

COMES BACK TO DAWSON

Captain Donovan Has a Trip Abroad

London and New York Capitalists. Irish People Are Contented. Wonders of Marconi.

Captain John J. Donovan returned from a trip to the "ould sod" on Saturday and is staying at the Regina. He had not visited his old home in County Cork for twenty-two years, and was much surprised at the general change which has taken place there.

"It seemed to me," said the captain this morning, "that Ireland's troubles are practically over. I found the people entirely contented and generally prosperous. I do not believe that there will be as large a migration to Canada and the United States as there has been in the past."

When asked in regard to the Chute & Wills deal the captain said he believed it had gone through but he would prefer to say nothing about it as Chief Wills would be in a few days.

"By the way," he said at the conclusion of a chat this noon, "I do not think you fellows up here realize what a wonderful thing that Marconi system is. I came back on the Lucania, and when two days out sent a message to my mother in Ireland and received a reply. On the same vessel was a detective named McCarthy who was bringing from England a man who had been extradited for a murder committed at the Chicago World's Fair."

After a couple of weeks spent in his old home the captain says that he went to London, which he found very quiet. The country was suffering from the conclusion of the Boer war at the time. That was in January. Also it was the rainy season there, and that helped to make matters seem worse to the visitor.

The death of Capt. W. J. Doane, one of the early pioneers of this province, is announced from Olympia, where he passed away on Thursday, December 16th, 1825. In the pioneer days of British Columbia he was a participant in the Fraser river excitement. In Cassiar he enjoyed the distinction of having built the first steamer, packing the material used in her construction over the mountains two hundred miles. At different times he held the command of the steamers Union, Enterprise, Diana and Eliza Anderson. From here he and his family moved to California, where he remained until 1872, when he returned to Puget Sound, locating in Olympia. The captain was married in this city to Elizabeth Prendergast. He leaves two sons—Victoria Times, Feb. 17.

The Seattle Times says: "The local customs officials are making an effort to find the headquarters of a gang of Indian smugglers who are almost daily landing Chinamen from Victoria in Seattle and points about the Sound. It is stated that the Indians take the Celestials aboard their small boats and dress them in the garb of the squaw. In that way they pass many of the officials unnoticed. The revenue cutter Grant and the launches Guard and Scout are daily making trips about the harbor and in the vicinity of Salmon Bay in an effort to run down the smugglers."

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"But I will tell you what every Canadian I saw took a deep interest in," he observed, "and that was in the election of Ross. I left here on the 12th of October, and was in Canada when the news came of his election. Everybody seemed to be jubilant about it, and the Canadians in London were particularly pleased. I was surprised to find how widely and favorably Mr. Ross was known. But they keep up with things taking place here pretty well. While I was in Ireland a friend brought me a morning newspaper with an account in it of the Second Avenue fire. The report said that the thermometer was at 88 below, and that the extreme cold was killing off the Indians but that the whites were standing it pretty well. "But I did not hear much talk among the capitalists of the old country as to the Klondike. It was, as I said, an old story with them, and their eyes were then turned in the direction of South Africa. In New York city Alaska seemed to be having quite a boom. It looked to me, from all I could hear, as if the Valdes railroad was bound to go through. The company had large offices there, with a big sign 'Valdes & Eagle City Railroad,' and it seemed to be doing business. When I got to Seattle I was told that Captain Healy's Valdes railroad scheme had been thrown down in some way I did not quite understand, but I do not think this had any connection with

JUDGMENT AMENDED

Important Decision by Mr. Justice Craig

Accounting is Directed in Case of Bank of Commerce vs. the Syndicat Lyonnaise.

Mr. Justice Craig this morning rendered a supplemental judgment in the case of the Canadian Bank of Commerce vs. the Syndicat Lyonnaise and Joseph Barrett. After rendering the original judgment in the case, counsel for the Syndicat applied to have such added to or varied by directing an account to be taken between the bank and Barrett for the purpose of ascertaining if any surplus remains in the hands of the bank on the payment of the mortgage sued upon over and above the amount of their claim against Barrett, and that upon such balance being ascertained directions should be made to set off the same against the damages recovered in the action against the defendant Barrett.

It was argued that his lordship had no power to alter or vary the judgment once given, but upon that point the court held differently, submitting in the supplementary judgment a number of citations in point with his decision. After clearly defining the position taken, his lordship continues:

"In this case while the particular relief now asked for was not definitely applied for in the pleadings, yet it was indirectly asked for in that the defendant Syndicat asked to have the entire damages set off against the bank, as being the assignee of the defendant Barrett. I held that the bank should recover, and the main ground for so holding was that they took the benefit of the vendor's lien for unpaid purchase money under the assignment which I held was a void assignment, but it gave them that equitable relief. I think this is a case where if the relief can be given at all it should be given. The damages arise out of one transaction. No further evidence could have been given upon the case which would throw any further light upon the relations of the parties than has been given. The plaintiffs will suffer no wrong by the change being made now. They could not have strengthened their case upon this branch of it even if the amendment had been made before the trial."

Mr. Davey on behalf of third persons now creditors of Barrett, claims a right to interpose and be heard on behalf of his clients who he alleges and who it is suggested by the bank have obtained an assignment of the fund now sought to be affected. I do not think that these parties have any status to appear before me on this motion. I have read the cases cited to me by Mr. Davey and I do not think they are at all applicable. He might just as well have asked to be heard on the argument on the original case without being a party to the suit. I do not think he has any equitable ground to be heard, either because if effect is given to his contention, then the creditors of Barrett would be enabled to realize upon an estate which was never an estate of Barrett's but made such in roundabout fashion by the mortgage or vendor's lien, against the defendant Syndicat.

"It was also objected that this is a set-off, which cannot be raised in this action, there being no recovery against the bank by way of counterclaim or set-off, and the counterclaim being recovered in what is practically a cross action for deceit against Barrett it cannot now be set off by any proceeding or account against the plaintiffs, the bank, that they should not be delayed by any such inquiry. The defendant Barrett was not properly made a third party in this case until the trial as he had not been served with notice of the claim. The bank, however, was served with notice of the claim when they were served with the defendant's counterclaim, and at the trial by consent Barrett became a party regularly to the suit. I think the third party pro-

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ceedings provide for this very kind of case, and I think the rule in a strict interpretation, provides for set-off against the plaintiffs, just such claims as these which arose against third parties who are parties to the action and of whose claims notice has been duly given under that sub-section 3.

As to the time at which the account shall be taken I do not think that I should grant the request that the account be taken at the date of the transaction of the mortgage. I do not think the position of the bank should be prejudiced in any way by this accounting between the Syndicat and Barrett. They had full notice of the claim, and of all the allegations on which this amended judgment is based when they were served with the defendant's counterclaim, and the account should be at that date and should not affect any dealings between Barrett and the bank prior to that date.

There will then be direction for an account to be taken as between the plaintiffs and the defendant Barrett at the date mentioned, but upon the terms that the defendant Syndicat pay into court the sum of \$74,000, that is, pay in such additional sum as with the sum now in court will amount to \$70,000, upon the taking out of the order of reference of the acting clerk of the court, Mr. J. S. Mackay, who will take this account, and that the balance, if any, found in the hands of the bank more than enough to satisfy their claim, costs of action and the costs of reference, shall be applied in satisfaction, pro tanto, of the claim for damages of the defendants against the defendant Barrett, and the judgment will be amended accordingly.

Off for the Tanana

Two more outfits left for the Tanana this morning at 11 o'clock consisting of Howard Martin and Malcolm Campbell. They each had a team of three dogs and their sleds were heavily laden for such a long march and with such a small team. Quite a number of their friends saw them off and there were a number of predictions made that they would never reach their destination with their outfits unless they secured more dogs en route.

Treasure Island May Belong to the United States

I was in the palace in Havana when President Palma accepted for Cuba the temporary guardianship of the Isle of Pines, pending negotiations; and desiring to see this bit of earth which might some day be ours, lying less than a hundred miles to the south, I set out for its shores as soon as the celebration was over.

The island's dim peak came up over our horizon early in the tropical morning, grew to a glowing mountain by noon, but it was not until the sun was going down in the most gorgeous of skies that we entered the mangrove-bordered estuary which lets the boats of modest keel up into the level stretches of what seemed at a distance but a luminous cone. It was nightfall when we reached the wharf of the little pueblo-capital, Nueva Gerona, and I stumbled then through the darkness a mile or two farther across the fields to the hospitality of an American resident who with a Danish cook, an ice-plant, and a swimming pool built across the path of a stream of sweet cool water, was moving the boundaries of civilized and temperate happiness nearer the equator.

It was not till the afternoon of the second day that, wandering alone about the hacienda, I came upon Stevenson, reembodying in that loved volume, Treasure Island. I was, however, not surprised to find him there, this was the zone of his acclamation, the latitude in which his imagination had often traveled. He had not many companions there, a few recent magazines (from which alas his name had disappeared), an engineer's logarithmic tables, catalogues and farming utensils, a "fotal guide," and an orange-grower's handbook. But he had fumes of the Padre's tobacco upon his clothing so I knew that he was not without human friendship, even there, and that he had probably sat late with the Dominican Father the night before. From "The Isle of Pines," by John Finley, in the February Scribner's.

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Uncontested Districts

The next house of representatives will have 386 members and of these 31 were elected without a contest in their districts. Some 200 others come from districts which though contested were so strongly favorable to one political party or the other as to make a nomination by the majority party about equivalent to an election.

Before the election last November the Republican advocates of the plan for reducing the Republican national conventions hereafter the representation of those states in which the Republican presidential electors get only a scattering vote pointed to the large number of congressional districts in the south uncontested by Republicans as proof of the soundness of their project. There were, it is said, forty-five districts in which the Republicans failed to put candidates in the field.

As a result of this agitation in Virginia, Alabama, Louisiana and Tennessee, full tickets were nominated but there was not a single Republican nominated for congress in Florida, Georgia or Mississippi, and in Texas two districts were given over to the Democrats without a struggle. These were the districts uncontested by the Republicans:

Table with 2 columns: State and Number of Districts. Includes Arkansas, Florida, Georgia, Illinois, Kentucky, Mississippi, South Carolina, Texas.

The uncontested Illinois district is within the city of Chicago and so strongly Democratic as to afford a Republican nominee not even a fighting chance.

On the Democratic side nominations were made for congress at last year's election in all the districts of the country except the six which are in the city of Philadelphia. In these six no nominations were made by the Democrats and in all of them Republicans were returned by a practically unanimous vote.

Lightning Trains Planned

Paris, Feb. 14.—Some French and Belgian engineers are working on a scheme to reduce the time of the journey by rail between Paris and Brussels, 191 miles, from six to two hours, by electric trains, so that Parisians may lunch at home, take a train to Brussels, transact business there, and return to Paris for dinner. The cost each way is to be \$4. The system will be double track, with the accumulators of the cars united with each other by cables. All cars are to be first-class. The termini will be in the center of the business in each city. The trip will be made at the rate of ninety-four miles an hour, including stops.

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CLOSING ACCOUNTS

List of Delinquent Tax Payers Prepared

Small Amount of Taxes Yet Remains Unpaid—City Clerk Prepared.

City Assessor E. Ward Smith has been busy the past few days winding up the tax lists and giving receipts for the few delinquencies outstanding. Property on which taxes have not been paid is now subject to seizure and may be sold at any time. As a matter of fact, however, there are few cases where sales will be made. Less than \$2000 still remain uncollected and this for the most part is charged against a number of small shacks and cabins scattered along the hill east of town. Some of them have been abandoned and others are tumble-down affairs which the owners scarcely consider worth the taxes.

Occasionally one of them is sold and when such deals are made the arrearages are always paid. In that way a few dollars are found every week or so for the city treasury.

This morning the clerk's assistant was busy making out checks for February bills which his worship the mayor will sign this afternoon.

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Butter, two-and-a-half pound roll, only \$1.00. At all stores.

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