A SCENE IN THE COURT

Hearing of the Bostock Criminal Libel Case Has a Sudden Interruption.

Counsel for the Defence Disagrees With the Magistrate and Leaves

With the same the Room.

The hearings of the criminal libel suits was quite interesting yesterday. A number of spectators watched the proceedings at the police court all day, and just before the close in the afternoon were rewarded for their patience by witnessing something quite out of the common. At the morning session the charge against Editor Nichol of The Province, was resumed. The defence called two witnesses in the persons where the close is the afternoon were rewarded for their patience by witnessing something of the companies formed in the session the charge against Editor Nichol of The Province, was resumed. The defence called two witnesses in the persons where the close is the afternoon were rewarded for their patience by witnessing something of the companies formed in the session the charge against Editor Nichol of The Province, was resumed. The defence called two witnesses in the persons where the common the witness with the witnesses.

Mr. Martin 3 Adv dor, "On the purpose of carry-ing on mining and trading operations on the witness witness in the persons with the witnesses."

Mr. Wartin 3 Adv dor, "On the purpose of carry-ing on mining and trading operations on the world witness witness with the witnesses with the witnesses.

Mr. Martin 3 Adv dor, "On the purpose of carry-ing on mining and trading operations of the companies formed in the witnesses with the witnesses."

Mr. Wartin 3 Adv dor, "On the purpose of carry-ing on mining and trading operations on the world witness with the witnesses with the witnesses."

Mr. Wartin 4 Adv dor, "On the purpose of carry-ing on mining and trading operations on the world witness witness with the witnesses with a was reported by the companies from the case and said he was satisfied to bring in an adversary of the companies from the case and said he was satisfied to bring in a distribution of the common with the common with the witness with the witness with a was a scientification, and the thought it was not a season of the companies from the case and said he w

Mr. Walter Nichol was formally committed for trial, the magistrate reviewing the case briefly. His case will come up at the first court of competent jurisdiction. The usual bonds were demanded and obtained. During the Bostock case, which was enlivened from beginning to end by lively tilts between counsel, a rather unusual scene occurred, Mr. Archer Martin, who has acted for the defence throughout the trials, objected in very strong terms to Magistrate Macrae's raling on certain questions, and because of these rulings abruptly retired from the case. The hearing will be resumed at 2 o'clock Monday afternoon.

In the morning, before calling any witnesses for the defence, Mr. Martin stated that he wished to draw his Worship's attention for the second time to press comments on the cases now being tried. He mentioned in particular an editorial in the Colonist of the 7th inst., and asked the magistrate to express his strong disapproval of such comments.

His Warship at the first is a matter of regret to me and to my clients that the prosecution have brought this action under a section of the code which completely closes our mouths at this stage of the game."

Further discussion between counsel followed, but it was brought to an abrupt termination by the magistrate, who asked if the defence had any other witnesses.

Mr. Martin anatter of regret to me and to my clients that the prosecution have brought that the prosecution have brought that the prosecution have brought to an atrupt termination by the magistrate to court was decidedly interesting. The case against Mr. Hewitt Bostock came up for hearing, and was brought to an abrupt termination by the withdrawal of Mr. Archer Martin, while the code which completely closes our mouths at this stage of the game."

Further discussion between counsel for the defence who asked the twas brought to an abrupt termination by the magistrate to court was decidedly interesting. The case against Mr. Hewitt Bostock came up for hearing, and was brought to an abrupt termination by the mag

proval of such comments.

His Worship replied that he had absolutely nothing to do with such matters. As he had ruled before he would rule now. Mr. Martin—"And you will not, your Honor, even express disapproval of these

air show

hystery. Ian Coltart, the next witness, stated tha

Mr. Coltart--"Yes."

are two other large shareholders

oprietor. It is immaterial, he claimed

The next question by the counsel for the

comments?"
His Worship--"No, Mr. Martin; I can
do nothing in the matter. I am not in any position to control press comments."
Mr. Martin—"But, your Worship, this
paper has for the second time commented
on these cases and I maintain that your

The Magistrate (sharply)—"You, submit'rather, Mr. Martin."

Mr. Martin—Well I submit them that your Worship should express strong disapproval of these comments? You will not allow me to read the article in the Colon
The Magistrate "The Magistrate "The

The Magistrate—"I have given you my re isons."

Mr. Martin was so insistent in his re-

Mr. Martin was so insistent in his requests that the magistrate finally said somewhat pointedly, "you do not need to remind me of my duties, sir."

Mr. Cassidy objected strongly to such matters being brought before the court, and said that as the magistrate had ruled against Mr. Martin before in a similar case, Mr. Martin should have had the good judgment to leave such matters out of court.

Mr. Martin—"In other words I am to

Mr. Martin-"In other words I am to

Mr. Martin—"In other words I am to stand by and see my clients foully traduced and pilloried."

His Worship—[With decision]. "As I told you before Mr. Martin, I have no more to do with such matters than an ordinary citizen. Let this end the question now, and we will get on with the case."

For the defence in the Nichol case the first witness called yesterday morning was Premier Turner.

Lability—the witness, in the editor, had a free hand on the paper, so far as witness knew. Mr. Bostock had attended a meeting of directors up to the time of the alleged libel.

Mr. Cassidy—"Have you the minute book of the company?"

Mr. Cassidy—"You were asked to produce this."

Mr. Cassidy then read the summons,

"Mr. Turner's Answer." and that the al- Bostock had a preponderating interest in

leged libel was a fair comment on his own the company.

Mr. Cassidy—"What proportion of the His Worship stated and quoted authorities to show that it was no part of his duties to try the case. Therefore he could not go already told my learned friend that there

into the particulars of the case.

The Magistrate finally decided that he could hear nothing as to the trial of the libel, but he could see no objection to the libel, but he could see no objection to the libel. His Worship—"I don't want anything that the could see no objection to the libel. The Consider water to know certain the could be seen to be s

tion relating to an interview.

His Worship finally ruled that the ques-His Worship finally ruled that the question should be asked.

Mr. Turner replied that he could not say whether the article was based on his interbecause he has control of the spaper

whether the article was based on his interview. The article certainly referred to an interview with him, but he could not express any opinion as to whether the article was based on the interview.

Mr. Martin—"The reference to your interview takes place at the beginning of the article referred to, does it not?"

Mr. Cassidy—"I object to that question.

Mr. Martin is putting Mr. Turner in a position which will make him discuss whether this libel is a fair comment, and before this can be done it is your Worship's duty to read the article and then decide if it is a fair comment."

read the article and then did you Mr. fair comment."

Mr. Martin—"Well, then, did you Mr. Turner, authorize the itterview in the Colonist of December 5?"

Mr. Cassidy—"I object. That question can only be used for one purpose, and that suppose is an improper one."

telling you what is absolutely untrue, and it is disgusting to me to hear him."

Mr. Cassidy—"Oh, bosh!"

His Worship—"Do you mean to say that Mr. Cassidy statement is incorrect. Well, go on with your argument Mr. Cassidy."

Mr. Cassidy—"There is no use of my learned friend getting angry."

Mr. Martin—"I am not angry, I am sad!" purpose is an improper one."

His Worship—"I disallow the ques

Another question regarding the interview in the Colonist was also fuled out.

view in the Colonist was also fuled out.

Mr. Martin—' What are the names of the two mining offices and companies in which you are interested?''

Objection being made to this question it was disallowed also. His Worship at this juncture stated that he had no more right to entertain the matters brought up by Mr. Martin in his last questions than had any other man in the court.

After a long and tedious legal argument, Mr. Martin finally said: "Well, Your Worship, it seems that any question I

libel."
Witness—"Am I obliged to answer that question your Worship? I claim that I am privileged not to answer it."
His Worship—"If Mr. Martin can show Mr. Martin finally said: "Well, Your Worship, it seems that any question I might ask this witness regarding his connection with mining companies and the offices he holds in them will be disallered."

Mr. Martin—"Did you authorize Mr. Cassidy to write to The Province people asking for information as to who was responsible for the alleged libel, in order as was stated to vindicate your public and private character?"

Mr. Cassidy, at this juncture, expressed his willingness to have the letter or questions.

mill answer this question."

Mr. Martin, dramatically, rose to his feet at this juncture, and, with much feeling, said: "I see there is no protection to the private interests of my clients, and I will withdraw from this case. I have protested his willingness to have the letter or ques withdraw from this case. I have protested against what I consider is irrelevent evidence, and I have been overruled systematically. I assume that you have done what you think right, your Worship, however." ion put in as evidence.

Mr. Martin-"I want an answer to my question."

His Worship—"The question is overruled, Mr. Martin."

Mr. Martin—"Do I understand that I
am not to put this letter in as evidence."

Mr.Cassidy—"Oh! if he thinks it will do

ever."
His Worship—"You need make no comment on that, Mr. Martin."
Mr. Martin—"All I say on the matter is tions."

Now a free hand?"
A.—"Yes. I had no definite instructions."

Now Bostock did not cross-examine ing address from a typewritten docuhim any good he can put it in, but I will that your ruling shows me that it is idle for a solicitor to come here as counsel for a man and expect to have the rules of evidence construed as they are generally construed

The attendance at the criminal libel and was brought to an abrupt termination by the withdrawal of Mr. Archer Martin, counsel for the defence, from the case on the ground that the magistrate's ruling on certain questions did not give his clients a The first witness called was Mr. Arthur The first witness called was Mr. Arthur Wheeler, bookkeeper of The Province Limited Liability Company. His evidence was on the lines of the prior hearings. Counsel for the plaintiffs endeavored to find out, by a close examination of the witthe question was admissable. Witness paper, although away at the time a libel was published in his paper, was made paid for their stock.

The principals to the question was admissable. Witness then stated that the other directors had paid for their stock.

The principals to the question was admissable. Witness where the proprietor of a London paper, although away at the time a libel was published in his paper, was made paid for their stock.

The principals to the question was admissable. Witness was published in his paper, was made personally responsible for it. In another case although a libel had been published much?"

Witness Witness where the proprietor of a London paper, although away at the time a libel was published in his paper, although away at the time a libel was published in his paper, was made personally responsible for it. In another case although a libel had been published without the consent of the proprietor of a London paper, although away at the time a libel was published in his paper, was made personally responsible for it. In another case although a libel had been published without the consent of the proprietor of a London paper, although away at the time a libel was published in his paper, although away at the time a libel was published in his paper, although away at the time a libel was published in his paper, although away at the time a libel was published in his paper, although away at the time a libel was published in his paper, although away at the time a libel was published in his paper, although away at the time a libel was published in his paper. ness, the exact connection or relation of the two companies in The Province build-ing, but no new light was thrown on the of the Province, appeared shortly after and listened to the proceedings all the

the place of Mr. Martin, who had withdrawn on Saturday, and Mr. Bostock actual cash transaction, as he had taken conducted his own case. mr. Cassidy—"The general policy and ourse of the newspaper is controlled by the Three witnesses were examined, Capt. Clive Phillipps Wolley, Editor Nichol and Ian Coltart. The evidence of Capt. Wolley went to show that The Province Limited Liability Company and The Province Publishing Company were Witness stated that Mr. Nichol had been editor since November and was editor at the time of the alleged libel. He had been appointed by the board of directors. Mr. Bos-Province Publishing Company were had said he got \$30 a month as secretary practically one concern, under the man of the Province Limited Liability. Witpointed by the board of directors. Mr. Dostock, witness thought, was present when the appointment was made. There are three directors of The Province, Limited Liability—the witness, Mr. Bostock and Mr. Scaife. Mr. Nichol, the editor, had a free hand on the paper, so far as witness knew. Mr. Bostock had attended a meeting of directors up to the time of the alleged. agement of Mr. Coltart. Mr. Nichol admitted the authorship of the alleged

time of the alleged libel was practically a time and put his questions regarding proprietor of the two concerns, and consequently responsible for the publication to the Province Publishing Com-

to be discussed here. "My learned friends object is to draw in some interview with the books and papers for the present.

Continuing, the witness said that Mr. Mr. Cassidy responded that he was again asked yesterday of Mr. Coltart, and the Bostock was not in the habit of communishow that on December 2 last, Mr. Tirner caused to be published an article entitled duct of the paper while he was away. Mr. Tirner and that the all
Not maked yesterday of Mr. Coltart, and the magistrate firmly held to his first decating with witness in regard to the concaused to be published an article entitled duct of the paper while he was away. Mr. Tirner and that the all
Not maked yesterday of Mr. Coltart, and the witness in regard to the concaused to be published an article entitled duct of the paper while he was away. Mr. Rossack had a preponderating interest in trate Macrae decided to withold his decision until this afternoon at 2 o'clock.

could hear nothing as to the trial of the libel, but he could see no objection to the question put by Mr, Martin.

Mr. Cassidy argued at some length that it was objectionable to introduce any question relating to an interview.

want than that?"

His Worship—"I don't want anything; desired to call him first. His Worship but Mr. Cassidy wants to know certain things. What are your objections to the stand. He stated to Mr. Cassidy question?"

"Mr. Martin—"Simply because it is in the stand of the provincial Board of Health Be desired to call him first. His Worship but Mr. Cassidy wants to know certain the desired to call him first. His Worship but Mr. Cassidy wants to know certain the desired to call him first. His Worship but Mr. Cassidy wants to know certain the desired to call him first. His Worship but Mr. Cassidy wants to know certain the desired to call him first. His Worship but Mr. Cassidy wants to know certain the desired to call him first. His Worship but Mr. Cassidy wants to know certain the desired to call him first. His Worship but Mr. Cassidy wants to know certain the desired to call him first. His Worship but Mr. Cassidy wants to know certain the desired to call him first. His Worship but Mr. Cassidy wants to know certain the desired to call him first. His Worship but Mr. Cassidy wants to know certain the desired to call him first. His Worship but Mr. Cassidy wants to know certain the desired to call him first. His Worship but Mr. Cassidy wants to know certain the desired to call him first. His Worship but Mr. Cassidy wants to know certain the desired to call him first. His Worship but Mr. Cassidy wants to know certain the want was called the first of the want was called the want was cal consenting Capt. Wolley was then placed on the stand. He stated to Mr. Cassidy Mr. Cassidy—"In other words you ince newspaper about the "time of the for the work you did in payment for There were two companies when he was there. He Mr. Martin read authorities to show that

Was at the proprietor of the stock.

Mr. Martin read authorities to show that

Coltart was at that time manager. There

it in services rendered." editor for about five weeks. Mr. Ian no body politic and corporate can have a is a printing establishment in the building. There was no division at the time between the departments which wrote the paper and printed it. In fact the tock, who claimed that Mr. Cassidy His Worship allowed the question to go During the argument and while Mr. whole thing, as far as witness could see,

counsel occurred.

Mr. Martin, while his opponent was making a certain argument bearing on the question in dispute, burst out with:

"Your Worship, my learned friend is telling you what is absolutely untrue, and it is disgusting to me to hear him."

was run as or run and publ.

Mr. Bostock this witness.

Mr. Cassid Bostock, the other him. run and published by Mr. Coltart. Mr. Bostock refused to cross-examine Mr. Cassidy then stated that Mr. Bostock, the defendant, was to act for himself in the case. Mr. Bostock being an English barrister, he was sure the ythat case would lose nothing by his handling Well, of it. Mr. Bostock replied that as it was some ten or twelve years since he had practiced at the bar he was rather rusty.

on Saturday, as he was anxious to leave Mr. Cassidy—"Yes, you are a sad dog I the city.

Ian Coltart, who was next called, was not present, and Mr. Nichol was placed in the witness box.

Mr. Nichol stated that he was editor of the Province, and had been appointed plaintiffs brought about the trouble which abruptly terminated the afternoon hearing of the case.

Mr. Cassidy in endeavoring to get at Mr.

Mr. Cassidy in endeavoring to get at Mr. Bostock's exact interests in the company saked: "What proportion of stock did Mr. Bostock hold at the time of the alleged libel."

Witness—"Am I obliged to answer that question your Worship? I claim that I am privileged not to answer it."

of the Province, and had been appointed was not at the meeting of the directors when the appointment was merely a verbal one, there being no written contract. Mr. Cassidy, producing a proved copy of the Province, and that Deen appointed.

The appointment was merely a verbal one, there being no written contract. Mr. Cassidy, producing a proved copy of the Province, and had been appointed. ing to the article" There is light at last. nection with mining companies and the offices he holds in them will be disallowed."

His Worship—"If Mr. Martin can show me by any authority that you need not let such questions go in as evidence in this court."

Mr. Worship—"That is right. I cannot let such questions go in as evidence in this court."

Mr. Martin a pounced on the lines he started out on, then took up a letter written by Mr. Cassidy to the defendants, having reference to the suit brought by Mr. Turner, and asked the witness if he had authorized his counsel to write this letter.

His Worship—"If Mr. Martin can show me by any authority that you need not asked witness if he had written it. Before an ewering the question the magistrate to leave that in doling so anything he might say would saked witness that in doling so anything he might say would not be used against him so far as his own case was concerned. The question being repeated, Mr. Nichol answered in the affirmative. In answer to a question as to whether he had written it. Before an ewering the question the magistrate to leave that to Mr. Cassidy's examination, and said he wished in justice to himself to make an explanation. He was advised by the as his own case was concerned. The question being repeated, Mr. Nichol answered in the affirmative. In answer to a question as to whether he had written it. Before an ewering the question the magistrate to leave that to Mr. Cassidy's examination, and said he wished in justice to himself to make an explanation. He was advised by the name trate instructed witness that in dolet such question the magistrate to leave that to Mr. Province prior an explanation. He was advised by the asked witness that in dolet such question the magistrate to leave that to Mr. Cassidy's examination, and said he wished in justice to himself to make an instructed witness that in dolet such question the magistrate to leave that to Mr. Province prior an explanation. He was advised by the as his own case was concerned.

The question being repeated, Mr. Nichol answered in ness if he had authorized his counsel to write this letter.

Mr. Cassidy—"I object to that letter being put in as evidence."

Mr. Martin—"You are perhaps afraid of it."

Mr. Cassidy—"I sky you the same question with regard to the Province Publishing Company, Limited Liability."

Mr. Cassidy—"I object to that letter being put in as evidence."

Mr. Cassidy—"I object to that letter being put in as evidence."

Mr. Cassidy—"I object to that letter being question cri icising the government and in regard to Premier Turner and Mr. Pooley, the witness again replied in the affirmative. He had also plus the province one in question cri icising the government and in regard to Premier Turner and Mr. Pooley, the witness again replied in the affirmative. He had also with regard to the Province one in question cri icising the government and in regard to Premier Turner and Mr. Pooley, the witness again replied in the affirmative. He had also written the articles in the Province one in question cri icising the government and in regard to Premier Turner and Mr. Pooley, the witness again replied in the affirmative. He had also plus the question."

Mr. Cassidy—"I object to that letter being put in as evidence."

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Mr. Cassidy—"I object to that letter being question cri icising the government and in regard to Premier Turner and Mr. Pooley, the witness again replied in the affirmative. He had also plus the province one in question cri icising the government and in regard to Premier Turner and Mr. Pooley, the witness again replied in the affirmative. He had also one in question cri icising the government and in regard to Premier Turner and Mr. Pooley, the witness again replied in the affirmative. He had also one in question cri icising the government and in regard to Premier Turner and Mr. Pooley, the witness again replied in the affirmative.

Mr. Cassidy—"I sak you the same question cri icising the government and in regard to Premier Turner and Mr. Pooley, the witness aga

question as being immaterial, and commenced an argument to prove his point.

His Worship—'I rule that Mr. Coltart will answer this question.'

Mr. Pooley are referred to.

Mr. Pooley are referred to.

Mr. Bostock did not cross-examine ing address from a typewritten documents and Mr. Coltart was called to the ment:

"The evidence for the prosecution

during the hearing, as they had been most impartial.

His Worship, without referring directly to the unpleasant occurrence, stated that he was in duty bound obliged to adjourn the hearing, in order to give Mr. Bostock a chance to obtain new counsel. He regretated the the decurrence, as it might detain Mr. Bostock in the city, when he had made preparations to leave it. For his part, he was willing to have an evening session, although he had another engagement.

Mr. Bostock—"Could I not suggest that we go on with the hearing now?"

Mr. Bostock—"Could I not suggest that we go on with the hearing now?"

Mr. Bostock again expressed a desire to proceed with the case, but it was finally decided to adjourn until Monday, at 20 clock p.m. Mr. Coltart was permitted to leave the winess stand after his long, but incomplete, examination, and the court adjourned.

The attendance at the criminal libel

Mr. Bostock thought it was an answer to the question, and he be a nanswer to the question, and upon the question had an answer must be given to the question, and upon the question being repeated by Mr. Cassidy witness, with evident reluctance, of a judge, and if it is the law in this country that shareholders, large or small, of companies can be branded as criminals because of acts about which they lishing Company. The magistrate reluctance, the question was immarked that if the question was immarked the proceed with the case be sent to the question was immarked that if the question was immarked that if the question was immarked

watch the proceedings. It was nearly half past two before the hearing was resumed, the third and last case, that against Mr. H. Bostock, M. P., being against Mr. H. Bostock, M. P., being then again taken up. Mr. Bostock was far as the actual directors were concerned case where the proprietor of a London

Witness-"I think, your Worship, Mr. Cassidy is exceeding his limit now." After considerable argument witness afternoon. No counsel was present in reluctantly stated that it had not been an

the stock in lieu of salary.

Q.—"Your nominal salary is \$30 a month as managing director of the Province Publishing Company?"

admitted the authorship of the alleged libelious articles in his examination, but this evidence is not, on the Magistrate's ruling, to be used in his own case.

The main line of argument and proceedings by the counsel for the prosecution was to show that Mr. Bostock at the time of the alleged libelious and the state of the should take one company at time of the alleged libelious articles.

Mr. Cassidy, before calling any wit
wish of the counsel for defence, the paper
you hold stock in your own name, purin question might have said: "What nesses, announced that owing to the fact that Capt. Wolley, who was to appear as a witness, had an important engagement with the Provincial Board of Health he desired to call him first. His Wosship. desired to call him first. His Worship held but had given as its equivalent his

were credited up in the company's books properly, the counsel knew that they

your shares. A .- "The stock was inscribed in my

A question as to whether Mr. Scaife paid for his shares in the same way, and what stock he held, brought up Mr. Boscross-examining his own witness. His

assidy was speaking a lively tilt between was run as one affair, and the paper was Worship ruled that Mr. Cassidy was not examining a willing witness, and that the question, consequently, was admissaple. Witness then stated that Mr. Scaife reason to believe that he paid for his

> the employ of the company, held five out if there were other shareholders in opened to Canadian officers. He served either concern, and what proportion of the stock they held. His Worship ruled corps and afterwards joined the Northascertained by the evidence, this infor- the Northwest rebellion. He was chosen

company, and the examination was conany way dominating in that company?"
A. "Oertainly not."

Q. "At the time the alleged libel was published do you know where I was?" A. "Yes; in Toronto."
This ended the cross-examination, and

Mr. Pooley are referred to.

The directors of the Province Limited against him. The only grounds on Liability company, witness said, never which the counsel for the prosecution interfered with him on the writing of had sought to substantiate his charge the articles mentioned.

Mr. Cassidy—"It is not too much to say that the directors knew what you were doing?"

A _"I never asked them."

was that he was the proprietor of a company called the Province Limited Liability. He was a shareholder and director, but claimed that he was not responsible in any other way. He quoted a companies Act to prove A.—"I never asked them." sible in any other way. He quoted a section of the Companies Act to prove

associations like that of "The Prov-ince," when he alone virtually consti-The attendance at the criminal libel preliminary proceedings before the police magistrate was larger yesterday than it has yet been, many citizens who attended the nominations, remaining to watch the proceedings. It was nearly half past two before the hearing was

the paper, that proprietor did not escape responsibility in the matter. Mr. Bostock he claimed was in a position to interfere in the matter of the alleged libels. He is actually in the position of absolute proprietor. It is a part of the agreement of companies that the majority vote rules. Mr. Bostock held the

majority vote by reason of the stock he controlled. On the question of negli-Witness—"I never said that." controlled. On the question of negli-His Worship stated that Mr. Coltart gence alone, he claimed, the case should go to the jury.

Mr. Cassidy's line of argument regardness at this stage rose excitedly to his feet and made frequent interruptions, was supported by numerous legal auwas supported by numerous legal authorities. At the conclusion of his address, the magistrate said he would not give a decision until Monday at 2 o'clock, as he wished to carefully con-

sider the evidence.

Before adjourning the court he said he

would like to make a few remarks. When the cases just concluded were brought up in this court, he had made up his mind that he should allow the first witness called yesterday morning was Premier Turner.

Mr. Cassidy—"You were asked to produce the summons, which demanded witness to produce the summons by Mr. Turner and asked witness if it was not correct, to which an answer in the affirmative was given.

Mr. Martin asked if the alleged libel was not based on an interview or was in reply to an interview which was published in the Colonist on December 5.

Mr. Cassidy—"You were asked to produce the summons, Mr. Cassidy then read the summons, which demanded witness to produce the summons minute book, share list, etc., of The Province Limited Liability Company to show the interests the defendant had in the said company. The magistrate ruled that according to the wording of the summons Mr. Colonist on December 5.

Mr. Cassidy being the company in which was published in the Colonist on December 5.

Mr. Cassidy being the company in which was published in the Colonist on December 5.

Mr. Cassidy being the company should be a to the stock in one concern and three-quarters of the stock in the other. The examination of Mr. Coltart was decidedly to the wording of the summons Mr. Coltart was not culpable in not bringing of the stock in the other. The examination of Mr. Coltart was decidedly to month for his services with that company should be act position in the concerns was skill-field in the course of the stock?"

Q. "Is that the company in which you took out the stock?"

A. "I did not say that."

Mr. Bostock here interrupted and said that Mr. Cassidy was apparently trying interesting, owing to frequent interruption of Mr. Coltart was decidedly to month for his services with that company, and asked witness what he got act position in the concerns was skill-field in the course and without the theory of the stock in the company in which was published in the books in the books in the stock in one concern and three-quarters of th n question.

After a tedious argument Mr. Cassidy

Wrong, as what a judge says he must say
with authority. Had he followed out the for his ruling he had ruled to the best of his ability and knowledge. If he had refused evidence or taken evidence imcould get redress by going to the Supreme court. In the case of the counsel for the defence in regard to a certain question admitted as evidence, he had not seen fit to seek this redress.

The court was then adjourned until 2 o'clock this afternoon.

STATIONED IN VICTORIA.

One of the Northwest Mounted Police Officers to Have His Headquarters Here.

Major Perry, of the Northwest Mounted Police, who came down from Skagway the hand and offered their congratulaon the last trip of the City of S-attle, was a shareholder in the Province Limited Liability and that he had every some time in Victoria as a transfer offiwill, it is understood, be stationed for some time in Victoria as a transfer officer in connection with the Northwest lated Mr. Justice Irving on his elevation shares in cash. Mr. Wilsey, a printer in Mounted Police. Major Perry is an offishares, witness said. They were one tary experience. He was the first cadet dollar a share. There were no other different the Royal Military College at Kings- of the profession had always been from the Royal Military College at Kings- of the profession had always been from the Royal Military College at Kings- of the profession had always been from the Royal Military College at Kings- of the profession had always been from the Royal Military College at Kings- of the profession had always been from the Royal Military College at Kings- of the profession had always been from the Royal Military College at Kings- of the profession had always been from the Royal Military College at Kings- of the profession had always been from the Royal Military College at Kings- of the profession had always been from the Royal Military College at Kings- of the profession had always been from the Royal Military College at Kings- of the profession had always been from the Royal Military College at Kings- of the profession had always been from the Royal Military College at Kings- of the profession had always been from the Royal Military College at Kings- of the profession had always been from the Royal Military College at Kings- of the profession had always been from the Royal Military College at Kings- of the profession had always been from the Royal Military College at Kings- of the profession had always been from the Royal Military College at Kings- of the profession had always been from the Royal Military College at Kings- of the profession had always been from the Royal Military College at Kings- of the profession had always been from the Royal Military College at Kings- of the profession had always been from the Royal Military College at Kings- of the profession had always been from the Royal Military College at Kings- of the profession had always been from the Royal Military College at Kings- of the profession had always been from the Royal Military College at Kings- of the profession had always been from the Royal Military Colle cer who has had quite an extensive miliectors in the concern.

Mr. Cassidy then endeavored to find Engineers when that regiment was that as the question was asked to define
Mr. Bostock's actual position in the
company, and as this had already been west Mounted Police, where he was in
company, and as this had already been west Mounted Police and militia during
that as the question was asked to define
west Mounted Police, where he was in
command of a mixed brigade of Northobligation to the bar for their congratulation and hoped the good feeling bemation was immaterial. Witness stated for the honorable post of going to Eng-tion s would continue to exist now that that there were three directors in each land in command of the detachment of the Northwest Mounted Police at the Jubilee and remained in England for full course of time reach the high stan-Mr. Coltart then expressed a desire to some time, being attached to the staff of his Worship to make a protest as to Mr. Cassidy's examination, and said he afterwards was for a short time attached The court proceeded then to business to the Irish Constabulary.

Bertha—And you mean to say that you o not get angry with him.
Edith—Never.
Bertha—Tell me some of the faults he

Has found in you.

Edith—Oh, he hasn't found any yet.

When I ask him to name them he always says I am faultless.

Rigby waterproof peajack-ets, pants and smox. Very heavy. B. Williams & Co.

Sergeant-Major Elliott Answers Mr. de Malchin's Challenge for a Sword Contest.

lavy Win the Rugby Match From the Fifth Regiment-A sociation Matches-Basket Ball.

To the Editor:-Apropos of the recent ounted sword contest it is meet that I hould reply to De Malchin's challenge in this morning's Colonist.

nan could show to advantage the relative ounter between myself and de Malchin sportsmanlike nor manly to attribute well merited defeat to the horse of one's own selection. The poor horse, if frightened at all, was made so by the uncertainty as to whether the state of the New Vancouver Coal Cc., Ltd., evidently enjoys the patronage and approval of that corporation. The writer in the Review endeavors to instil a fear of directly results

and ridiculous as the proposition made in the arean that I change horses. It does not attack me, but the referee and judges. I may add here that I was satisfied with the evident desire to be impartial, of the officers of the contest. That I struck him over his back is undeniable, but had I waited to finish him face to face I should be waiting yet. It is not the practice of Her Majesty's Royal Horse Artillery to turn their backs to the enemy. It was the bombastic utterances of the circus performer who styles himself the champion of the Pacific to coast (?) that first induced me to engage in this contest, but if he will spend the time to learn the art of utilitarian horsemanship, realize that spurs are for use on recalcitrant horses and not solely for ornament, and meet me for a side bet of \$1,000, at some time in the near future I have no doubt but that I can accommodate him. As for acknowledging supremacy, that is for neither of us. The public will take care of that.

For the present I have proved the value

To THE EDITOR:—Seeing in the COLONIST of Saturday's issue of Mr. Ivan de Malchin's challenge to Sergeant Major Elliott for another mounted sword contest, I will make the following proposition to the Russian: First, let him take one month's training in a riding school and learn how to handle a horse; second, to know the art of using the sword—not to turn his back to his opponent; and, third, to meet me at the Dominion hotel next Monday afternoon at 3 o'clock, as I will back the Sergeant Major for any sum from \$2,000 to \$5,000, and he must put up or shut up. I was a witness to the late contest, and I must say I never in all my life saw such a parlor swordsman. ther mounted sword contest, I will make to the late contest, and I must say I never in all my life saw such a parlor swordsman. His foolish remarks of the Major striking his horse is all rot. But, to tell the truth, the horse knew more than him, and saw the Russian easily beaten at the game. The very silly idea of wanting to change horses with the Major! Why not ask the Major to change brains? I understand Mr. de Malchin to say he has met Mr. Duncan C. Ross. Well, to tell the truth, he knows full well he could not be drawn in the ring with a pair of mules to meet Mr. Ross. As regards the referee, I shall appoint Mr. Richard K. Fox, Police Gazette, New York, to name a referee unknown to both of them. As to Ivan's other challenge on foot, why the very idea! The best he could do with Mr. St. Clair was fairly a draw and Ivan knows it. Idea! The best he could do with Mr. St. Clair was fairly a draw and I van knows it, as do also the judges. If the gentleman had only his eyesight I van would not be able to stand up for two attacks on the floor, to say nothing of being dismounted from his horse three times by the gallant Major.

ARTHUR SHERMAN. ARTHUR SHERMAN,
President of the New York and Brooklyn

Fencing Club Dominion Hotel, Victoria, Jan. 8.

MR. JUSTICE IRVING.

The New Judge Sworn In Before the Full Court-Appeals Heard.

The sitting of the Full court yesterday morning was marked by the ceremony of swearing in Mr. Justice Irving, who took his seat on the bench for the first time, and after taking the oaths of office, received the congratulations of his brother judges and of the bar. Besides the members of the legal profession, there was quite a gathering of spectators in was quite a gathering of spectators in that the Vancouver colliery employs one Chinaman to every sixth employee in their works, while on the other hand the Wellington on a large staff like these two collieries possess makes quite a difference in favor of Wellington. The returns given in the report are as follows: New Vancouver Coal Co., 887 whites and 91 Chinese; the New Vancouver Coal Co. employing, therefore, 54 more Chinese than the Wellington Colleries. This statement will be quite an eye-opener was quite a gathering of spectators in Chinese than the Wellington Colleries.

This statement will be quite an eye-opener to those who have been led to believe other-

to the bench. Since Mr. Irving had befriendly and cordial, and Mr. trusted and believed that now that Mr Irving was upon the bench the cordial feelings would continue, and that he twee uimself and his brother pre he was on the bench. He hoped he would make a useful judge and in the

and gave judgment in Cunningham v. Bank of British Columbia, dismissing the appeal with costs.

Mr. Justice McColl and Mr. Justice

Drake both expressed themselves of opinion on the appeal of Gordon ve. the Gall of snow to-day, the fruit was not damaged. son vs. Victoria was settled by the privy council. Mr. W. J. Taylor, for the city, arked that there were a different set of we will give one lady in each town or village facts to consider in each case. The Gordon case was put over till next term and the Lang case will come up on Thursday.

a judgment in which plaintiff received \$1,000 damages for injuries received in the mine, a new trial was ordered. Stowell v. Le Roi, and Anderson v. Le Roi were argued and judgment reserved. In these cases Mr. E. P. Davie C. C. In these cases Mr. E. P. Davis, Q. C., appeared for the company, Mr. T. M. McLeod for plaintiffs (respondents).

The following appeals are on the per-

emptory list for to-day:

1. Garvey v. West Kootenay La: 1 Co. 2. Chamberlin v. B. C. S. & R. (3. C. P. R. Co. v. McBryan, 4. Moore v. Hall Mines, 5. Russell v. McMillan,

EMPLOYMENT OF CHINESE.

Some Interesting Points as to the Situation at Nanaimo and Elsewhere.

To THE EDITOR:-I . notice that in Wed-Having been a witness of the recent so-called "contest" in the city market, it seemed to me that an ordinary artilleryreason why the Turner government should be removed from office, and calls upon the man could show to auvantage the levalry merits of the practice of the British cavalry as compared with the horse play of the circus ring. The result of the recent encounter between posself and de Malchin inspiration from the Nanaimo Review, a nstifies such a conclusion. It is neither paper which, from the large display adver-

all, was made so by the uncertainty as to whether it were really a mounted contest or otherwise, so frequently was the gentleman upon his back [I cannot call him a rider] upon the floor.

The charge that I struck a foul blow in concluding the last attack is as amusing and ridiculous as the proposition made in the arena that I change horses. It does not entack me but the referee and indees. For the present I have proved the value of the training of Her Majesty's soldiers, and may add that any member of my old regiment could have done as well and some better.

FRANK ELLIOTT,
Sergeant-Major R. H. A.

To the Editor Residue of the value of the training of Her Majesty's soldiers, and to go back to the time of the withdrawal of Chinese from the collieries. In May, 1887, an explosion took place in the collieries of from the collieries. In May, 1887, an explosion took place in the Vancouver colliery attended by a large loss of life. Another explosion in No. 5 shaft, Welling ou, occurred in January, 1888. Immediately after the latter occurrence a deputation of miners, the greater number, if not all, of whom belonged to the Vancouver colliery, waited on the late Mr. Robert Dunsmuir and asked him if he would agree to the exand asked him if he would agree to the exclusion of the Chinese from the underground workings of the Wellington colliery. That was the only colliery mentioned, and in fact the only one which Mr. Dunsmuir was operating. Mr. Dunsmuir's reply was to the effect that if the Vancouver colliery agreed to do so, he would. The management of both collieries consented and the owners of the Wellington colleries have so far loyally kept up to the agreement, although it is true that they colleries have so far loyally kept up to the agreement, although it is true that they are employed in the Extension, the Alexandria, and Union mines. But without wishing to insinuate too much, I might say that the attitude of the New Vancouver Coal Company in the non-employment of Chinese underground, and their employment in considerable numbers in other parts of their works, does not impress one as being due to philanthropic leanings towards the white laborer. It will be readily admitted that a white man, whether on top

wards the white laborer. It will be readily admitted that a white man, whether on top or below, requires the same necessaries of life—and both require houses to shelter them. He is of the same importance, from a mercantile point of view, to the city of Nanamo, inssmuch as it matters little to the public whether the workman's wages are earned above ground or below. Is it not true that at the present time the New Vancouver Coal Company employ a small army of Chinese about their work, and inasmuch as it matters little whether it is a army of Chinese about their work, and inasmuch as it matters little whether it is a
white man's place on top or a white man's
place below which this Chinaman fills, why,
have not direful results happened before
this? If the Vancouver colliery management is sincere in their dislike of Mongolian
labor, why do they employ them at all. In
looking over the colliery returns of 1896, as
submitted to the Legislature and which is the only one I can lay my hand on, I notice

Upon the court opening Mr. Justice Upon the court opening Mr. Justice Urving sat upon the right of Mr. Justice Walkem, who administered the oath of office; Justices Drake and McColl being office; Justices Drake and McColl being Who was Now, what I would like to ask is this: Is also presene, the Chief Justice, who was unwell, not being able to attend.

After the reading of the commission by Mr. B. H. T. Drake, registrar of the Supreme court, the new judge took the oaths and Mr. Justice Walkem and his brethren shook their new confrere by the hand and offered their congratulations.

Hon. C. E. Pooley, Q. C., on behalf of about the Dunsmuir corporation as the only employers of Chinese labor.

GOVERNMENT STREET. Victoria, 6th January, 1898.

The Naughty Man—No; whoever told you that wronged me. I don't believe in wasting liquor on people who are too sick

MESSES. Castleton, Shoplain, Ramond would be an adornment to the bench.

Mr. Justice Irving was very much the funeral of the wife of William Short, of Lake district, the interment being made at the Cedar Hill burial ground, and Rev. J. W. Flinton, pastor Luke's, officiating. The funeral of Francis Lewis, son of William Lawis, also of Lake district, took place on the same day, Mr. O. E. Kendall, of Emdard the bar so earnestly desired to see manuel Baptist church, conducting the

> California Orange Crop. Los Angeles, Jan. 11.—The orange crop of southern California, now being harvested, is in prime condition. Al-

We will give one lady in each town or village a full sized \$2 case of LUXURA, the only Tollet article in the world that will develop the bust or any part of the female form, remove wrinkles, etc. Write to-day for it G. M. WIG-GINS, 112 West 32nd Street, New York.

Rates to San Fra to the Old Figu shift Soun

Adventure of the tralian Steamer Sealers St

The C. P. N. steame

awkward adventure rock in Frederick arm Esquimalt marine rail pairs. This mishap w completed on Sunday. the bridge since leaving tain Meyer at 6:40 o'c ing of the 4th retired sleep, giving the stes chief officer with instru exact course he was daylight, however, aroused and on getting around. He again gav ings to the chief off pointed out Sail and Fi on the port side and B the starboard, again ship struck at 9:30. ly was approaching the of a quarter of an hour off and apparently not l pairs will take fully a plish. Among the pass by the Tees at Wrang Harvey and Applegate, North bonding sites for wharves at that port. passenger list was as passenger list was as Carson, R. Nightingale, Draney, Miss Hovick, M Cunningham, H. B. Chi Fennell. Her consigned Iron Works, Province and C. W. D. Clifford,

IF BEHRING SEA

A well known sealing said that he did not beli twenty of the sealing fi year go to sea. This is by ten vessels than sailed felling off being due. falling off being due opinion entertained amo fraternity that some new recome into force prohibi tering Behring sea. To their operations after t which to many is usually to warrant the expenditu sending to sea, would me at present they cannot r surance that Behring sea open, a large fleet would RATES GO U

The local agents of the Steamship Co. have been on and after the 20th instruction of steams. between San Francisco, V Sound are to be doubled being that of a year age, peting line being put of the fare for first class pathis city and the Golden G

for second class the fare is of the advance becomes effect

be \$15 and \$8. FOR TROPICAL AND SOUTE At 2 o'clock yesterday At 2 o'clock yesterday Canadian-Australian steat wera sailed from the outhonolulu, Suva, Wellingto Sydney, N.S.W., heavily freight, but with her sparsely peopled. From took away 350 tons of freigonsisting of lime and patherican side. Of the patwo embarked here, the Crosley and Miss Little Seattle, whose destination Seattle, whose destination The others are: Mr. and W. C. Little, Mr. and Mrs. son, Mr. Sagers, Mr., Mr. Larke, Mr. and Mrs. Sy Baker, C. D. Fox, P. 1

House and wife, Mr. A Dummick, D. McKeow, Mi J. W. Girwin. TWO TO ONE. This week the steamer O to have assistance in givin Puget Sound ports a service port is to consist of the chedule to apply to the during the repairs to the C ton, provides that one si Victoria and the other Taco each day. Northbound the Seattle at 10:15 a.m. and P at 1:30 p.m., while south be leave these ports respecti

and at 4 p.m. The man assurance that the City o not to be withdrawn from MARINE NOTES On Sunday the tug Con the barkentine Wrestler from Bay to Vancouver, where s ber cargo.

The British bark Pass of reached Vaucouver on Satt cargo of over 2,000 tons of the B.C. Refinery. Capt reports an uneventful voya from Salaverry, Peru. Afte her cargo the ship will 1 grain on the Sound.

The Umatilla, from Sa and the Walla Walla, for rived on Sunday. The Uma delayed by unfavorable v ought a little over 68 to for Victoria, and of the 21 on board 30 debarked here.

ISLAND RAILWAY LA

To THE EDITOR:-A g been said and written late
"land grant" to the la
muir for building the Esqu
naimo railway by person
little or nothing of the
the undertaking. There a still living in Victoria who the trouble to speak out me inform misinformed perso themselves and their fellow to blame-if blame shoul e land and money gran Soon after the province North American federati belt of land on Vancouver reserved in aid of the tra

railway guaranteed by the government. Had the Co railway come by Butte inle couver island to Esquimalt ment, or the company, whi