ARD OF ALDERMEN.

ant Matters Referred to the orable Consideration of the Incoming Council.

Up the Year's Business—Annual Reports Deferred.

gular weekly meeting of the Board rmen was held, last night, at the Chamber. There were present: rship Mayor Grant, in the chair, dermen Smith, Coughlan, McKillinn, Robertson, Richards, Hunter, and Renouf.

COMMUNICATIONS.

the British Columbia Land & Inst Co.—asking for a refund of $1,770 s on improvements on the property al clients. Referred to City Barris. he same course was taken with the ications of W. S. Langley, W. Mcd S. Duck.

the proprietor of Everett's saloon ting against additional taxation on sed hotel.

Coughlan—Is the license throughout $200? I think the matter ought to red to the Licensing Committee. e well aware, Mr. Mayor, that sevple in the trade are only paying $60 um.

Renouf explained that when these were taken into the city they were ying $60 per annum, and it was conhard to jump them up to $200. Last y only paid the $60, but this year ll have to pay $200, the same as the

s, consequently decided to informerett that the Council had no power a rebate.

Taylor wrote, claiming $150 for done to the Pierre block by reason ooding of the cellars.

red to Sewerage Committee.

mmunication was read from the Pro-Auditor's office, stating that $12, been paid out fo school teachers' etc., and that for half this amount was responsible. The amount was within 30 days.

Robertson—Refer it to the Finance ttee.

Renouf—Oh, no. Let us understand. seems to me that there must be a

Mayor—I think not.

Renouf—We paid $3,000 in June or st. How is it double that amount

Mayor explained that since July the s responsible for half the amount of chers' salaries and fuel, etc. This owever, they would get half the protaxes collectable in the city.

communication was referred to the Committee, to be paid if found cor-

residents of Harrison and Pandora. etitioned for a sidewalk. Petition d to Street Committee.

-law regulating Chinese wash-houses roduced.

report of the Street Committee was commending a variety of works to avorable consideration of the incomrd."

Police committee reported on a preferred against the police—that of g clothes to be removed from the wash house lately burned down. It nied that there was any truth in the ion, and affidavits from several memthe force were handed in showing e burned premises were carefully d, and nothing removed without due tion of the owners.

notion of Ald. Munn, seconded by Richards, the following resolution was d: "That inasmuch as it is desirable e traffic of heavy teams in Beacon ark should be discontinued as soon as e, therefore, be it resolved, that the committee be requested to interview A. McTavish, with a view to ascertwhat arrangements can be made im to open up Wallace street to conith Humboldt, and report to the l at its next meeting.

Coughlin: It is scarcely worth now. Let the new council deal with

Munn: The place is being destroyed.

Smith: Mr. McTavish offered to have the land at the same rate that ssessed.

Robertson: Make arrangements him.

Mayor: And where is the money e from?

Munn: The next council will pay.

Renouf strongly objected to ing debt which the incoming council have to pay. When the present l took office they had a nice little

resolution was referred to the Street ttee.

council adjourned until 2 p.m. on day.

A QUESTION OF COLOR.

Meeting of Pride of the West and Fernwood Lodges, and Its Result.

ether or not any but white men, of eighteen to fifty years of age, shall be ted to membership in the Canadian of Oddfellows, Manchester Unity, was bject of debate at Fernwood hall, last ng.

meeting, called as a mass meeting, tended by members of the four local —Dauntless, Waverley, Pride of the and Fernwood—was the result of a sition to establish a colored lodge of der in this city. Though the four s were represented, only Pride of the and Fernwood voted, 130 strong, so sult of the vote finally taken can be ted only as expressing their views.

e constitution of the old Manchester contains no reference to color; Canadian Order have inserted ord "white" in referring to persons le for membership. The debate therefore, whether or not the s here would sustain, or rather guided by the limitation of the nion organizers. Mr. Ottaway and al others held that they should; Mr. Cook and one or two more argued a. The vote was 130 to 5, in favor of ing the words "white men."

ding up to last evening's meeting, it ted that a colored man recently apfor admission to the lodge at Esquand, by a majority of five, the lodge ssed itself in favor of his admission. it was feared that too great latitude d be allowed by the erasure of the "white" from the constitution, as men, or, in fact, anyone, would then e entitled to apply for admission to rder.

e Greer case is to again come before ourt, next week.

THE BELYEA COMMISSION.

The Police Magistrate Makes His Statement Under Oath, and is Cross-Examined.

His Version of the May Affair Very Different to the Attorney-General's.

Yesterday morning the Royal Commission on the Belyea case resumed its sitting. The room in which the enquiry is being held was again well filled with interested spectators. At the start of the proceedings Mr. Belyea signified his intention of going into the witness box and making a statement under oath.

Arthur Lewis Belyea, sworn: I recollect when August May first came to see me. It was in the early part of September. After I had concluded a police court case on which I was engaged, the Chief of Police told me that a man from Seattle wanted to see me. I went into my private room and this man came in immediately after me, followed by the Chief and Sergeant of Police. The Chief told me that the man wanted to see me about his daughter. The stranger then told me who he was. I asked him what he wanted. In reply, he turned to the Chief of Police, and asked him for certain letters which his daughter, Hattie May, had written to Seattle. The Chief handed me two documents (exhibits A and B.) These I will read:

DEAR PARENTS—I am going to get married, and gone east soon. Don't worry, I am save. Good by. Your child, HATTIE MAY.

VICTORIA, Aug. 27, 1891.

DEAR PARENTS—I will write to let you know that I am in Victoria. I am working for a lady which I knew in Seattle. I stay with her. I am working for her. I get $15 a month. The reason why I wrote you that I was going to get married was because I knew you wouldn't like to let me go. I like this town very much and I am going to stay. I have a good home. The lady took me over with her to Seattle, Monday evening. The reason why I didn't write sooner was because we were not settled. You don't have to worry about me, for I am all right and safe. I will close my letter to-day hoping to hear from you soon. I remain

Your daughter
HATTIE.

This third letter (exhibit C) I have no recollection of having read at all, anyhow at that time. It is the last letter written by Hattie to her sister in Seattle, and dated 31st Aug., 1891.

DEAR SISTER:—I received your letter this morning, and was very glad to hear from you. Sorry to tell you that I am not coming home, and never could make me go home for I am doing nothing wrong. And if you want to know so bad who the lady is I am staying with it is Mrs Fried and in a respectful family, and if you don't want to believe it come and find out for yourself. Mrs. Marr has nothing to do with me, she has enough to do to attend to her own business without tending to mine. I tell you that never accuse other people of what they are not guilty; you can send all the police after me you want they can't get me home and I am not coming home. I guess you know yourself how fine they treated me. I have had enough of it I tell you. I told you long time ago that the day would come when they would be sorry for it, and I tell you they can't get me home for I am on British soil, and they can't get me home because I am doing nothing wrong whether I am of age or not. I will always let you know how I am getting along if you wish to hear from me. And as for Mrs. Marr she has not skipped the town. She is right in Seattle, and if you do not believe it go and call on her at her mother's house and you will find her there and none of them told me to go. I went with my own free will. Tessie never told me to go, you know better than that yourself No more news for to-day write another time am well as ever. Sister. Regards to all.

Your sister,
HATTIE MAY.

I think I glanced over the above in the police court subsequently. After I had read these letters I questioned May as to the circumstances attending his daughter's leaving her home. He said that beyond the fact of her letters he had no knowledge how she left. I asked him if he knew where the girl was staying in Victoria. He replied that he did not. When I questioned him about the Frieds he said that he didn't know them at all. He said he had heard over in Seattle that she had come over here with a Mrs. Marr, who was some relation of the Frieds. I asked the chief and sergeant who the Frieds were—for up to that time I did not know who they were—whether Fried was married, and what sort of a house they kept. The officers said, so far as they knew, the Frieds were married and kept a respectable house. May did not then, or at any time afterwards, state that Fried's wife had anything whatever to do with the girl going away from Seattle. All he seemed to want was a paper to arrest the girl and send her back home. There was nothing in what he said that led me to believe that I should be justified in charging the Frieds with taking the girl away from Seattle, and as far as I could learn there was no reason for thinking so. All he wanted was a warrant to arrest the girl and take her back, but I told him that I had no authority as a magistrate to do that. I told him if he had a charge to make against the girl, it was a different matter. I asked him if he thought the girl would go back; he said he didn't thihk she would, and I told him if the girl was over 16 years of age she could do as she pleased, but if under that age she would have to go home. I told him his proper course would be to get a lawyer and proceed by way of *habeas corpus*, bring the girl before a supreme court judge, and if she was under the age of 16, he would order her to go home with her father. He was satisfied with that, but said that he didn't know any lawyers. I told him that that was my profession and that, if he liked, I would do the work for him. No fee or charge, whatever, was mentioned at that time. I told him that I would go down to my office and consult with my partner before I did anything. At about 11:30 we got to the office, and, after consultation with my partner, I decided to institute *habeas corpus* proceedings and take the same lines as were advocated in the Webb case, last April or May. In the meantime, my partner went down to make an appointment with the Chief Justice, who was, at that time, the only judge in the city, for the issuance of an order for Fried to produce the girl. At 12 o'clock all the papers were ready. My reason for taking all these precautions was because, from the letters I had read, and from what May had told me, I had reason to suppose that the girl would refuse to go, and also that if she was still with the Frieds, Fried might be compelled to produce her in court before she could be got away anywhere else. I said to May: "Now, as soon as Fried comes, you ask him if the girl is at his house. Then ask him to deliver her up to you. If he agrees, go and get her. If he is not willing, you must swear to this affidavit at once, go before the Chief Justice and get an order." When I sent for Fried he had gone to his lunch, but would be back at 2 o'clock. I told this to May. He then left my private office, and, as he reached the door, he turned round and asked what would this cost him. I told him the usual charge was $20. He never replied. Never said anything about not having the money or having to send for it; he just simply turned round and walked out. I then went to lunch and didn't see Fried, May or anyone else till I came back at 2 o'clock. When I returned from lunch, my partner, the clerks and Fried were in the office. I asked Fried: "Are you going to give the girl up?" He half laughed and said his lawyers were Eberts & Taylor. I said: "You refuse then to let the girl go?" He said: "The girl is with her father now, she left my house an hour ago with him." He then left and I never expected to see May again. About a hour afterwards May returned. He said I met him in the street. That is false. I never met or spoke to him on the street. I asked him if he hadn't got the girl. He said yes, but that she had run away again, and he believed that she was with Fried. I said: "We will have to proceed now and go before a judge." He made a demand for a written guarantee that he should not pay anything at all unless he got the girl. I told him that I could not guarantee a judge's decision, but I felt pretty sure that the judge would make an order for the girl to go home with him. May insisted on a guarantee, and I let the matter drop. He then went out. I never saw him again until I went over to the office of the Attorney-General. When he was in my office he said that he had gone direct to Fried's house, at 2 o'clock, and found his daughter. She accompanied him to the post office, and then asked him if she could go back and get some clothes. I then understood him to say that he had gone back to the house, but could not get her. He didn't tell me whether she was there or not. May stated distinctly in his affidavit that I told him if he would bring the $20 before 6 o'clock, it would be all right. That is false. It was not uttered by me, nor, to my knowledge, by anyone in my office. I peremptorily told him I would make no guarantees whatever. That statement is absolutely false. There was no such conversation at all. As to the statement that his daughter came to my office, she had never been there, and to my knowledge, no person told him that his daughter had been there. Regarding paragraph 6, of May's declaration, I presume he refers to the second time he came to my office. He did not tell me the girl was being harboured in the house of Fried; he said he didn't know anything about them except what was in the letter, and he didn't tell me anything that would lead me to infer that the Fried had improperly brought this girl from home, or had anything to do with the obtaining of her. I believed then as I believe now that the proper case for the recovery of the girl was by *habeas corpus* proceedings, notwithstanding the remarkable opinions on this question, and the long rambling statement the Attorney-General gave us the other day, directly against the opinion of every legal authority for the last 200 years. *Habeas corpus* was the right remedy, the only remedy. If May had taken our advice, or the advice that I have every reason to believe was given to him by Messrs. Bodwell and Irving, who acted as his solicitors after we did, all the trouble would have been avoided, and the girl restored to her parents by *habeas corpus* proceedings, would have been got back home all right. By the manner in which May presented the case I sized it up, then and there, as a case of a runaway girl coming over her from Seattle and getting employment in a private family in this city. There is an insinuation in the declaration of May's that the daughter had been in my office, and also the statement, a little far ther on, that she had seen a lawyer who had given her advice. The natural conclusion of course is that I was the lawyer she had seen.

His Lordship: Oh no. I don't think so, Mr. Belyea. Not necessarily.

Mr. Belyea: I don't say for one moment that your Lordship would draw that conclusion, but there are some parties who make that inference, and who will, no doubt, urge it in this room too. How I came to be in the Attorney-General's office was in answer to a message, delivered I think by Officer McNeill, from the Attorney-General, requesting me to see him at his office on very important public business, a matter of vital public importance. I found in Mr. Attorney's office, Chief of Police Sheppard and his child, and May. I saw no one else in the office, and didn't believe then that there was any one else but those I mentioned, but I learned after a few minutes that there was some one else there. I hadn't the faintest idea of what was wanted of me. The Attorney-General opened by reading a manuscript in his own handwriting, containing certain statements that had been made by May in reference to what had taken place before between him and myself and partner. He told me that these statements had been made to him by May, had been taken down in writing, and he wished me to answer them or make any observations that I saw fit. He did not pass the document to me to read myself either then or afterwards. I replied to it, making in substance the same statement as is contained in my declaration. If I did not specifically deny some of the falsehoods that are in it, it was because they slipped my memory or I didn't hear Mr. Davie read them. Now I may as well state what I know about the invisible shorthand reporter. Mr. Davie didn't tell me there was a shorthand reporter to take down all I said. I was sitting on Mr. Davie's left, in front of him. Almost directly to his left was Sheppard, and May sat behind him to the right. Mr. Attorney-General was sitting close to a high desk, which was up to my shoulder when I stood up. The first intimation I had that there was anyone in the room was the handing of a note across the desk to Mr. Davie, who glanced at it and nodded his head. Then I suspected there was an invisible reporter. It didn't affect me in the least. I went on with my statement in the same way. I didn't see the reporter when I went out. In fact, I didn't see him during the proceedings at all. I suppose the interview lasted about half-an-hour. When it was concluded, I left and came over to town. The next communication I had with the Attorney-General was the following, which accompanied a copy of May's declaration:

VICTORIA B. C., Sept. 7, 1891

A. L. Belyea, Police Magistrate, City.

SIR,—I beg to enclose copy of the declaration of August May, which I read to you in the Attorney-General's office on Saturday last, when you stated the substance of the matter to be that, upon Mr. May laying his case before you as Police Magistrate you could do nothing for him, but that for a fee of twenty dollars you would, as his legal adviser, apply to the Supreme Court for a writ of habeas corpus which course you considered to be the proper one in the case, in view of the girl being under the age of 16 years; that you had not advised Fried in the matter, but that he had taken the advice of Messrs Eberts & Taylor; that you had not, as stated by Mr. May, informed him that his daughter had been to your office, and that the reason why May would not pay the twenty dollars was that you and your partner would not give him a guarantee of success.

I have to inform you that it is my intention to further lay the facts of this case before His Honor the Lieutenant-Governor in Council, and I shall also lay before the government any other matters which you may wish to urge in relation to the statements contained in the enclosed declaration.

I have the honor to be, sir,
Your obedient servant,
THEODORE DAVIE, A. G.

The document in court seems to me to be a copy of May's affidavit, but I will not swear at all that it is a copy of the original document read to me by Mr. Davie. I didn't take the letter of the 7th as containing even Mr. Davie's view of the case. If I had done so I would have at once replied, telling him to kindly confine his comments to facts as laid down in May's statement, which the letter did not do. At that time the Frieds were before me in my position as police magistrate, on a charge of abducting this girl. On the Saturday, when I was in the Attorney-General's office, I remember distinctly telling him that it was false that the girl had ever been to my office. It seemed to me that the Attorney-General and department were in most indecent haste to get my declaration. Almost every day there was a communication concerning it, and one time something like a threat, saying that the department must have my statement before 10 o'clock next morning, as the executive met at noon. I think I had a call from Mr. Smith, personally, too. I gave him the same answer as I gave to all the other demands—that I didn't intend to give my declaration until the case was out of my hands. I finished the case in the police court, at 5 in the afternoon, and I had from then till 10 o'clock next morning to prepare my statement. I could not get at it till the morning, and I had to rush through it hastily, and swear to it only twenty minutes before it was in the hands of the Attorney-General. I knew absolutely nothing about the matter further, until the 15th of December, when I received the following:

A. L. Belyea, Esq., J.P., Victoria.

SIR,—Through an oversight, for which I desire to express my regret, you were not notified, as was intended at the time, of the issue of a commission, on the 4th day of November last, to the Honorable Mr. Justice Crease, appointing him a Commissioner to enquire into certain complaints in reference to your office as a Justice of the Peace, for the County of Victoria, contained in a declaration of one August May, and to report to the Lieutenant-Governor-in-Council the facts found by him in such enquiry.

I am, Sir,
Your obedient servant,
A. CAMPBELL REDDIE,
Deputy Prov. Secretary.

Immediately afterwards I got this:—

A. L. Belyea, Esq., Barrister, &c., City:

SIR,—I am instructed to inform you that the Honorable the Attorney-General, has been advised by Mr. Justice Crease of your having been notified that the Commission directed to him, of inquiry into your official conduct as Police Magistrate, will be opened in the County Court room, in the Law Courts, on Tuesday, the 29th inst., at 11 a.m.

In accordance with the request of the Commissioner, I beg to notify you that the matter to be investigated by the said Commission is contained in the complaint of August May, dated the 5th of September, 1891, a copy of which was forwarded to you on the 7th September last.

I have the honor to be, sir,
Your obedient servant,
ARTHUR G. SMITH,
Acting Deputy Attorney-General

So your Lordship will see that two months elapsed between the filing of the declaration and the issue of the Commission, and another six weeks before I knew anything about it. I may say that during the whole of the conversation between myself and May at the police court the chief and sergeant were present; I had no conversation with him alone at all.

Cross-examined by Mr. Davie: May didn't tell me that the Frieds took his daughter from Seattle. I believe that May showed me all the letters he had at the time he first saw me.

Here a discussion ensued between the Attorney-General and Mr. Belyea as to the impression left on the mind of the latter after reading one of the Hattie May's letters, in regard to the identity of the party who brought her over from Seattle.

Witness continued: The girl might stay there without being detained when a writ of *habeas corpus* would have delivered her over to her father. It does not follow that if this was a case in which a *habeas corpus* would succeed, a criminal prosecution was not necessary. A criminal prosecution is the proper remedy where there is criminal intent; where there is no criminal intent a *habeas corpus* is the proper course. May came to my office at 3 o'clock, when he told me he had had possession of the girl and she had gone away again. He didn't say distinctly she had gone back to Fried's.

Mr. Belyea attempted to prove by legal authorities the correctness of his actions in regard to the May affair, but his honor reminded him that all the legal portion of the case might come afterwards.

At this stage of the proceedings the Full Court met, and Mr. Justice Crease had to retire. An adjournment was made, till 10 o'clock this morning, when Mr. Belyea will further proceed with his evidence.

A VOICE FROM CAPE BRETON.

TO THE EDITOR:—Please convey through the columns of your valuable paper my gratitude to Mr. Wilson McKinnon, of the Alhambra hotel, Vancouver, for information furnished of my brother, whom I really thought lost, and accept my best thanks for your kind and prompt action in the matter referred to you. Our weather in Cape Breton is very mild and open; we have not had snow enough for sleighing; so far, in fact, we have had no snow at all, and no appearance of frost. Navigation is still open on our Bras D'Or Lakes, and even the St. Peter's canal has not been scummed over with ice yet. Vessels and steamers are plying from the Sydneys, through the lakes to Fort Mulgrave as in midsummer. Our C.B. Railway is proving well, trains running regular, and making fast time.

JAMES C. MACDONALD.

Iona, Victoria Co., C. B., Dec. 29, 1891.

A QUESTION OF COLOR.

TO THE EDITOR:—Will you kindly permit me to point out a few errors that, inadvertently, no doubt, crept into your report of the Oddfellows' meeting, last night?

1. The colored lodge being formed here has applied to the Manchester Unity direct for a charter, and *not* to the Canadian Order, as your report would lead one to infer.

2. The "Dominion organizers" did *not* insert the word "white." This was done at a Grand Lodge meeting, some time after the organization of the C.O.O.F. The *original* C.O.O.F. constitution did *not* contain this prohibitive word.

3. No colored man has ever applied for admission to the Esquimalt Lodge, and the first sentence of the last paragraph of your report is nothing but a myth. The Esquimalt Lodge has passed a resolution in favor of omitting the word "white" from the constitution; and this is all this lodge has had to do with the color question or colored people.

4. The Grand Lodge, which sits in Ontario, each June, alone rules on such questions, and these resolutions passed by subordinate lodges have no effect whatever on this question, beyond serving to introduce the subject for discussion at the Grand Lodge.

5. No person, not even that great bogey, the Chinaman, nor his immaculate superior, the lord of the universe, the great (and only) man, the WHITE, can enter C.O.O.F., unless a favorable ballot is cast, and as only three black balls will cause the rejection of anyone—Chinamen included—the inference is too obvious to need pointing out.

OTHELLO.

Installation of Masonic officers and banquet, last evening.

A QUESTION OF LAW.

The Case of the Standard Theatre License Before the Police Magistrate.

Evidence Received For and Against, and Decision Reserved.

Police Magistrate A. L. Belyea held a special court yesterday afternoon to consider the charge of selling liquor illegally, laid against the proprietor of the Standard theatre, and referred to in yesterday's COLONIST. By invitation Messrs. Robert Ward, J. P., and W. Dalby, J. P., occupied seats on the bench, though taking no part in the deliberations of the court.

Mr. S. Perry Mills, who appeared for the defendant, E. J. Perry, before the case was opened requested Mr. Belyea not to sit upon it. His instructions were, he said, that the Police Magistrate had, indirectly, been connected with the case in his capacity as a lawyer.

Mr. Belyea: Where did you get that information, Mr. Mills?

Mr. Mills: From Mr. Perry.

Mr. Belyea: Mr. Perry knows better. He knows that I acted simply as solicitor for Mr. Adams, in connection with the transfer of the theatre property; that has nothing to do with the license. Nor have I done anything to disqualify me from hearing this case.

Mr. Mills: You were consulted about the transfer of the license by Mr. Cort, I am informed?

Mr. Belyea: I had nothing whatever to do with the license; I acted as solicitor for Mr. Adams only in the matter of the lease. I never met Mr. Perry that I know of. The only conversation that I had with Mr. Cort concerning the license was when I told him he would have to go to the board for that I had nothing to do with it.

Mr. Mills: Its rather a delicate thing to speak of, but I had hoped your honor would not sit upon this case.

Mr. Belyea: I see nothing to prevent my doing so; if I did, I would assuredly leave the bench.

Mr. Mills then claimed that the court had no jurisdiction to hear the complaint, and referred to the presence of Mr. Ward and Mr. Dalby on the bench.

Mr. Belyea: I am sitting alone. These gentlemen are only here by my request. I am sitting as police magistrate to hear the case, and shall decide alone.

Mr. Mills: Then I shall ask these gentlemen, Mr. Ward and Mr. Dalby, to retire from the bench.

Mr. Ward: And I shall certainly decline to do so. I take considerable interest in this case, and for that reason I shall remain. In the absence of Mr. Belyea, we would have taken the case; I am very glad the Police Magistrate is here to take his own position. I shall remain, though I don't say I intend to take any part in the proceedings. We don't intend to act as justices of the peace.

Mr. Mills: I have therefore to ask you again to retire from the bench.

Mr. Belyea: I certainly have a right to ask these gentlemen to sit by me if I see fit. I met them leaving the court room, and did ask them.

Mr. Mills: Then I will ask you to note my point, your Honor.

Mr. Belyea: And I decline to do so.

Mr. Mills: I say they have no right to sit, and be consulted.

Mr. Belyea: Wait until they are consulted.

On being asked for his plea, Mr. Mills said, "Not Guilty," and the Chief of Police called as his first witness Sergeant Hawton.

The sergeant's statement was that, by instruction of the Superintendent, he went to the Standard theatre, on Monday night, and told Mr. Perry that he would have to close his bar. Mr. Perry informed him, in reply, that he was selling under a temporary license, granted by the mayor, and had paid his license until June next, producing a receipt, not on the usual printed form, but written in lead pencil. This receipt was produced in court, and read as follows:

VICTORIA, B.C., Jan 4, 1892.

Received from E. J. Perry, by temporary permission until sitting of next licensing court, one hundred dollars, to be applied for a license to sell wines and liquors at the Standard theatre, Douglas street.

E. C. SMITH, Collector.

Mr. Perry also promised to show him the permit, if he would come again at 8 o'clock. Witness did so, but was not shown the permit—it could not be found. During the evening saw liquor sold over the bar by Perry himself, and saw the money received by him.

E. C. Smith, assistant collector for the city of Victoria, was next called, and asked to explain the circumstances in connection with the giving of the receipt referred to. He said that after the last sitting of the licensing commissioners he was asked by Mr. Cort to go to Mr. Mills' office, which he did. The mayor was there, and instructed him to give the receipt produced in evidence, Mr. Cort handing him a check for $100.

Mr. Mills—Mr. Perry, you mean?

Witness could not remember. The check was signed by Stevenson & Jones, made payable to E. J. Perry, and endorsed by him.

To His Honor: I received the money under the instructions of the Mayor, to be applied on the license of the Standard theatre. I issued no license—merely this receipt. I understood that temporary permission to sell had been granted by the Mayor. Had I subsequently given a receipt in the ordinary form—that of the license—I would have noted on it that it was issued by instruction of the Mayor, he having given a temporary permit. (The temporary transfer of the license from Mrs. Hemans to E. J. Perry, signed by the Mayor, was here introduced, and witness stated that he would consider it a temporary permission to Mr. Perry to sell liquor upon the license issued to Mrs. Hemans.)

To Mr. Mills: I presumed that the Mayor had given Mr. Perry a temporary permit. Mr. Grant's words were in effect that as mayor of the city he had given the temporary permission. I was instructed to do as I did by the mayor, who claimed the power to do as he himself did.

Police Constable Hendry was sworn, and corroborated Sergt. Hawton's testimony; and

Assistant Clerk Smith was recalled. He produced the ordinary form of license issued, and said that he had never known of a case when such license was issued upon the granting of a temporary permit. Had never taken a fee for the city on the issue of a temporary permit. As a matter of fact did not consider the case in point exactly in that light. Thought that the money could not have been paid as a renewal of Mrs. Hemans' license, as it had been cancelled. Issued the receipt produced, upon the Mayor's assuming responsibility.

City Treasurer Charles Kent deposed that Mrs. Hemans was not at present the holder of a license for the Standard theatre. The one issued in her name expired on the 31st of December, and Mrs. Hemans had made no payment since that date. Should not consider the license of Mrs. Hemans renewable, as it had been cancelled by the licensing board. The forms of licenses are never used for temporary permits. Did not give Mr. Perry a license; did not consider him entitled to one.

Cross-examined: If a license were issued, in the case of a temporary permit, would note on it the circumstances of how it was acquired. Would have acted in the same manner as Mr. Smith, had the Mayor instructed him so to do, and agreed to give him the instructions in writing as well.

City Clerk W. J. Dowler swore that he was clerk to the Board of Licensing Commissioners, and produced the book of record of that body. The license for the Standard theatre, held by Mrs. Hemans, was cancelled on January 4th instant.

The case for the prosecution being closed with the evidence of Mr. Dowler, Mr. Mills called the defendant, E. J. Perry, who identified the signatures of Mrs. Hemans and of Mayor Grant upon the transfer from the former to himself, produced. Considered that the money given Mr. Smith paid for the license for the next six months under the temporary permit given by the Mayor.

To the Bench: It was shortly after the last sitting of the Licensing Court, about five or six o'clock, that the money was paid to Mr. Smith.

John Grant, Mayor of Victoria, sworn, said that he had issued the permit referred to at 6:30 p. m. on the 9th of December last; considered that he had a right to do so under the statute. Authorized Mr. Smith to sign the document brought into court—at least, told him it was quite right for him to do so. The money was taken under the temporary transfer issued by witness. Did not consider that the license was vested in Mrs. Hemans when the Board last met, and cancelled Mrs. Hemans' license. Considered that the license rested with the party holding it, and that defendant's temporary right existed until the decision of the Court of Licensing Commissioners was given to the contrary. Witness had not given instructions to have the present prosecution instituted, nor had the Council to his knowledge.

The case was here rested, and Mr. Mills announced that he wished to get a decision upon which he could go to the Supreme Court. He held that the court should not exercise jurisdiction of a summary nature. Mr. Perry had sold under a claim of right; he had paid the license fee on the temporary license, or permit, behind which the court could not go. He had other points to state, but, for the purpose of facilitating business, promised to submit them to the magistrate, with the authorities, before the next hearing of the case, which is set for 10 a.m., on Saturday.

THE MUNICIPAL CONTEST.

Last Night's Meeting at Spring Ridge—Mr. Bragg and His Friends.

There was a largely attended meeting of the electors of Johnson street ward, last evening, held at Spring Ridge, for the purpose of discussing election matters. Mr. Wm. Baker was called to the chair.

The chairman, in a few well chosen words, introduced Mr. Bragg, one of the aspirants to municipal honors for the ward.

Mr. Bragg, who was warmly received, stated that he considered it to be the duty of the electors to take a lively interest in municipal affairs, and as one who was seeking their support he had called the meeting for the purpose of placing before them his views and receiving such suggestions as it might be thought fit to offer. He had been a resident of Johnson street ward for the past eight years, and had felt that the ward had suffered in the hands of some of those who were elected to represent its interests in the council chamber. It was only the lower portions of the ward that were represented, and he felt that the growing importance of the upper section justified them in asking for at least one member, so that the residents might have a fair showing and enjoy their just share of fire protection, light, street improvements, etc. If returned to the Council he would use his best energies on behalf of the city, the ward with which he was connected, and especially the upper portions of that ward. While not attempting to criticise the actions of the late Council, there were things which had been left undone which might have been done, and things done which would be better left undone.

Ex-Alderman Robertson described the affairs of the city as being in a very unsatisfactory state, and to remedy the evil a different class of men should be sent to the council.

Mr. Devlin was proposed as a candidate, but did not address the meeting.

Mr. Snyder thought it best to make a change in their representatives. In his opinion $80,000 was too much to pay in civic salaries. He went into details on city affairs generally, and had nothing to say in favor of the administration of 1891.

Several other speakers having addressed the meeting, proceedings closed.

Another meeting will be held in the Work estate schoolhouse, Saturday evening, also a meeting of Mr. Cook's supporters in the Trades and Labor hall this evening.

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Louisiana Sugar Crop.

NEW ORLEANS, Jan. 6.—The Elm Hall sugar plantation of Leon Goodchaux, in Assumption parish, closed the rolling season, Monday, having turned out the immense quantity of 425,000 pounds of sugar, on which Mr. Goodchaux will get $85,000 bounty from the United States. It is one of a dozen plantations owned by Mr. Goodchaux, who will be the largest individual receiver of bounty in the United States, and will receive something more than a quarter million dollars from the government.

NOTICE is hereby given that 60 days after date I intend making application to the Hon. Chief Commissioner of Lands and Works, for permission to purchase 160 acres beginning at S. W. corner of small Indian Reserve, Barclay Sound, west of David Island, thence north 40 chains, thence west 40 chains, thence south 40 chains, thence east 40 chains, to point of beginning.

D. W. MORROW.

Dated December, 6th 1891. dell-w-2m

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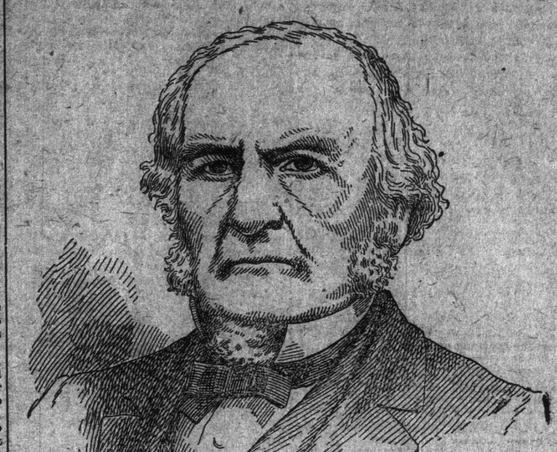

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