LOCAL NEWS

(From Tuesday's Daily.)

Will Remedy Grievance.—The letter of "Fairplay" in the Colonist on Sunday morning has roused the authorities to take action to remedy the evil complained of—the prosecution of Indians who take fish in the streams near Duncans for food. Mr. A. W. Vowell has forwarded the letter to Mr. C. B. Sword, the Dominion fisheries inspector, and prompt action is anticipated.

Fall Fair Dates.—The Colonist on Sunday chronicled the fact that the mission of the civic delegation to New Westminster in an attempt to get the Royal City to change its dates for the fall fair, had resulted in failure. As a result of this, it is altogether probable that the local association will decide at a meeting to be held tomorrow evening, to hold the annual fair this year on September 27th, 28th, 29th and 30th, and October 1st. These are the dates which it was originally intended should be taken by Chilliwack, and will put the local exhibition a week ahead of that of New Westminster.

Frank Slavin Injured.—During a fight on the Klondike river, Frank Slavin, the former champion prizefighter, who has entered the ring against such men as Sullivan and Jackson, and who was known as the man who could stand more punishment than any other fistic gladiator, was nearly killed. He was struck two blows on the back of the head with heavy clubs, and deep scalp wounds were inflicted, one blow cutting into the bone. Slavin was badly dazed. The doctor who dressed the wound testifies that had it not been for the heavy Yukon cap worn by the man he would have been killed. The doctor also stated that to some people the blows might have caused death.

Island Iron Resources.—There is a movement on foot to revive the enterprise with which the late Homer Swaney was connected. The scheme of Mr. Swaney looked to the extension of the Irondale smelter, which was supplied with magnetite from the Vancouver island mines on the Alberni canal, and that from Texada island. He had also interested capital in the erecting of steel works in addition to the manufacture of pig iron. The manufacture of steel was to be carried on near Seattle. It is said that Seattle capital, after the subscriptions were promised, was very slow to come in, and in consequence the plans of Mr. Swaney were delayed and crippled. Since the Chilham disaster, by which Mr. Swaney lost his life, others have taken up the work and are endeavoring to revive an interest in it.

To Mark Boundary.—Two international boundary lines are to be marked by the United States government during the coming season, and the work will begin as soon as the snow has melted sufficiently to permit the survey parties to travel. The lines in question are those which separate Alaska from the British Northwest possessions and British Columbia from the state of Washington. The work of laying down a proper demarkation between British Columbia and Washington was begun two years ago, and was continued last summer. The preliminary work, however, was devoted to surveys to determine the course which the line should take in the localities where the old monuments have disappeared. This year the engineers detailed from the coast and geodetice survey will begin the work of actually erecting visible monuments along the boundary line. This project is regarded as highly important, in view of the mining developments along the Canadian border.

(From Wednesday's Daily.)

Excursions From Seattle.—From private information which has reached the city, a number of summer excursions are being planned under the auspices of the Argus newspaper of Seattle, and a strong effort is to be made to induce the pleasure-seekers to visit Victoria.

The Sealing Question. — President Roosevelt has signed joint resolutions extending the invitation of Congress to the interparliamentary union and providing for the entertainment of its members, and requesting the president of the United States to negotiate with the government of Great Britain for a revision of the regulations which will govern the taking of fur seals in the open waters of the North Pacific ocean and Behring sea.

Bound For Atlin.—Mr. T. H. Taylor, P. L. S., of Windermere, who is at present a guest at the Vernon hotel, leaves today on the Cottage City for Atlin. Mr. Taylor is taking up the practice of Mr. Brownlee, P. L. S., that gentleman at present being too busy to attend to it. Mr. H. St. J. Montizambert, a mining man from Windermere, accompanies Mr. Taylor, for the purpose of looking over the different camps in that district.

Secretary Resigns.—The announcement is made that at the next meeting of the Victoria Kennel Club T. P. McConnell, who has acted as secretary for several years past, has decided to submit his resignation. Mr. McConnell finds that he will be too busy in the future to attend to the onerous duties falling to that official. As he has given every satisfaction during his term of office, his decision will be unwelcome news to all fanciers. The late show was a financial success.

The Fall Fair.—An important meeting of the British Columbia Agricultural Association will be held at the City hall this evening. Among the business to be dealt with will be the deciding of dates for the forthcoming fall fair. The negotiations between Victoria, Chilliwack and New Westminster in this regard were fully explained in these columns yesterday morning. The association will now consider whether to bring the local exhibition between that of the two Mainland fairs or after that of the Royal City. The chair will be taken at 8 o'clock promptly, and a full attendance is desired.

Naval Stores Damaged.—Yesterday morning at 4 o'clock fire was discovered in the navy yard in the electrical store, which is generally full of apparatus. It is supposed to have been the result of crossed wires. The damage to electrical fixtures within the building from water and fire together is believed to be considerable. The fire was confined to the one building, which, being of brick and stone and very solidly erected, was not in itself injured a great deal. A new fire engine was recently acquired from the Old Country which places the safety of the yard from fire on a much more secure basis than heretofore.

Yukon Freight Rates.—The new joint freight tariff of the steamship lines and the White Pass & Yukon railway on shipments from Puget sound and British Columbia ports to Dawson via Skagway was announced yesterday. There are material reductions as compared with the rates prevailing last season. The new rates will be effective on April 15th. The reductions was due to a desire to induce shippers to get their goods into Dawson during the season of high water on the Yukon, when navigation is comparatively easy. From statistics concerning the opening of navigation on the upper Yukon it may be judged that steamers will be running from White Horse to Dawson any time between May 25th and June 10th. Last year the first vessel to make the through trip was the White Horse, which sailed from White Horse on June 12, and reached Dawson two days later.

(From Thursday's Daily.)

To Recover Treasure.—The mission of the schooner Barbara, which sailed from Seattle some time since, about which there was considerable discussion, is declared by persons who profess to know, to have been for the purpose of securing $1,000,000 worth of sealskins and ivory belonging to the Northeastern Siberian Company, of St. Petersburg, Russia, and which are cached at some place in Siberia, which is likely to be occupied by the Japanese early in the present conflict with Russia. The section of Siberia where the skins and ivory are cached is along the coast line patrolled last season by the Russian man-of-war Maudjur, which was caught at Yew Chwang at the outbreak of hostilities.

Mr. Riley Thanked.—The council of the Board of Trade held a meeting yesterday morning at which a letter to George Riley, M. P., for his efforts in respect to fish traps, was endorsed. The letter was as follows: "At a meeting of the council of this Board of Trade held today, the telegrams sent you regarding fish traps were read and approved. The council, when instructing me to transmit this confirmation, desired to express to you the board's high appreciation of your good offices. The president stated that, from advice he had received from Ottawa, he is satisfied that the granting of salmon trap licenses is due to the stand taken by you. The council feels that in voting you the board's best thanks, it conveys the full appreciation of the high estimate it places upon the services which you have rendered in this connection."

Agent-General's Office.—As the summer season is now near at hand, when travel will begin, it is agreeable to know that the Agent-General's office in London is comfortably fitted up with a reading room and is well supplied with papers, whence British Columbians who are visiting London, England, may go and spend a pleasant hour or two. They may also have their letters addressed there. Mr. Turner will be pleased to make all welcome and to show any attention or give any assistance in his power.

Voting Today.—Two important civic bylaws are to be voted on by the ratepayers today. The school bylaw provides for the raising of $40,000 for the purchase of a school site and the erection of a school building in Victoria West, as well as additional accommodation in the central part of the city. The total amount required to be raised annually for repaying the debt and interest and the creation of a sinking fund, for a period of fifty years is $1,865. The other bylaw is one that will enable the city to devote the unexpended portion of the Point Ellice bridge funds to construct a causeway across Rock Bay for a continuation of Bay street, and to assist in the completion of the filling in of James Bay flats.

"De Riter is moving away. His profession demands it, you know." "Why, he can follow his profession anywhere. He's a novelist, isn't he?" "Yes, but he's going in for historical novels now, so he's got to settle in Indiana.—Philadelphia Press.

Bench and Bar

A FEW ANECDOTES OF EARLY JUDGES AND LAWYERS

By D. W. H.

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"No ceremony that to great ones 'longs,
Not the King's crown nor the deputed sword,
The marshal's truncheon, nor the judge's robe,
Become them with one half so good a grace
As mercy does."

—Measure for Measure.

THE first Chief Justice on the British Pacific Coast was David Cameron. He was a Scotchman and in early life had been a manufacturer of woollen and linen goods in his native country. He had never studied law although he had had a liberal education. He was connected by marriage with Governor Douglas and to that fact he probably owed his preferment. When I say that Mr. Cameron was a man of good, strong common sense, that his library consisted of three law books—one on criminal law, one on contracts and a third Burns' Justice, the legal leader of today will have some idea that the justice dispensed here at that time must have been of the Jedburgh variety. As there was no Appellate Court the Chief Justice's word went without question. He was an amiable, kind hearted old man and if his head was not filled with legal knowledge his heart overflowed with the milk of human kindness. He was a timid man withal and when learned barristers from Great Britain began to flock here and besiege the court with their wigs and gowns, their bags and piles of law books, they threw the old gentleman out into a state of mental confusion and physical trepidation that well-nigh overwhelmed him. There was no finality about his rulings either; many trivial cases hung on from court to court and year to year until the litigants' purses as well as their patience were exhausted. The lawyers reaped the harvest. They always do. I have known the old gentleman to decide a point offhand and ten minutes afterwards reverse the decision in deference to the demands of the Attorney-General or some other leading barrister. Sometimes his Lordship's indecision would give rise to exciting scenes and provoke the use of violent language.

On one occasion Barrister Babington King scored a point over his learned brother George Hunter Cary, the Judge deciding adversely to the latter.

"But, my Lord," persisted Cary, "Chitty says so-and-so."

"If Chitty says that," remarked the Chief Justice, "I must decide in your favor. The order is reversed."

"But, my Lord," urged Mr. Ring, "Burns' Justice says this (and he proceeded to read from the authority.)

"What do you say to that, Mr. Cary?" asked the learned Judge.

"I say," retorted Mr. Cary vehemently, "that the authority quoted has no bearing on this case at all."

"I think that it has," replied the Chief Justice, after a long pause, "and the Court decides against you."

The next moment Cary's wig sailed across the court room and he leaped from his seat and made a wild dash for the door, as he ran divesting himself of his gown and bands, casting them on the floor and shouting: "I'll never appear before that old fool Cameron again!" The solicitor who instructed him and the litigants whom he represented ran after him and after a few minutes' pleading prevailed upon the irate gentleman to return. His legal toggery was recovered and having put them on again he went back to the court and resumed his efforts to induce the Chief Justice to again reverse his order, which he actually did in spite of the fervid appeals of Mr. Ring and liberal quotations from English authorities of the existence of which the Chief Justice had not the slightest knowledge.

Mr. Cameron was a merciful man. It always cut him to the heart to sentence a prisoner to death—and when delivering a charge to the jury in a hanging case he always assumed an apologetic air towards the criminal. He was very gentle in his demeanor, but sometimes he would lose patience and flare up at the goading of counsel; but it was only for a moment. The old gentleman's amiable nature would soon re-assert itself and he would pardon the indiscretion of speech or the offensive manner of the barristers. He wore neither wig nor gown, for the reason that he had never read law; and he never insisted that the barristers who appeared before him should be properly clothed. He used to refer privately to a certain pompous barrister who pleaded before him in wig and gown as "that gorgeous creature,' and another he referred to as "an uncertain quantity"—forgetting his own inability to arrive at a determination. Cases, as a have said, lingered on for years. The Court of Sessions was farcical. Every lawyer who asked for an adjournment of a case got it. The Assize Court, although only convened once or twice a year, was not much better. Jurors when summoned appeared promptly; but were frequently told that their services would not be required till some future day. Litigation drifted on for years to the serious injury of the whole country until some good angel took pity upon our condition and represented to the Queen that a judge who knew law was required in the Colony. Then Mr. Joseph Needham came out and Mr. Cameron retired with a pension which he enjoyed till his death some years later.

Chief Justice Needham was a strong man mentally and physically and his knowledge of the law was phenomenal. Of all the Crown Colony Judges he was one of the cleverest. He could grasp the fine points of a case almost by intuition and he had the English practice at his fingers' ends. His memory was prodigious and his explanation of the law was lucid and unanswerable.

Mr. Needham always wore the wig and gown. On Assize days he donned a red robe and on a hook just back of the judicial seat hung a black cap which he put on when imposing the death penalty. Mr. Cary had returned to England in ill health before Mr. Needham arrived; but there remained his old antagonist, Mr. Ring, Mr. W. T. Drake (now a Justice of the Supreme Court), Mr. T. L. Wood (afterwards a Judge in China), Mr. J. F. McCreight and Mr. Roeke Robertson who were both subsequently elevated to the Bench.

The new Chief Justice was most punctilious in insisting upon a strict observance of Court etiquette as it is practiced in England. Under Mr. Cameron the rules were not enforced and a barrister frequently rose in his place and secured a hearing without having his wig and gown on. A few days after Mr. Needham had taken his seat a young Canadian barrister who was not properly gowned advanced to the table and said:

"My Lord, in the case of——"

The Chief Justice, with a quick glance in the direction of the speaker, turned to the Registrar and said: "Call the next case."

The barrister, supposing that he had not been heard, raised his voice and repeated:

"My Lord, in the case of——"

The Chief Justice—"Do I hear a voice, Mr. Registrar?"

The Registrar—"Yes, my Lord, Mr. R. is addressing you."

The Judge looked along the line of Counsel and then glancing around the courtroom, said: "I hear some one speaking; but I don't see any one. This is very strange."

"My Lord, in the case of——" the barrister again began.

The Chief Justice—"Really, this is most perplexing. I hear, but I do not see.

At this moment one of the solicitors whispered something in the barrister's ear, and a wig and gown were handed him by a brother practitioner. Having donned these he began as before. This time he obtained the Chief Justice's attention at once, and with the remark, "I both see and hear you now, Mr. R." the request, which was one for an adjournment, was granted.

One day Mr. Hopson Walker, barrister, appeared before Mr. Needham in wig and gown, but visible below the gown was a bright-hued Baltic shirt-front. Walker failed to catch the judge's eye and was puzzled to know why. Presently the Registrar whispered, "His Lordship objects to your colored shirt!" Walker withdrew into one of the rooms, tucked a sheet of white legal cap into his bosom and came back to court with the colored shirt-front no longer visible to the judicial eye. The case then proceeded.

When Mr. Needham took charge he found no less that 216 cases pending in the Court of General Sessions. Some had hung for several years. His Lordship took his seat at ten o'clock one morning and by six o'clock in the evening the last case had been disposed of and the docket was cleared for the first time since it began to make history.

Some of the suits disposed of were very amusing. A man named Feigh kept a bar on Yates street. Under the Tippling Act a publican cannot bring suit for drink; but he can recover for bottles of wine or liquor supplied Feigh brought suit against a customer to recover $85, and in order to comply with the Act he made out the account as for nineteen bottles of champagne at $5 a bottle. The charge was fraudulent and the Judge recognized its character at once.

Feigh was put in the box.

"So you charge $5 a bottle for champagne?"

"Yes, sir."

"Twenty shillings for a bottle of champagne?"

"Yes, sir."

"A pound for a bottle of champagne?"

"Yes, sir."

"Well, you charge too much. Your bill is exorbitant and I find for the plaintiff."

The suit of C. B. Young, a noted political writer of the day, against the Chronicle newspaper for libel and damages laid at $10,000, was tried before Chief Justice Needham in 1866. The paper had called Young "an old reprobate" because he presided at a meeting which had been convened for the purpose of advocating the annexation of Vancouver Island to the United States. The paper pleaded justification and produced witnesses who swore that the plaintiff was a wicked person. The Chronicle won the suit, the Chief Justice showing a decided leaning towards the defendants. One of the allegations was that the plaintiff had frequently stated that the power and greatness of England were on the wane. Asked if he had made the remark, Young replied:

"Yes, and I do believe England is on the wane."

"Mr. Young, Mr. Young," exclaimed the Chief Justice, "the power and greatness of England will outlive both you and me."

And so it has. The Mother Country is greater and more powerful today than it has ever been in its history and Needham and Young are dead.

Mr. Needham was fond of entertaining. He had a charming wife and two equally charming daughters. They were very musical and threw themselves heart and soul into every movement that had for its object Charity. They were the life of Colonial society at the time. A more unselfish and hospitable family never resided here. They occupied Duval Cottage, now the residence and property of His Worship Mayor Barnard, and the dinner and dancing parties were frequent and most pleasant. The Chief Justice's eldest son was a lieutenant in the Navy and was stationed at Esquimalt.

In 1867 a serious disturbance arose on Grouse Creek, Cariboo. The trouble was about a mining claim which had been jumped by a company of Canadians. The mining laws allowed a company to lay over an alluvial claim from November till the first of May or June—that is during the season when the ground was frozen. The partners who owned this particular claim were not on the ground when the first of May (or June) arrived and a number of miners who called themselves the Canadian Company jumped the ground, appropriated the cabins, tools and sluices of the original company and began to take out quantities of gold. They were ordered off by the Gold Commissioner and refused to go. Mr. Trutch, who was then Chief Commissioner of Lands and Works, sent orders to expell them. The Canadians armed themselves and defied the orders of the officers sent to carry out the orders. Next Chief Justice Begbie issued an injunction; but the papers were torn up and the pieces thrown in the officers' faces. The miners began to fortify the claim and meanwhile the sluices ran day and night with rich pay dirt. The miners generally sympathized with the intruders and the lives of the officials were threatened if they should venture on the property. Governor Seymour, who was a very timid man, began to fear that he had a rebellion upon his hands and cast about for means to settle the difficulty without bloodshed. He declined to back up Mr. Justice Begbie, as he should have done, and while the dark cloud lowered the miners themselves suggested a method for settling the trouble. They said: "We have no confidence in either Mr. Begbie or Mr. Trutch. They are prejudiced against us. But there is a man in Victoria whom we feel we can trust. His name is Needham and he is Chief Justice of Vancouver Island. Ask him to hear the case. Whichever way he shall decide we shall abide by the decision."

The Governor grasped at the proposition and Chief Justice Needham accepted the task of hearing the case judicially. A special commission was issued and Mr. Needham went post-haste. He was accompanied by Lieut. Needham. Arrived at Cariboo his first step was to visit the disputed ground. He was enthusiastically received and shook hands with the rebels and accepted their hospitality. Observing that mining was still proceeding he said:

"Gentlemen, on Monday I shall hear this case at the Richfield courthouse on William Creek. But the first step must be taken by you. You must discontinue working the claim at once. The next step you will have to take is to pay into Court the gold that you have washed from the disputed ground."

The miners were charmed with the manner of the judicial arbitrator and fell over each other in their efforts to comply with his wishes. They regarded their case as strong and were certain of success.

The trial opened at Richfield as announced. Several special constables had been sworn in and when Mr. Needham, attired in red robe and wig, took his form of a British naval officer, sat by his side. The presence of the young officer had a marked effect on the spectators. The courtrooom was filled and the approaches to the building were packed with miners.

The proceedings were begun in a most solemn and ceremonious manner, advantage being taken of every opportunity that would lend dignity to the scene. The money paid into Court amounted to about $6,000. It was impounded by the Judge who ordered it to be placed in the Government safe.

Witnesses on both sides were heard. The failure of the original company to represent the claim within the legal limit was clearly proved. It was also shown that the Canadian Company had "jumped" or taken possession of the property, declaring that it was forfeited because of non-representation.

The decision was rendered the next day. It was against the Canadian Company on every point. "It is true," said His Lordship, "that the original owners failed to appear on the ground within the legal limit; but the power to forfeit the claim resides in the Crown and and can only be exercised by the Crown. The Crown has failed to act and the power that it has not exercised cannot be exercised by individuals. The claim reverts to the original holders and the money paid into the Court must be delivered to them."

The losing side accepted the disappointment with as good a grace as possible and surrendered the property. It was never believed that the money paid into Court represented more than a small percentage of the gold that had been taken out by the jumpers.

After the union of British Columbia and Vancouver Island Mr. Begbie (afterwards Sir Matthew) was made Chief Justice of the United Colonies; but that eminent man and his invaluable services are entitled to a longer notice than there is space for today. Mr. Needham went to Trinidad where he was knighted. Some years later Sir Joseph Needham retired on a pension and went to England to reside. He was hale and hearty at the age of eighty odd and was fond of a good dinner at that age as when he was much younger. He had an abiding faith in the saving virtue of brandy and water and would often strike his chest with his clenched hand and exclaim, "I'll tell you what is the matter with the Englishmen of the present day—they don't drink enough brandy."

One evening the great jurist ordered his team of spirited horses to be brought to the door, for he was an excellent driver. He took the reins, the horses ran away and Sir Joseph was thrown out and killed.

His son, Capt. Needham, now retired, visited the province during the Kootenay excitement in the interest of English investors. He also went to Atlin and secured some properties there.

Although not connected with the Bench or the Bar, "W.S." sends me from Nanaimo a most amusing incident that occurred at the goal in 1861 and which will fit in this chapter. Sergt. Blake at that time was a chain-gang guard. He started out one morning with thirteen prisoners to do some work on the government grounds. When he counted the gang in the evening he found only twelve instead of thirteen prisoners. To account for the missing man he could not at first devise a plan and saw dismissal looming before him. He was walking moodily towards the goal with the balance of the gang when he saw an old Indian wrapped in dignity and a new red blanket gazing at some pretty things that were displayed in a shop window. A bright idea occurred to the constable. Seizing the old Siwash by the arm he led him into the midst of the gang and told him to march with the others towards the gaol.

"Ikta?" (what does this mean?) asked the astonished Indian, who was inclined to resist.

"Conet wa-wa, hyas chtawah." (don't talk, but go on), responded Blake who presently handed his thirteen men over to the jailer and took his receipt for them. The wondering old Siwash could not make himself understood, or no one would believe that he was Archivan while the prison record insisted that he was Arvanaz. So he served the balance of the sentence of the other Indian who, a little later, came back on another charge and the two men, the guilty man and his substitute, worked side by side in the same gang for months. The innocent man, who was an honest creature, was in a chronic state of surprise, like Alice in Wonderland, all the time he remained in the gang and whenever he caught sight of Blake would ask, "Ikta?" Blake would reply with a threatening gesture, "Conet wa-wa (hold your tongue), and the Indian would resume his duties until he saw Blake again when he would repeat the question with the same results. He was ever afterwards known to the police as "Old Ikta." The affair was a standing joke with the constables for a long time; but it was anything but a joke to poor Ikta.

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LAW COURTS AND CHAMBERS.

Two Big Appeal Cases Pending, Hopper-Dunsmuir and Abby Palmer.

Mrs. Joan Olive Dunsmuir will appeal from the judgment of the Hon. Mr. Justice Drake in the case of Mrs. Edna Wallace-Hopper vs. James Dunsmuir, in which defendant's mother appeared as intervener. The brief is being prepared, and will, when completed, be a record for size in any appeal which has been taken in the British Columbia courts. Every effort will be made to have the brief ready for the June sitting of the Full court.

An appeal is also being taken from the judgment of the Hon. Mr. Justice Martin in the case Vermont Steamship Company vs. Abby Palmer. In connection with the latter, in the Admiralty court yesterday morning, Mr. W. J. Taylor, K. C., was granted leave to take money out of court.

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Hornby Island, B. C., March 24th, 1904.

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Notice is hereby given, 30 days after date I intend to apply to the Chief Commissioner of Lands and Works for a 30-year lease of the following described lands for the purpose of stripping hemlock bark and cutting and carrying away the timber therefrom: Commencing at a post on the right bank of Nahmint river, Alberni Canal, thence 80 chains east, 80 chains north, 80 chains west, 20 chains south, 40 chains north, 160 chains west, 120 chains north, 80 chains west, 40 chains north, 80 chains west, 40 chains north, 80 chains west, 80 chains south, 80 chains east, 40 chains south, 80 chains east, 80 chains south, 240 chains east, 20 chains north to point of commencement. Also commencing at a post on Dunsmuir Point at the Boundary Line of the E. & N. Railway Belt, on Alberni Canal, on the west side, thence 160 chains northwesterly along the line; thence 40 chains southwest; thence 160 chains southeasterly to Alberni Canal, thence northerly along the shore to point of commencement.

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