

LOCAL AND PROVINCIAL

News of the Day Selected from Tuesday's Evening Times.

Medical Examination. The next examinations of the B. C. Medical Council will be held at Vancouver on September 5th at 10 a.m. Dr. G. L. Milne, secretary and registrar, will supply any information required.

Were Long Parted. Samson Hart of Montreal arrived in the city last night on a visit to his brother, D. Hart. The meeting was a pleasant one, for it was the first time since 1855-58 years. They have, of course, corresponded regularly but have never met. The visiting brother is a prosperous manufacturer of cigars in Montreal. He will spend some time here.

"Class in Ancient History Rise." The Colonist of this morning sold the skins of the schooner Penelope to Turner, Beeton & Co. for \$15 a skin, saying the sale took place shortly after the schooner's return. As a matter of fact, the skins taken by the Penelope were contracted for at the figure named before the schooner sailed, and the impression should not be allowed to go forth that \$15 is the market price now.

Will Skip B. C. Henry Irving and party are expected from the east on Friday next. They will leave for San Francisco on Wednesday, beginning their engagement in that city on September 4th. After the San Francisco engagement they will come north, appearing in Portland, September 19th and 20th, Tacoma 21st, and Seattle 22nd. Winnipeg will be the next place visited, both Victoria and Vancouver being skipped.

The Artillery Band. As will be seen by reference to the advertisement in another column, Captain Smallfield, acting adjutant of the B.C.B. G.A., is calling for the services of 22 bandmen to form a regimental brass band for the artillery, under the leadership of Mr. Finn, late bandmaster of the Victoria City band. The artillery corps in future will be able to match to the stirring music of its own band, and be independent of the precarious assistance of civilian and outside organizations.

Mining at Cameron Lake. Several days ago, a party of fishermen who were at Cameron Lake on the Albern road, heard blasting in the vicinity of the lake. Going to the place where the blasting was being done, they found a party of Ross' Finns at work, sinking a shaft out of which they were taking a large amount of very good looking gold quartz. The Finns had located a ledge of quartz and had been quietly working at it for some time. The property is considered to be a good one.

The Hebrew Synagogue. The annual meeting for the election of officers of the Congregation Emanu-El was held last evening and resulted as follows: President, D. Hart, re-elected; vice-president, J. Isaacs; treasurer, F. Landsberg; secretary, N. E. Reinhardt; trustees, E. Frank, Gus Leiser, S. Hartman, M. Marks and H. Bornstein. Before the meeting adjourned the relief society, which will aid all poor, was organized. The sum of \$40 in cash was raised at the meeting and there will be a monthly guarantee of 25 or 30 cents from every member. It is believed every Israelite in the city will join the society.

The Umatilla's Passengers. The steamer Umatilla sailed for San Francisco this morning with the following cabin passengers from this port: W. Tracy and wife, Mrs. W. Johnson, Mrs. E. Frank, Miss M. Frank, M. C. Duschek, G. C. H. Tennant, John Michie and wife, Mrs. John Reid and child, Mrs. E. Johnston, Wm. Murray and wife, H. H. Flowerden, wife and family, Miss A. Kayne, Miss M. Wilson, L. R. Smith, Mrs. W. Fitzgerald, J. S. Phillips, John Crandall and wife, B. F. Butterfield and wife, Miss Butterfield, J. W. Hasse, F. F. Harvey and wife, A. L. Pearce, Wm. Kent and wife, J. W. McLellan, John Murray, James Murray, W. Holker, M. Scott and H. Howe.

SHIP RATHDOWN HERE.

She Has 1600 Tons of Steel Rails Aboard for the Victoria & Sidney.

The British ship Rathdown, Capt. Morrissey, laden with steel rails principally for the Victoria & Sidney railway, arrived in the Roads last night. She has 3,000 tons of cargo aboard, made up of 1,600 tons of steel rails for Victoria, 1,100 tons of the same for Vancouver, and 300 tons of fire brick, pig iron and other freight for Tacoma. She came consigned to Turner, Beeton & Co., and will discharge at Sidney, from which end it is regarded as most convenient to begin track-laying. A Times man saw Capt. Morrissey at the customs house at noon. Said he, speaking about the voyage: "We have had beautiful weather ever since leaving Maryport. In the 150 days we have been out from there we have not had any bad weather at all. There were only two incidents of note during the voyage. Jacob Simmons, a negro seaman, died on Aug. 16th of heart disease and was buried at sea. His body was consigned to the deep in latitude 42 north, longitude 134 west. In the south Atlantic, in 46 north 59 west, we saw a large number of immense icebergs. It is unusual for them to be there at all. We will go to Sidney and unload immediately, then we will be towed to Vancouver and then go to Tacoma. At the latter place, after discharging, we will take wheat for home again."

THE MUNICIPAL MUDDLE.

Case Opened in Supreme Court and Adjournd Until Thursday. A small array of contractors assembled at the court house, Easton Square, this morning, to hear the argument in the injunction proceedings taken against the corporation of Victoria and Aldermen Baker, Henderson and Miller at the instance of contractors Coughlan and Mayo. At 11:45 Mr. Justice Walker took his seat on the bench. Mr. Bodwell appeared for the plaintiffs, Coughlan and Mayo; Hon. A. N. Richards, Q. C., and Mr. Helmcken for Ald. Baker, Mr. Gregory for Ald. Henderson, and D. M. Eberts, Q. C., for the corporation. Ald. Miller, having resigned his seat at the council, was not represented by counsel.

and Mr. Bodwell intimated that no further proceedings against that gentleman would be taken.

Mr. Bodwell explained to the court the circumstances of the case by reading the several notices of motion and affidavits served on the defendants and pointing out the law bearing on the matter. The writ of summons is endorsed as follows: The plaintiffs' claim is against the defendants, the corporation of the city of Victoria, for a declaration that the action of the council of the corporation on the 9th and 14th days of August, 1893, which resulted in the awarding of the contract for the Spring Ridge surface drain to H. H. McDonald & Co., was illegal and void, and for an order restraining the defendant, the corporation, from executing or further proceeding with the said contract; and as against the defendants Baker, Henderson and Miller, the plaintiffs claim a declaration that the said defendants and each of them are and were on the 7th, 9th, 11th and 14th of August, 1893, disqualified to act, sit or vote as aldermen of the city of Victoria, and an order restraining the said defendants and each of them from acting, sitting or voting as such aldermen. The law is laid down in sections 32 and 33 of the Municipalities Act, 1892. Section 32 is as follows: "If the mayor or any of the aldermen, or any person on his or their behalf, or any person in partnership with him or them, shall enter into any contract, directly or indirectly, in any contract entered into by or with the corporation, such mayor or alderman shall be immediately disqualified from continuing to be mayor or alderman as the case may be." Section 33 fixes the penalty for voting when thus disqualified at \$2500. Sections 30 and 31 are to the effect that if any person acts, sits, or votes as a mayor or alderman who after his election becomes disqualified by reason of his having, directly or indirectly, any contract with the municipality, he shall incur a penalty of \$50 for each time he shall so act, sit or vote.

Mr. Bodwell stated that an affidavit by Ald. Baker had been filed this morning and some of the allegations in it required answering. Moreover, from further information in the possession of the plaintiffs, it would be necessary to file additional affidavits, and to enable the plaintiffs to do this it would be better to adjourn the hearing for two or three days. When the usual objections had been taken an adjournment until Thursday next at 10 a. m. was ordered.

C. P. R. and Salmon Shippers. The deadlock in the fresh salmon exporting business still continues, the shippers being unable to get the C.P.R. to come down to what they consider a reasonable arrangement. Yesterday the company offered to restore the old rate of 15 per cent. less weight was put in each car. Fifteen per cent. means 40 pounds in each box, and that quantity of ice less the fish would melt during the present warm weather. If the ice were left the same and the 40 pounds less fish sent in every box, the shippers would be bringing the cost of the car, which extra business the business cannot stand, the exporters unite in affirming.

On the 8th instant the Port & Winch Company shipped a carload of salmon to New York, the fish being packed in nine tons, which was iced as usual. The car was laid off several times owing to hot boxes, and only reached Prescott, Ont., yesterday. From the latter point the shippers sent the salmon by rail to the company forthwith the car would be sidetracked. As the Port & Winch company had paid \$650 to the railway before the car left Westminster and the \$2000 was not being brought to the car, the shippers were bringing the cost of carriage to a sum nearly equal to the value of the fish provided they reached New York in prime condition, which is doubtful, owing to the delay en route, the shippers replied that the railway company might do as they pleased with the car. The sum of \$1258 to carry exports of salmon to New York seems exorbitant. The whole trouble, of course, arises out of the quantity of ice required in packing, but the fish cannot be shipped without the proper amount of ice to preserve them.

The Port & Winch company had a carload of salmon packed and boxed, intending to ship to-day if the railway company would agree to a reasonable rate, not exceeding \$650 per car. The rate, however, was for nothing, as no satisfactory terms could be arrived at, and the fish were unpacked and sold to one of the cameras. Although anxious to maintain their eastern business, it is useless, they say, doing so at a heavy loss.—Columbian.

From Wednesday's Evening Times.

Married in London. Thos. Lett Stahlschmidt, eldest son of the late Thos. L. Stahlschmidt, formerly a resident of Victoria, was married in London on Aug. 15th to Matilda, only daughter of the late George Kingston, of Dartmouth, Kent. Best man, G. M. Kingston, B. A., brother of the bride, officiated.

Funeral of Mrs. Patterson. The funeral of the late Mrs. Margaret Patterson took place yesterday afternoon from the residence of Mrs. B. Bailey, Chambers street. Services were conducted at St. Barnabas church by Rev. G. W. Taylor. The pallbearers were—J. F. Smith, Thomas Haughton, W. H. Burkholder, R. Bennett, W. Whitaker and H. Jewell.

Prof. Pfertner's New Band. All interested in the formation of a new band under the leadership of Prof. E. Pfertner are requested to attend a meeting at the V.A.C. at 8 this evening. It is expected a sufficient number of musicians can be secured to form a band creditable to Victoria. Prof. Pfertner is a hard worker and will undoubtedly succeed with his project.

Election for Aldermen. Alderman Harry Munn has this notice on the board at the city hall—"I hereby give notice that at the next meeting of the council I shall move the following resolution—Resolved, that the nomination of a candidate to fill the vacancy in the municipal council caused by the resignation of James Munn, Miller, be held on the day of August 26th, from 12 o'clock noon to 2 p.m., at the council chamber, city hall, and the polling, if any, on the third day succeeding that of the nomination, and that notice thereof be given by publication in the city daily papers, and by notice posted on the bulletin board at the city hall, and the places named in section 48 of the Municipalities Act, 1892; that Mr. William King Bull be hereby appointed the returning officer to hold the election and to act in accordance with the provisions of the Municipalities Act, 1892, and the Election By-law, 1888, and the Election Amendment By-law, 1892."

The Walls Walla's Passengers. San Francisco, Aug. 23.—Passengers by the Walls Walla for Victoria: J. P. Oliver, Mrs. L. H. Chapman and daughter, Harry Arnold and George Harper. Two Hackmen Killed. Antone Lynn, a hack driver, was convicted in police court this morning of an infraction of the "Hired Vehicles Act," and fined \$2. After a short period William Comma, another hackman, was convicted of an infraction of the "Hired Vehicles Act," and fined \$2. The police are giving the hackmen who do not live up to what the law requires, their attention at present.

The First Guests. The new polo mells were thrown open to-day to receive guests. The first aridly accommodated was a common drunk, who was gathered in by Constable McDonald. The drunk did not seem at all proud of the honor of being the first occupant of one of the mells. The mells were soon down to make room for the jail fard.

Serious Accident. Michael Sparrow, employed as truck driver for the Victoria Truck and Dray Co., met with a serious accident this morning. He was placing car wheels on his truck at the C.P.N. wharf, when two of them fell over and struck him on the foot just above the instep. Several bones of the foot were broken. Dr. McKechnie was called and, in attending to his patient, it is feared the foot will have to be amputated. Sparrow is a married man and has several children.

Alderman Henderson Has Resigned. Ald. Anton Henderson placed his resignation in the hands of Mayor Beaven this morning. He is a member of the council in the legal battle begun last week. The reason advanced by Mr. Henderson is that he does not feel disposed to enter into any prolonged contest over the matter. He is a business man whose time is already well taken up, and the case in court would consume both time and money. He also feels that if anyone else is wanted in the place by the constituents he is agreeable. His resignation will be read at the meeting of the council this evening.

A Course System. James McGinley and James Hooper were sentenced to three months and one month respectively by Magistrate Macrae this morning for obtaining goods under false pretences. Yesterday the court went into Gilmore & McCandless' store and bought some goods. McGinley said he was a sealer of the Penelope and would receive \$200 in wages to-day. Hooper, in whom the members of the court had confidence, said the goods would be paid for to-day. The two went direct to a pawnbroker's and sold what they had bought. McGinley is an old offender. Hard labor was added in each case.

Fire Department Changes. Alderman Munn has the following notice of motion affecting fire department matters on the bulletin board: "That George Lund, third engineer in connection with the fire department, be appointed second engineer, the vacant place of Atkinson, dismissed." "That T. Kinsey be appointed Engineer No. 3 in the place of George Lund, promoted."

"That C. Palmer be appointed driver No. 1 in the place of Kinsey, promoted." "That R. Petticrew be appointed call-man in the place of C. Palmer, promoted."

"That H. Hames be appointed call-man in the place of E. Whitcomb, resigned."

Wants to Pay More. The Hon. Amor DeCosmos has appeared to the Supreme Court from the decision of the court of revision in the matter of the assessment of his property situate on Spring Ridge. Mr. DeCosmos laid the report out into law, and the court also agreed to reasonable terms, the corporation directed the assessor to include the streets in the assessment of the property. For the streets Mr. DeCosmos had to pay a tax of one dollar, and this year the assessor made the streets pay a tax of two dollars. The property is more valuable than this, and the assessment should be based on the average value of the land adjoining. Mr. Justice Crease heard the appeal at 3:30. Mr. Helmcken appearing for the plaintiff and Mr. Eberts, Q.C., for the corporation.

California Exposition. The international exposition to be held at San Francisco, Cal., from January 1st to June 30, 1894, will be located in Golden Gate Park and will cover an area of about 100 acres. There will be five principal buildings for the Midwinter Fair: (a) Main and General; (b) Agricultural and Horticultural Arts; (c) Mechanical Arts; (d) Fine Arts and Decorative Art; (e) Administration Building. Applications are being received daily for separate and special concessions such as state exhibits, restaurants, reproductions, side shows, etc. M. H. de Young, vice-president of the national commission, World's Columbian Exposition, Chicago, will act as director-general and president of the exposition. The other members of the administration and officers are: Irwin C. Stump, vice-president; P. N. Lienthal, treasurer; Col. A. Andrews, R. B. Mitchell, Hon. Eugene J. Gregory, Sacramento; Jacob H. Nelson, Colfax; Fulton G. Berry, Fresno; J. S. Slauson, Los Angeles; Alexander Badlam, secretary; R. Cornely, assistant director-general. Information for intending exhibitors, maps of the grounds, buildings, etc., may be obtained by applying to the Department of Publicity and Promotion, California Midwinter International Exposition, Mills Building, San Francisco, Cal.

Marine. Steamer Isabel has been taken off the Port Angeles route and laid up. Schooner W. P. Sayward was in Barclay Sound this morning. She had 300 on board. Steamer North Star came off Turpel's wharf last evening and is acting as tender for the quarantine event. Gen. Fitzhugh Lee was determined to do the proper thing, and so he proposed that the congratulations of the convention should be wired to the chief executive at Gray Gables. This was done, but to-day the general was sadder and a wiser

TWO JUDGMENTS.

Convictions in the Liquor Case and Chinese Peddlers' License Case. Police Magistrate Macrae to-day delivered judgment in the above cases as follows:

Re M. C. Brown.—In this case Michael C. Brown, holder of a retail liquor license in respect of hotel premises forming part of Duck's building on Broadway street, was charged on Wednesday last with having unlawfully disposed of a certain liquor, to wit, beer, in his licensed premises on Sunday, 6th inst., contrary to the "Liquor License Regulation Act, 1891."

The two witnesses for prosecution, who gave evidence with great reluctance, testified that they had been in the bar room of defendant's hotel from about midnight of Saturday, 5th inst., until daybreak on Sunday; that a bartender, known to them as "Jim," was in charge; that they drank each of them nearly a bottle of beer; the one saying that he got his bottle from a glass and beer bottle with the cork drawn on a table in the saloon and drank two glasses of the beer; and that there at least other persons—they were not prepared to say how many—in the bar room while they were there.

The defendant, in answer to his counsel, stated that the bartender had been in his employ for about three months; that he had not applied for a license during prohibited hours, and admitted to him (the defendant) that he had given two bottles of beer on the morning of the 6th inst. to two young men "to get clear of them." On cross-examination defendant would not say that liquor had not been drunk in his premises between the hours of 10 a. m. and 2 p. m. on the same Sunday, when he was himself in charge of the bar.

Although to my mind the charge laid was proved beyond all doubt, I reserved judgment at the request of defendant's counsel, who contended that the master cannot be held criminally responsible for the acts of his servant, unless such responsibility is imposed in expressed words by statute, and handed in a list of authorities in support of his contention. Having carefully considered the cases, I think it necessary to refer to only one of them, that on which counsel seemed chiefly to rely, Chisholm vs. Dulston, 58 L. J., M. C. 133. There at p. 135, Cave, J., says: "It has always been a principle of common law that the master cannot be held criminally responsible for the act of his servant." And these words were forcibly pressed upon me by counsel. The learned judge (at p. 136) qualifies this somewhat broad statement by saying that it is subject to the qualification that the master is held responsible for the act of his servant if he has given to the servant authority to do the act, or if he has failed to exercise the authority which he has given to the servant. The decisions have doubtless gone to that length. I venture to adopt with a modification the language of Stephen, J., in Bond vs. Evans, 17 L. J., M. C. 133. "The intention of section 4 of the liquor license regulation act, 1891, is that Sunday drinking in licensed premises is prohibited, and the responsibility for the act is thrown upon the licensed premises. If he fails to exercise the authority which he has given to the servant, the master will be held responsible for the act of his servant. The decisions have doubtless gone to that length. I venture to adopt with a modification the language of Stephen, J., in Bond vs. Evans, 17 L. J., M. C. 133. 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