

THE ROYAL COMMISSION.

Mr. Van Horne Gives Evidence That Fully Corroborated the Premier's Statement.

He Proves Conclusively That the Government Acted Both Honestly and Wisely.

[All evidence was concluded Monday at the sitting of the Royal Commission in the matter of the Nakup & Sloan railway, when Mr. Van Horne occupied the witness box most of the time.

Hon. Mr. Davis called attention to the conversation between him and Mr. Van Horne last year relative to the differences between the act of 1893 and the plans proposed to be adopted by the Government, and the general advantages of the plan. He had also called the attention of the Commission to the fact that the statement he had made would be borne out by the evidence of Mr. Van Horne.

Mr. Van Horne being sworn, and examined by the Commissioners, stated that he was acquainted with the nature of the country, and that it was important both for the Province and the country at large that a railway should be built from Nakup to the Sloan.

Having had the differences of the acts of 1893 and 1894 explained to him by the Chief Justice.

Mr. Van Horne stated that he had in a conversation in 1893 told the Attorney General that the Province was resorting to a most expensive way of securing railways—that the bonds on which the interest only was guaranteed to the extent of \$25,000 a mile, would not bring in the money markets more than 70 or 75 at most. He pointed out also that the guarantee of principal and interest by the Province would enable bonds to be sold nearly if not quite at par. It seemed to him (Mr. Van Horne) that the latter method amounted to a saving, as well as he remembered now, of nearly the cost of the railway in twenty-five years. He had pointed out that the Province by the method of guaranteeing interest and principal would have, as the end of twenty-five years, the railway to show for its money, while the other plan would by that time leave nothing to show. He had had the figures worked out by an actuary, and Mr. Davis was very much impressed by it. The case was so clear that it required no discussion. He had pointed out to Mr. Davis that on the plan to guarantee the interest on \$25,000 a mile the company would not be able to realize enough money to build the road.

Mr. Justice Burbridge—There would be some difficulty in floating the bonds?

Mr. Van Horne—The utmost difficulty, in my experience.

The Chief Justice—Could that road be built for less than \$17,500 a mile?

Mr. Van Horne replied that two of the most trusted engineers of the C. P. R., Messrs. Stewart and Duchesnay, had made a careful inspection of the country, and from the bills of quantities they gave, the character of the work, and his (Mr. Van Horne's) experience in similar cases, for example the Columbia & Kootenay and C. P. R., he was satisfied that it would require \$15,000 a mile to build it under the most favorable circumstances, not providing for interest on the money during construction and contingencies or omissions. Taking these into account he had told Mr. Davis that not less than \$17,500 could be figured on as the cost of the C. P. R. if they built the road themselves, would have to figure on. Mr. Davis had asked if the C. P. R. would build the road, but (Mr. Van Horne) had declined to do it for various reasons. One of these was that the C. P. R. could not afford to take the chances of making up the difference between the amount guaranteed and the cost. There was the chance of putting more money into the road than they could get out of it.

Hon. Mr. Davis—There was a chance of the company incurring a deficiency if they undertook to build the road for \$17,500?

Mr. Van Horne—A very good chance for a deficiency. In regard to cost of railways in this Province, the Mission branch cost about \$5,000 a mile; the cost of the Columbia & Kootenay much exceeded \$17,500. He imagined from what he had heard of the Nakup & Sloan that its construction would be something like that of the Columbia & Kootenay, though the latter would be better in the former case and material cheaper. It was quite possible that the road might be built for \$17,500, but he would prefer not to contract at that.

Hon. Mr. Davis—You told me if the road was built at that it would be a cheap road?

Mr. Van Horne—Yes.

Hon. Mr. Davis—Then was asked by the Chief Justice if he would like to question Mr. Van Horne.

Hon. Mr. Beaven declined.

Mr. Justice Burbridge inquired of Mr. Van Horne if there was anything that he knew of in the Premier's conduct in connection with trying to get the road built that would make it appear that he had been working in the interests of the company rather than those of the Province.

Mr. Van Horne—Quite the contrary. In fact there were, he understood, some of the promoters of the road who objected to the change of arrangements made for the road.

Mr. Justice Burbridge—There was nothing then in the transaction to suggest corrupt motives?

Mr. Van Horne—Nothing. On the contrary, Mr. Davis had seemed anxious to get as cheap a road as possible.

Mr. Justice Burbridge—There was nothing to suggest personal motives?

Mr. Van Horne—Nothing whatever. In fact Mr. Davis had tried to get the C. P. R. to take up the work.

Mr. Van Horne was about to leave the stand when Hon. Mr. Beaven rose and said he did not want his position misunderstood. He had come simply to lay what information he had in his statement concerning the two arrangements in regard to the road.

The Chief Justice—We don't ask you to cross-examine, but we would like you to suggest any question that would assist us.

"We are here," he added, smiling (as a layman would term it), "not in a court of law, but a court of justice."

Hon. Mr. Beaven said he wished to have a chance for argument.

Mr. Justice Burbridge replied that the Commission would be glad to hear him on any question of fact.

Hon. Mr. Beaven proceeded to say that the whole of the question as treated had been based on a fallacy. He proceeded to repeat the arguments he had used the other day in his statement concerning the two arrangements in regard to the road.

Mr. Justice Burbridge—That is a matter of detail. Even if the bargain made by the Government were a bad one that is nothing for the Commission to deal with, unless corruption were suggested.

Hon. Mr. Beaven proceeded to repeat his argument that the Government had exceeded their authority in making the change to

the second agreement. He also claimed that only the cost of construction, not including the cost of financing the bonds, could be guaranteed.

Mr. Justice Burbridge did not see how it could be guaranteed. The Commission whether it was a good or a bad bargain. They were sitting to find out if someone had acted corruptly.

The Chief Justice—You say that the contract price is the cost of construction? Hon. Mr. Beaven—Yes, to a certain extent. The act states that the guarantee of bonds shall be on the cost of construction.

Mr. Justice Burbridge—The act says the cost of the enterprise.

The Chief Justice—The cost of the discount is just as much a part of the cost of construction as the contract.

Hon. Mr. Beaven, proceeding with his remarks, held that under the new arrangement the road would not belong to the Province at all.

Mr. Justice Burbridge—Is it not mortgaged to the Province?

Hon. Mr. Beaven—Only a second mortgage.

Hon. Mr. Burbridge—If the bondholders were paid by the Province would it not own the road?

The Chief Justice—The mortgagee owns the property unless the mortgagee pays up.

Mr. Justice Burbridge—The Commission is not here to report whether the bargain is a good one or a bad one, but whether the accusations by Mr. Forster are true or false.

Hon. Mr. Beaven—I have not made any charges of corruption but I have placed certain facts before you for evidence.

Mr. Justice Burbridge drew the attention of the Commission to the fact that as he was inquiring into whether the Attorney-General had worked in the interests of the country or not, the report should show whether or not the Commission considered an improvident bargain had been made.

Mr. Justice Burbridge suggested that even while working in the interests of the Province a bad bargain might be made.

Hon. Mr. Beaven wanted to know if Mr. Van Horne had ever heard of a case in the Dominion where the Government guaranteed principal and interest on bonds of a railway and found all the money to build the road.

Mr. Van Horne replied that speaking on the authority of what the President of the Grand Trunk had said at a general meeting of that company, the Beaudouin branch of that road had been given a bonus equal to or more than the cost of its construction.

Hon. Mr. Beaven asked if the bonds had been guaranteed.

Mr. Van Horne replied that the cash had been given outright.

Hon. Mr. Davis asked Mr. Van Horne if the cost of building a road included the cost of finding the money.

Mr. Van Horne said it certainly did. The cost of financing was always included.

In reply to Hon. Mr. Davis he stated that though he did not know what status the matter was in now the Government of Manitoba had guaranteed 5 per cent. on \$9,000 a mile for the Dolphin lake railway, holding a first mortgage on its land grant for \$7,000 a mile. In the prairie parts of Manitoba, without equipment, railway building cost from \$8,500 to \$9,000 a mile.

Hon. Mr. Beaven again brought up his contention that there was no necessity to guarantee the Nakup & Sloan for \$25,000 a mile in the first place.

Mr. Justice Burbridge held that the price of the bonds on no figure in the transaction at all, as whether it was a good bargain or not must be left to the people. He did not hesitate himself to say that the last arrangement was the best for the Province, although he did not feel called upon to report upon it.

Hon. Mr. Beaven maintained that the arrangement was not in the interest of the Province.

Hon. Mr. Davis held that considerable injustice might be done to the Government if the Commission did not go into the matter of the agreement and report upon it as to whether it was advantageous or not for the Province.

The Chief Justice remarked that Mr. Beaven had not produced a single witness to contradict what had been sworn to by Mr. Van Horne, viz. that by the alternative plan the Government had changed an improvident into a practicable scheme.

In reply to Hon. Mr. Davis, Mr. Justice Burbridge stated that the Commission would express its opinion in the report in a similar way to a jury, but did not need to go out of the way to give the reasons for it.

This closed the case, and the Commission adjourned.

A SPANISH SCANDAL.

MADRID, May 15.—A great scandal is on the tapis at Madrid in connection with the magnificent jewels which were formerly the property of Don Sebastian, famed as the ugliest and most erudite royal personage in Europe. At his death they came into possession of his eldest son, the Duke of Dural, whether by testamentary bequest or by gift of his mother, the half-witted widow Donna Christina, is not known.

Don Dural, who will be remembered in the United States in connection with his collection of spurious old masters which he attempted in vain to foist upon the public there, seems to have pawned these jewels at the Monte de Piete, at Paris, when he was overtaken by financial disaster due to reckless and insane extravagance. He died very suddenly and mysteriously at a time when warrants were issued for his arrest on the charge of obtaining money under false pretences, etc., and his lovely young widow, a lady of plebeian birth, finding herself and her children utterly without resources and evicted from her apartments at Paris, sold the pawn tickets for a trifle to a Hebrew banker of the name of Cohen.

The banker in turn sold either the tickets or the jewels to the enormously wealthy Count Salamañes, and inasmuch as the latter refuses to surrender them to the family, who claim them as crown property, a lawsuit has been commenced which bids fair to bring once more before the public eye all the many disgraceful features of the career of the late Duke Dural, who was one of the blackest sheep of the Spanish branch of the house of Bourbon.

COXEYITE MOVEMENTS.

WASHINGTON, D. C., May 14.—The Coxeyites, owing to the inoperable spirit displayed by the people of Hyattsville, accepted the offer of a yard surrounding the famous old George Washington house at Bladensburg and moved to that place this morning.

Marshal Browne issued one of his characteristic orders authorizing the change. He said in substance that it being moonlight last night the citizens of Hyattsville became alarmed at their own shadows. Many ladies, however, had called at the camp, he said, and had declared that the meeting of the citizens at which the Coxeyites were denounced was unjust. The headquarters of the army, he said, would be the old hotel which was the headquarters of the man in whose honor it was named while he was fighting the British, as the commonwealth was now fighting the British gold ring.

ALL WESTMINSTER'S GAME.

The First Lacrosse Match of the Season Easily Won by the Royal City.

Many Fast Yachts Coming For the Celebration—Local Events of Yesterday.

WESTMINSTER, May 12.—(Special).—Six to one in favor of Westminster was the score in the first championship lacrosse match of '94 to-day. Drizzling rain fell all afternoon but the attendance was large. The ground was naturally very slippery. C. E. Lookhart was referee, and President Ellis and Theo. H. Allio were umpires.

In the start Vancouver had a momentary advantage but lost it immediately, and after a sharp attack on the Vancouver flag, lasting three minutes, Ryal scored for New Westminster.

The ball was faced without a rest, and the players went at it again in earnest. It was soon quite evident that the Royal City men were outplaying the visitors at every point, and in five minutes Peel scored New Westminster's second game.

The third game found the Vancouver men weaker than ever, and unable apparently to do anything with their checks. Ryal scored the third game for Westminster in barely one minute.

Vancouver in the fourth game settled down to work, playing harder and with more determination, and some rough checking ensued, leading to a couple of disputes, which lost considerable time. Westminster, however, kept the upper hand and Ryal scored in eighteen minutes.

The fifth game lasted three minutes and was a pretty exhibition of the national game, Vancouver winning in three minutes, Quana scoring.

The sixth game was the best of the match; the teams both played splendidly and honors were well divided. Westminster finally won in fifteen minutes, Ryal scoring.

The seventh game was one-sided, and easily won by Peel for Westminster, in three minutes. Smith's place was taken in the Vancouver team by Southbee; for Vancouver, the Quana, Fred, Spain and Miller did the best work. Good work was done all round by the Westminster men.

SUMMARY.

Game Won By. Scored By. Time.

1. Westminster..... Ryal..... 3 minutes

2. Peel..... Peel..... 5 "

3. Peel..... Peel..... 15 "

4. Quana..... Quana..... 3 "

5. Westminster..... Peel..... 1 "

6. Westminster..... Peel..... 3 "

7. Westminster..... Peel..... 3 "

FOOTBALL.

"THE RANGERS" AGAIN DEFEATED.

NANAIMO, May 12.—(Special).—The Nanaimo Rangers were again defeated this afternoon in the match with the Northfield Athletics. The Northfield team scored one goal in the last half; the Rangers failed to make a point.

AQUATIC.

TOO MUCH WATER.

The Canoe Club cruise did not come off yesterday, the point in dispute between the club and the weather clerk not yet having been satisfactorily adjusted, notwithstanding the numerous petitions to that end. Owing to the proximity of the Queen's Birthday sports the club will not now hold the meet until after the first of June—if the weather permits.

MANY YACHTS COMING.

Secretary J. G. Elliott, of the Victoria yacht club, is in receipt of a number of most encouraging letters from the other end of the line. The secretaries of the yacht clubs of New Wharfedale, Everett, Port Angeles, Port Townsend, Tacoma and Seattle have all notified him of the intention of members of their organizations to attend the celebration and bring their boats along. A number of these have sent in their applications and other measurements, to enable them to get a proper rating, and evidently mean business. Excursions will be run from all these points, and such clubs as the Seattle yacht club, consisting of 800 members, have promised to be largely represented. From present indications it may be said that the success of last year will be outside the annals of the sport.

In order to get a proper rating those who expect to take part in the races should send in their total square feet of sail measure in area, and their water line measurement as soon as possible to the secretary, J. G. Elliott. From Victoria there have entered up to date, the Dora, Petrel, Viking, Little Vigilante, Daisy Bell, Victoria, Swallow, Scud, Rose Hanly and several others.

SARATOGA LAKE CHOSEN.

NEW YORK, May 12.—The quarterly meeting of the National Association of Amateur Golfers was held to-day. It is believed Saratoga lake will be chosen for the next national regatta.

THE WHEEL.

A NEW COAST RECORD.

SAN JOSE, Cal., May 12.—W. F. Foster, of the Olympic club, has broken the Coast two mile record yesterday. His time was 4:50. The former record was 5:01.

WESTMINSTER REORGANIZED.

THE annual meeting of the Westminster cycling club was held last evening at the Westminster hall. The following officers were elected: Hon. president, His Honor Judge Bole; president, Rev. J. H. White; secretary-treasurer, W. T. Keary; managing committee, Messrs. Jas. A. McMartin, H. L. Edmonds, Geo. Wintermute, and Alvin Seymour. A captain will be appointed later in the season. The club starts with an enrolled membership of thirty.

CHINESE REGISTRATION.

WASHINGTON, May 14.—It is alleged that the smugglers of Chinese are selling registration certificates to Chinese who are now waiting in Canada and Havana to get into the United States. Large numbers of registration certificates, it is claimed, are being sent to China to secure entrance into the United States for Chinese who have never been before. The frauds are perpetrated by Chinese who register, and it is alleged that some of them have registered from twice to a score of times. Professional witnesses have been found who have identified as many as 400 Chinese as having to their personal knowledge lived at least two years in this country. These witnesses have admitted under oath that they have been making a good thing out of their swearing for Chinese applying for certificates.

Here I had such a severe cough that my throat felt as if it were wrapped with a rope. On taking Norway Pine Syrup I found the first dose gave relief, and the second bottle completely cured me.

MISS A. A. DOWNEY, Manotico, Ont.

GREEN, WORLOCK & CO.

Argument Commenced on the Petition to Remove Trustees Helsternman and Coltart.

Further Hearing Adjourned to Permit the Trustees to Put in Affidavits.

The trouble between dissatisfied creditors and the assignees of Green, Worlock & Co.'s bank came up in court Tuesday, when argument was heard by Mr. Justice Walkem on the petition of Wm. Smyth, asking on behalf of himself and others that assignees Helsternman and John Coltart be removed, and Hon. Robt. Beaven substituted in their stead and place. Mr. J. S. Yates, as one of the trustees of the bank, sat beside Mr. H. Dallas Helsternman and Mr. Thornton Fell, who appeared on their behalf. Mr. E. Y. Bodwell, who represented the petitioners, stated that the action of Mr. Smyth in presenting his petition to the court, asking for the removal of Messrs. Coltart and Helsternman, was taken under section 5 of the Creditors' Trust Deeds Act of 1890, which gave the courts discretion to remove a trustee on the application of a single creditor supported by an affidavit. He proceeded to read the petition which has already been published in the COLONIST. With reference to the grounds on which the petition was based, although it might be argued that there was no act of misconduct on the part of the trustees, he held that sufficient facts were set forth in the petition and affidavit to warrant the court in removing them, and the appointment of a new trustee or trustees in the place of Messrs. Helsternman and Coltart. Neither dishonesty nor incompetency was alleged, but the petitioner did submit that Mr. Coltart's prior position in the bank might interfere with the interests of the creditors, and his being retained as assignee was not satisfactory to the creditors, who wanted a thoroughly honest and competent man to take the place of the removed trustees. The scheme of the assignees now proposed by them would take too long in winding up the affairs of the bank. There was without doubt a want of harmony between assignees and creditors, as the resolution passed by 112 out of 114 creditors present at the last meeting, held on the 27th April, plainly showed. The creditors do not think the assignees are treating them properly, and a want of harmony exists between them. He quoted Statute 37 in v. Broers, 9 App. Cas., 371 (P. C.) in which, though the facts were not identical, Lord Blackburn laid down the principle that the courts might at discretion remove a trustee if for no other reason than that, having in firmity would prevent those beneficially interested or those who act for them from working in harmony with the trustee. The creditors were the people who should decide who ought to manage the estate in their interests, and when a want of harmony existed between creditors and trustees, the courts might on that ground remove the trustees. The act gave no limitation to the judge but left the matter to his discretion.

Mr. Helsternman argued that no specific charges were made, consequently the assignees did not know what they were called upon to meet. The petition was only based on a series of resolutions passed at a meeting and not on any charge against the assignees or any of them. When the court was asked to interfere in a delicate matter of this kind, specific charges should be made. In England, in recent cases, the practice was that a case of this kind should first come before the registrar, who then examined thoroughly into all the affairs of the estate, and if he found cause, then he might remove. The petition was quite inconsistent, for while charges were made against all three trustees, the court was asked to remove only two. Then there was no allegation that Smyth represented a majority of the creditors, and before interfering with a want of harmony existed between the assignees and a majority of the creditors. The court would not wish to put the assignees on "a paper trial."

His Lordship pointed out that section 5 gave plenary powers to the judge for removal if he saw fit, thus avoiding, as far as possible, a wasting of the estate in litigation. At the last meeting there appeared to have been 114 creditors present and the present action was taken with the assent of all those present, except two dissenters.

Mr. Helsternman continued that though 114 creditors were at the last meeting they were not a majority of the creditors, who numbered 780. He quoted a number of authorities in support of his argument that cause must be shown for removal. He read an affidavit of J. S. Yates, one of the trustees, in reply to the petition. It stated that Mr. Coltart had not been a confidential clerk to Mr. Worlock as claimed in the petition.

His Lordship held that a clerk in a bank held a position to a certain extent confidential.

Mr. Helsternman continued the reading of the affidavit, which detailed the various meetings and stated that the assignees had never intended to take three or four years in winding up the estate, but that they had in the statement at the first meeting expected that at once or two years would be occupied in realizing upon all the property of the estate. That at the meeting of March 28, 1894, was taken that none but creditors should be present and in reference to the so-called rumors, the trustees had endeavored without avail to get any person to send in information upon one reason for Mr. Coltart's and Mr. Worlock's assistance, being such as that it was impossible without such assistance to bring proof in certain cases at law affecting the property of the bank. Mr. Helsternman argued that if there was a want of harmony it was between the creditors themselves and not between the assignees and the creditors.

Mr. Bodwell in reply held that the meeting at which 114 creditors were present was called by public notice, and only two voices were raised against the resolutions, calling for the removal of the trustees.

Mr. Fell held that the "irritation" existing was really not so much against the assignees as a feeling that existed against the bank for failing. This irritation had shown itself at the very first meeting, but the volume of voice at that meeting confirmed the action of the present trustees and their present scheme to pay off the two secured creditors first in order that the securities might be set free for realization upon by the estate. As to the last meeting of the dissatisfied creditors it was not a general meeting of creditors in any sense as the contented creditors purposely absented themselves. The votes at that meeting were not properly represented in the petition, while it was stated only two voices dissented, he had been there himself representing five votes and had voted in the negative. The voting at that meeting was by a show of hands and not by value as required by the act.

His Lordship remarked that the act only required a motion to be made to the courts by a creditor.

Minutes of the meetings of creditors were put in as evidence by Mr. Helsternman, and

at his request the hearing was adjourned till Monday at 11 o'clock, to allow him to put in more affidavits with the object of showing that the majority of the creditors were in favor of the assignees.

A CALIFORNIA BLUE BEARD.

YREKA, Cal., May 15.—George Decker, a wealthy rancher, will be indicted for the murder of his wife, Margaret E. Decker, and Nevada Decker, a babe, twenty-seven years ago, and Rosie Stone, a grand daughter, about eight years ago. Ten murders are laid at Decker's door, as well as other foul and unnatural crimes committed at various times throughout the last thirty years. Besides the three named, the list comprises Edward Stone, who was Decker's second wife's son-in-law; Benjamin Decker, son of Caroline Goodrich Decker, his second wife; a four-year old son of Edward Stone, a hired man; a man in the Sacramento valley, name unknown, and a man in Illinois, name unknown. Decker killed his first wife and child in 1867, butchering them with his own hand, and buried their bones on top of a high ridge. Their discovery a short time ago crystallized the belief previously prevailing that he was guilty of many atrocities, and led to his arrest. After his first wife's death he married a widow named Goodrich and lived with her over twenty years, and is believed to have gotten rid of her finally in 1890 by poison. He disposed of one child who bothered him in 1886.

TORONTO, May 14.—Captain Lessard has been appointed to command the Royal Canadian Dragoons stationed at the Stanley barracks here.

A TRUE BILL FOUND.

VANCOUVER, May 15.—(Special).—At the assize opening to-day, the Grand Jury returned a true bill against Hugh Lynn for the alleged murder of another John Green and his three men Tom Taylor, on Savary Island in October last, the trial being set for the 17th of July.

The Grand Jury also found a true bill against McDonald, for the alleged murder of a Canadian Pacific railroad track-walker, at North Bend, two months ago, and the trial is now proceeding.

Bayle of San Francisco was found guilty of passing gilded American quarters for ten dollar gold pieces. The trial of Jones for unnatural crime has been enlarged to enable his father to reach here from Arizona.

DISSATISFIED HAWAIIANS.

LONDON, May 15.—A letter from Honolulu dated April 10th, says: "Affairs on the islands are still in a terrible condition. It is difficult to even say what nationality is claimed by the provisional government or its principal supporters. One day they are enthusiastic American patriots, next day they are Hawaiian patriots, and the organ habitually refers to Cleveland, Graham, Blount and the minister resident in a style at least unusual when addressed to statesmen of a friendly power."

QUERQUO, May 14.—Two young men named Boivin and Lachance were drowned by the capsizing of a sailing skiff. Two other young men who were in the craft clung to it until help arrived.

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