 a.m. yesterday, flying the flag of the British navy. She was seven days from Ounalaska, bringing mails and dispatches from the warships in Behring Sea and being under orders to return to the North at once with additional supplies and the accumulated mails of the fleet.

When the Danube arrived at Ounalaska she found the Melpomene awaiting her appearance; a few days later the Daphne also came in. Mr. Macoun, the Behring Sea Commissioner, was on board the latter ship, which went out again the same day to take Mr. Macoun and Mr. Maynard, the photographer, to the seal islands.

In Ounalaska harbor, while the Danube was discharging her supplies, there were, besides the British men-of-war, the U.S.S. Yorktown, Ranger and Adams, and also the Albatross, fish commission steamer, and the revenue cutter Corwin. The American ship Glory of the Seas, was discharging coal, the General Fairchild taking on ballast, and the merchant steamer St. Paul loading for San Francisco, to sail on July 24.

There were also a number of whalers in port to obtain supplies and deliver their catches of whalebone, for transhipment home. The California was one of these; she had one whale. The Bounding Billow had been in great luck, reporting a catch of seven.

The whaler Northern Light had put in for repairs, after striking on a reef off Middleton Island. Particulars of her accident were given in the COLONIST exclusively about a fortnight ago. The means to repair the vessel not being obtainable in Ounalaska, she was ordered to proceed to San Francisco. Considering the ship unsafe, the greater number of the crew refused to go to sea in her, and they were, in consequence, put in irons and locked up in the hold, until the ship was too far out to permit of desertion being thought of. The captain thinks that the unwilling sailors will be glad to obtain their release in order to secure their share of exercise at the pumps.

The U.S.S. Albatross was also under orders for San Francisco, for repairs, when the Danube left. She arrived at Ounalaska from Puget Sound, July 10, with her boilers in such a bad condition that a Naval Board of Survey, held three days later, condemned them as unsafe and "too far gone" to permit of the Albatross prosecuting further her mission in Behring Sea.

When Captain Meyers bade her good-bye the Albatross was being patched up as well as possible with the poor facilities at the command of the machinists, the understanding being that she was to sail for the Mare Island navy yard about the first of August.

The revenue cutters Richard Rush and Corwin have been detailed by Commander Evans, of the Yorktown, commanding the U. S. naval forces in Behring Sea, to carry on to completion the work necessarily left unexecuted by the Albatross in regard to the movements and habits of the seal in the open sea.

On July 21, just after the Danube left Ounalaska, the U. S. Revenue Cutter Rush was seen at 5:30 p.m. making for Ounalaska harbor with a schooner in tow. Before Captain Meyers got close enough to see more of the cutter and her captive the fog shut down and no more was seen of either. As the Rush had been cruising near Unimak Pass on the lookout for sealers it is possible that she may have captured one of the fleet in that locality. When the Danube left no report of any seizure had been made.

The Danube's passage down was marked by foggy weather, and no vessels were fallen in with.

Excited Over Cholera.

BERLIN, July 29.—The Cpelnische, St. Petersburg, correspondent says that all sorts of attempts are being made in the provinces and at the capital to create disturbances by means of the cholera scare. Reports have been spread to the effect that German sausages have been infected purposely by the makers with the disease, and that it is sure death to eat them. Several butcher shops in Astrachan and Saratov have been wrecked by the people believing these reports, and similar disorder has been created in other stricken cities. The prefects of police, in the cities in question, have issued proclamations threatening the men responsible for the reports.

Scrofula in the Neck

The following is from Mrs. J. W. Tillbrook, wife of the Mayor of McKeespert, Penn.:

Willie Tillbrook.

"My little boy Willie, now six years old, two years ago had a bunch under one ear which the doctor said was Scrofula. As it continued to grow he finally lanced it and it discharged for some time. We then began giving him Hood's Sarsaparilla and he improved very rapidly until the sore healed up. Last winter it broke out again, followed by **Erysipelas.** We again gave him Hood's Sarsaparilla with most excellent results and he has had no further trouble. His cure is due to

Hood's Sarsaparilla

He has never been very robust, but now seems healthy and **daily growing stronger.**"

HOOD'S PILLS do not weaken, but aid digestion and tone the stomach. Try them. 25c.

Highest of all in Leavening Power.—U. S. Gov't Report, Aug. 17, 1889.

Royal Baking Powder

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