

Highest of all in Leavening Power.—Latest U. S. Gov't Report

Royal Baking Powder ABSOLUTELY PURE

THE COURTS OF LAW.

Mr. Justice Drake Refuses to Quash the Conviction in the McAnn Case.

Argument Heard by the Full Court Yesterday in Griffiths vs. Canonica and Balston.

A judgment on an interesting point of law was given yesterday by Mr. Justice Drake on the motion to quash the conviction of one McAnn by Magistrate Wright, of Kaslo. The judge refused to quash the conviction, his reasons being as follows:

The magistrate in this case having convicted the defendant on an infraction of a by-law adjudged a penalty which was in excess of the penalty allowed by law. The conviction was drawn up and transmitted to the county court in accordance with section 81 of Cap. 28, 1889, of provincial statutes. On 17th December, 1895, a rule nisi to quash the conviction was obtained. In pursuance of the rule the magistrate returned an amended conviction, omitting the hard labor which had been imposed in the first instance. The point was raised that after a conviction had been returned to the county court and there filed no amendment could be made. On this point the magistrate returned a good one. I don't think Lord Coleridge means that after a conviction has once been returned to the quarter sessions it cannot be altered in any respect, as the contrary has been held in many cases.

SEEL WOOD, cap. 9, p. 7, and Ellis, N.S., 216. But a conviction imperfect from some error or omission in drawing it up, although returned to the county court, can be cured by returning a good conviction in answer to a writ of certiorari. The statute 12 and 13 Vic. cap. 45, sec. 7, was passed in order to remedy a frequent failure of justice owing to conviction being set aside on objections to the form of the order or judgment irrespective of the truth or merits of the matters in question, and it enacts that if upon return of a writ of certiorari any objection shall be made on account of any omission or mistake the court on proof can correct the same, and until the conviction is formally returned the magistrate can return a good conviction without the errors or mistakes complained of. Chaney v. Payne, 1 Q. B., 712. The question then arises whether the adjudication which inflicted hard labor when the magistrate returned a conviction omitting the hard labor be treated as bad. The case of Regina v. Hartley, 20 Q. B., 451, seems very much in point, and the case of Regina v. Brady, 12 Q. B., where the court held that the adjudication varied by a change in the infliction of a fine or imprisonment, that such a step could only be taken in the presence of the defendant, being in fact a new judgment, was not overruled. The court can only look at the conviction returned, and that conviction is valid on its face. The original adjudication imposing hard labor was not acted upon; if it had been I think the defect could not be cured by returning a valid conviction in answer to a writ of certiorari.

THE APPEAL IN GRIFITHS V. CANONICA and Balston was heard before the full court yesterday. Griffiths leased the ground on which the Sunnyside hotel in Vancouver is built for 25 years. At the same time Canonica entered into a written agreement with Griffiths to purchase the building for \$800, to be paid in instalments. Canonica then sublet the premises to Balston for ten years, but never paid anything under the agreement. An action was brought to set aside both leases and the agreement, and the Chief Justice gave judgment for plaintiff in the court below. From this decision the present appeal is taken on the ground that the non-fulfillment of the terms of the agreement would not forfeit the leases. Decision was reserved. Mr. John Campbell for appellant (defendants), Mr. J. A. Russell for respondent (plaintiff).

RIGHTS OF AN ENGINEER. The Canadian Engineer, the organ of the profession in Canada, thus refers to the recent trouble between Mr. G. E. Jorgensen and the Victoria city council, under the caption "The Rights of an Engineer":

"A civil engineer is engaged by a city to perform certain services requiring special education and skill, which are not possessed by his employers. In everything calling for the exercise of these qualifications he is sole judge, and his advice cannot properly be set aside without consultation with other and presumably better qualified members of the profession. Much less can those who engage him themselves decide upon a course of action contrary to that which he believes to be correct; and compel the engineer to carry it out on pain of dismissal. The physician is not told that unless the patient approves of the treatment he will be dismissed. Nor would a surgeon be ordered from a patient's bedside because he declined to amputate a limb at the request of the relatives. If the mat-

ter of the amputation had been one which by a written contract was left to the decision of the surgeon, the propriety of such a dismissal would become more evident.

"Such views of the duties of professional men are not held everywhere as shown in the recent outrageous dismissal by the city council of Victoria, B.C., of G. E. Jorgensen, C.E., on the 12th February, because he refused to sign a letter which the Mayor had written to Walkeley, King & Casey, contractors for waterworks improvements at Beaver lake. This letter laid down conditions as to the extension of the time for the completion of the works which were contrary to an agreement already made between the contractors and the engineer, and were considered unreasonable by him. In addition to this fact the matter of extension was one placed at the discretion of the engineer by the contract between the city and Walkeley, King & Casey."

"Upon the very proper refusal of Mr. Jorgensen to sign this letter he was suspended by the Mayor under his power to inspect and order the conduct of the officers and employees of the corporation and to suspend them for negligence or carelessness or violation of duty. One of the councillors was of the opinion that it was a serious matter for the council to blacken the young man's reputation as an engineer by acting so harshly. He need not have wasted time on that view of the case; the action of the Victoria city council is a testimonial of the highest character, and will undoubtedly do more to advance Mr. Jorgensen in his profession than many years' engagement with a body of men who possibly believe that an engineer is an official whose sole duty is to aid his employers in taking advantage of those who are so unfortunate as to be brought into business relations with them."

THE CITY.

A TELEGRAPH office has been opened at Milne's Landing, Sooke harbor, with a rate of 25 cents from Victoria.

A PUBLIC highway has been established by the provincial government from Queen's bridge to the North Star Hydraulic Mining Co.'s property.

MR. ARTHUR RUTHERFORD JOHNSON, of Nanaimo, has been appointed a member of the board of licensing commissioners and a police commissioner for the city which he makes his home.

CUNNINGHAM & HINTON, electricians and dealers in electrical fixtures and supplies, have dissolved partnership, Mr. G. C. Hinton continuing. Mr. Cunningham has returned to Ottawa whence he came a few years ago.

YESTERDAY MR. ANSON WHEELER, of the Manitoba bar, who has been admitted to the bar of this province, was presented to the full court by Mr. F. B. Gregory and took the usual oaths. Mr. Wheeler intends practicing at Kaslo.

The funeral of the late Dr. John Hall took place yesterday, and was attended by a large number of friends. At the house and graveside Rev. W. Leslie Clay conducted the services, the pallbearers being Messrs. T. Anderson, A. Wilson, E. Temple, W. McGregor and D. A. Irving.

MR. JAMES DUNSMUIR gives emphatic denial to a report put in circulation yesterday to the effect that it was intended to close down the Wellington mines to a large extent and to almost abandon the matter, said the whole story was untrue, as his company had no intention of making the rumored changes.

The Epworth Leagues and Sunday schools of the Methodist churches of British Columbia will meet in convention in Vancouver from May 21 to 24. Rev. Mr. Crews, general secretary of Epworth leagues and Sunday schools, and Rev. Dr. Carman are expected to be present. At the B. C. conference meeting takes place at Westminster about the same time, many ministers will no doubt be present.

A COMMUNICATION from Hon. Mr. Prior and Mr. Thos. Earle, M.P., to the board of trade states that for the purpose of giving a much desired mail service to the Canadian Yukon country, the Dominion government has decided to award a contract to Capt. William Moore, the veteran explorer, to make three trips from Juneau to Fort Cudahy and Fort Mile Creek at \$600 a trip. Owing to the extreme difficulty of the route, only letters will be carried. The first mail leaves Victoria on May 18 by the Topeka. Capt. Moore goes to Alaska at once to make his preparations. From Juneau the mail will be carried by steamer to the head of Lynn canal, and thence will be packed by men through the White pass route to Tooshie, from which point there is water communication with Fort Cudahy by the Yukon river. Hitherto there has only been one mail a year into the Yukon country.

Last evening the anniversary of St. George's Day was celebrated in the A.O.U.W. hall by a large number of the Sons and Daughters of St. George and their friends. A very enjoyable evening was spent under the chairmanship of President Penketh, of the Sons, who delivered an admirable address on "The History of Our Beloved Order." The programme: Song, Bro. Greenhugh; address, Bro. Richard Penketh; song, Sister Greenhugh; address, Bro. Hobbs; song, Bro. Ashley; song, Bro. Gough; song, Sister Bradbury; address, Bro. Price. A vote of commendation was carried out on pain of dismissal. The physician is not told that unless the patient approves of the treatment he will be dismissed. Nor would a surgeon be ordered from a patient's bedside because he declined to amputate a limb at the request of the relatives. If the mat-

CONTRABAND GOODS. RUNNING A WINDMILL.

Cargo of a Smuggling Schooner Seized at Oak Bay Yesterday.

One of the Fleet Destined for Cook's Inlet Supposed to Be Lost.

A customs officer in making an early morning visit to Oak Bay yesterday came across something which at once aroused his suspicion and caused him to make a survey of the locality. On the beach close to the water lay two incubators, while a short way out at sea, partially in the lee of Trial island, a schooner was bending great sheets of sail and was soon speeding at a steamboat rate in the direction of Discovery island. The officer could come to no other conclusion than that it was a case of smuggling, but the supposed smuggler was rapidly disappearing. While considering where to go in the morning rumbling down the Oak Bay road giving him a new idea as to the mysterious proceedings going on around him. "Upon the very proper refusal of Mr. Jorgensen to sign this letter he was suspended by the Mayor under his power to inspect and order the conduct of the officers and employees of the corporation and to suspend them for negligence or carelessness or violation of duty. One of the councillors was of the opinion that it was a serious matter for the council to blacken the young man's reputation as an engineer by acting so harshly. He need not have wasted time on that view of the case; the action of the Victoria city council is a testimonial of the highest character, and will undoubtedly do more to advance Mr. Jorgensen in his profession than many years' engagement with a body of men who possibly believe that an engineer is an official whose sole duty is to aid his employers in taking advantage of those who are so unfortunate as to be brought into business relations with them."

THE NORTH BOUND MINERS. News comes via Port Townsend, through the arrival of the schooner Falcon, Captain Peterson, from Kodiak, Alaska, at that port, that the loss of the trading schooner Seventy-six, which left Kodiak about four months ago manned by five men for a trading cruise. Her provisions were only sufficient to last a few weeks, and the vessel has never been reported it is surmised that she has been lost with all on board. The Falcon also brought the news that Cook's Inlet is full of floating ice and vessels are unable to get through. There are eight vessels bound to the inlet from Puget Sound carrying six hundred miners besides large quantities of freight and some live stock. Much trouble is being experienced for the safety of the vessels, many of which are being wrecked in a seaworthy condition when they left the Sound. Officers of the Falcon say if the vessels attempt to force an entrance into the inlet they will certainly be crushed by ice. The fishing schooner Lizzie B., which left Port Townsend a month ago bound for Kodiak, has returned to that port in distress, having run short of water and provisions after making 200 miles against head winds and terrible seas.

THE SUTTON LUMBER AND TRADING CO., Ltd., will shortly remove their head offices from Uclulet to this city.

The stone work in the government printing office, the west wing of the new parliament buildings, was completed yesterday. The contractors expect to finish the whole of the stone work in September next, and with this view no time will be lost in finishing the right wing of the buildings. Much stone has yet to be dressed before actual erection work goes on.

The open meeting of the Sir William Wallace Society last evening was well attended by members and friends. Mr. S. White presented a large pen sketch of Carlyle's statue to the society. It is a work of art, and will be an acquisition to the collection of pictures which now ornaments the hall. Songs and recitations with the Pib Mohr national airs by Peter McLeod, made up the evening's entertainment, after which a short business meeting was held.

MR. JUSTICE DRAKE yesterday dismissed the appeal of Wong Ah Quock from the decision of the police magistrate in one of the Chinese theatre cases. Ah Quock's charge of assault against Teng Ying was dismissed by the magistrate, and Ah Quock had to pay the costs. From this the appeal was taken, and a new trial was held before Mr. Justice Drake in the court court yesterday. As in the Ah Moon case the evidence on one side was entirely contradictory of that on the other, the court decided not to interfere with the decision of the magistrate, and accordingly dismissed the appeal. Mr. Thornton Fell appeared for Ah Quock; Mr. Frank Higgins for Teng Ying.

A VALUABLE and highly interesting contribution to the provincial museum is expected to arrive within the next few days from Ottawa, having left the Dominion Capital on the 17th inst. The nature and importance of the expected contribution is outlined in the following memorandum from Mr. John J. McGee, clerk of the privy council of Canada, which reached Curator Fannin yesterday: "I have this day forwarded to you two cases containing one complete set of the reports of the scientific results of the voyage of H.M.S. Challenger during the years 1873-6, presented by the Hon. Commissioners of Her Majesty's treasury to the provincial museum at Victoria. Will you be good enough to acknowledge the receipt of these volumes in due course."

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COOK'S INLET SUPPOSED TO BE LOST.

Two mining men staying at the Driard are W. E. Harris, of Rosland, and Harry Howson, of Sandon. Speaking of the wonderful development of the Rosland and Trail Creek country, Mr. Harris remarked that the rich mines were not confined to one particular district for he believed that many other mines just as rich as the great properties already developed would soon come to the front. A good deal of attention was being drawn to Murphy creek, some fifteen miles north of Rosland, and there would be great activity there this season. Many claims had been staked as of promising a character as any yet found, and it would be only a little while before Kootenay proved itself the greatest mining country in the world. Mr. Howson, who has been employed on the Slovan Star in the Kaslo-Slovan country, said that this mine has been shipping for several months past an average of six tons a day, and that one day, averaging about 130 ounces of silver to the ton. The Slovan Star is somewhat different from the generality of Slovan mines, for it is distinctively a

CONCENTRATING ORE BODY OF IMMENSE SIZE.

An Exhibition by Aldermen Macmillan and Marchant at Last Evening's Council Meeting.

To Compel Land and Not House Owners to Pay for Health and Education Services.

The city council at their special meeting last evening opened proceedings by adopting Ald. Cameron's resolution constituting Mayor Beaven, Ald. Humphrey, Glover, Tiarks and Marchant the court of revision for the year. They then debated the resolution offered by Ald. Marchant, providing for placing the city carpenter under the control of the street superintendent. It appeared that the mayor had not consulted the streets committee about the motion, and the chairman of that committee therefore took exception to it without further explanation. Ald. Marchant explained that the idea was simply to have one foreman less. The motion was carried. Consideration of the estimates was resumed, in committee of the whole, the rate to be levied on improvements for health and educational purposes being first discussed. The Mayor pointed out that with the levy of 1 per cent. for health and 2 per cent. for education, proposed in Ald. Williams' resolution, added to the rates upon land and improvements already decided upon, the total levy this year would be the lowest for six years. He gave figures showing this with the rates for each year. On figures, the rates for purposes of comparison being stated upon the basis of the assessment of improvements at 100 per cent. of their valuation, were as follows: the rates being stated in mills on the dollar:

Table with 5 columns: Year, Land rate, Imp. rate, Total rate, Levy. 1891: 15, 7 1/2, 22 1/2, \$228,000. 1892: 15, 7 1/2, 22 1/2, 378,000. 1893: 15, 7 1/2, 22 1/2, 378,000. 1894: 15, 7 1/2, 22 1/2, 378,000. 1895: 15, 7 1/2, 22 1/2, 378,000. 1896 (proposed): 18, 8 1/2, 26 1/2, 292,500.

The extension of the city limits took place in 1892. In 1893 there was a special rate of 6 per cent. on land for public health purposes. In 1895 there was 1 per cent. for board of health and 2 per cent. for education levied on land, the same as already agreed to last year. Several of the aldermen last evening opposed considering the application of these two special rates to improvements for health and education, but their valuations as well as land. The council decided against them on division, Ald. Macmillan and Marchant declared their intention of obstructing the proceedings so as to compel the Mayor to reconsider the estimates before this rate should be fixed. In accordance with their threat the two aldermen proceeded to turn upon each to the full limit of ten minutes permitted by the rules of the council.

After more than an hour had thus been taken up by the two aldermen mentioned, Ald. Tiarks asked the Mayor if there was no means of putting an end to this obstruction. The Mayor replied that each alderman had the right to speak ten minutes on each motion; and Ald. Macmillan talked on. After a further hour's obstruction, the levy of 2 per cent. for education before this rate proposed was agreed to; and the council passed a resolution that the levy of 2 per cent. for health was taken into consideration. Obstructive discussion was carried on until 10 o'clock, at which hour business must cease unless determined otherwise by a two-thirds majority. The committee therefore rose and the council decided to take up this business again on Monday evening.

QUEEN'S BIRTHDAY CELEBRATION.

In addition to the great features of the Queen's Birthday celebration the regatta on the Gorge on May 25 and the sham fight and review of the naval and militia forces on the morning of May 26, the sports and games committee later added a number of other events to the programme. On Saturday, May 23, there will be the league baseball match, Victoria v. Portland, at which the annual bicycle races at Oak Bay. Mr. H. G. Ross, secretary of the Fifth Regiment Rifle Association, put in a word for a rifle match on the morning of Monday the 25th. At 10 o'clock on Monday the Capitals, of Victoria, play the Vancouver lacrosse club at the Caledonia grounds; and in the afternoon the league baseball match, Victoria v. Seattle. Capt. Gen. Weyler has at last expressed his view of the situation in Cuba, both present and prospective, which, he claims, is very encouraging to the Spanish cause. He says the rebellion is broken up than he expected would be the case, considering its earlier development. In view of the demoralization and lack of resources throughout the island, but especially in Pinar del Rio, he expects the pacification of the island is only a question of about eight months' time. He believes it to be impossible for Maceo to get out of Pinar del Rio even in the rainy season.

Private information has been received here of an engagement between the Spanish column commanded by General Melquillo and the insurgents under Aguirre. The latter lost 62 killed. Gen. Weyler says he is very confident he is unable to provoke an uprising of the mass of the country folk, as they are worn out with the destruction and crime already affected in the region, more so as eastern sympathizers refuse to come west.

COOLMEN'S SURRENDER.

HAVANA, April 25.—It was reported today that one thousand insurgents in the province of Pinar del Rio had surrendered unconditionally to the Spanish authorities. The town and district of Baracoa, province of Santiago de Cuba, was described as being in a horrible state on account of famine. During the month of March, of last year, only nine persons in that district died, but this year during the same month, seventy-one persons died. There is said to be great discontent between the whites and the blacks who compose the insurgent armies in the field. They all want to be leaders, it appears, and it is asserted that the blacks say that when Antonio Maceo returns eastward he will have to fulfil his promise of seeing that the negroes are treated on an equality with the whites.

On the other hand, it is rumored that Maceo is worn out with fatigue and unable to cross the military line. Under these circumstances, it is added, he is going to try and save himself and others. The plan, as outlined here, is to have his forces make an attack upon the military line, and if they are repulsed with serious loss he will propose to capitulate. Other versions of the story has it that Maceo will not try to cross the line until President Cleveland decides upon the question of the belligerence of the Cuban insurgents. An American named Greenville, described as being a correspondent of Puck, has gone into the insurgent camp.

Col. Echevarria, who was removed from his command and summoned to Havana to explain his failure to support the forces of General Gomez, will shortly resume the command of his regiment. The report that he has been imprisoned is unfounded.

E. J. Palmer, of the Victoria Lumber and Manufacturing Co., Chemainus, is at the Driard.

NEW KNIGHTHOODS.

Order—Cuban Rebels Not to be Recognized as Belligerents.

Plague Raging in Canton—Why Resignation of French Ministry Was Delayed.

LONDON, April 24.—The Gazette announces that a new order of knighthood, the Royal Victorian, has been created.

The Paris correspondent of the Daily News says: "It is stated that the resignation of the cabinet was delayed to enable them to consult the Russian ambassador, who discouraged the policy of radical resistance to the senate." The Times has a deplorable plague in Singapore which says that the plague is raging in Canton.

Senator Canovas del Castillo has declared that the Cuban rebels are recognized as belligerents and are therefore greatly discouraged. He says that 1,500 of them have recently yielded, and this is continued at this rate the government will offer them inducements to surrender. The Times says it is credibly informed that the North German Lloyd's Steamship Company is asking for tenders for the building of five steamers of five thousand tons each for the Brazil trade.

The Argentine cabinet favors the suggested basis of the settlement of the frontier difficulty with Chile. The Daily News asserts that it is almost certain that the cattle diseases bill, looking to the restriction of the importation of Canadian cattle, will be abandoned by the government.

The religious marriage of Maj. Patrice de MacMahon, son of the late Marshal MacMahon, president of France, to Princess Marguerite of Orleans, was celebrated at Chantilly yesterday. The funeral of M. Mason, the distinguished political economist, took place yesterday at Paris and was remarkable for its simplicity, in accordance with the wishes of the deceased.

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