From THE DAILY COLONIST, Oct. 30.

LOCAL AND PROVINCIAL.

The Mexico's Freight.

The steamship Mexico's brought 1,313 tons of freight, divided as follows: For Victoria, 183 tons; Vancouver, 360 tons; Port Townsend, 27; Seattle, 533 tons; and Tacoma, 220 tons.

Naval.

H.M.S. Espiègle, Capt. Clarke, will go to Vancouver to-day. She will remain at the Inlet all Friday, when she will go to Comox for a short cruise. Mr. C. A. Vernon will sail in the ship as the guest of Capt. Clarke.

The Schooner "Auranah"

Capt. Siewerd the other day forwarded the last of a series of documents to the British minister at St. Petersburgh, setting forth his claim for the illegal seizure of the schooner Auranah on the Russian coast. The captain is confident that he will establish the validity of his claim.

Funeral.

The mortal remains of the late Mrs. H. G. Walker were consigned to the grave on Sunday afternoon. The funeral took place from Capt. Revely's residence, Saanich road, the services at St. John's Church being read by the Rev. Percival Jenns. The casket containing the remains was covered with floral offerings.

The Steamer Beaver.

Messrs. Llewellyn & Swift, of Vancouver, have obtained the contract to float the steamer Beaver, which lies on the rocks at the entrance to Burrard Inlet. The work will be carried on by means of scows, and the contractors anticipate no trouble in floating the veteran steamer once the scows are floated in position.

Provincial Police Court.

The prisoner Johnson, *alias* Nelson, who is charged with burglarizing the residence of Mr. Dyer, North Saanich, was given a preliminary hearing yesterday morning before Robert Ward, Esq., J. P. He was committed for trial, and in the afternoon was brought before Mr. Justice Gray under the Speedy Trials Act. He pleaded guilty and will be sentenced to-day. To-morrow morning he will be brought up for examination on a second charge of breaking into the residence of Mr. Isaac Hurd, South Saanich.

The Religious Awakening.

On Sunday evening the Victoria Theatre was filled to the doors and many were turned away. After music by the grand union choir under the leadership of Mr. Brown, Rev. Donald Fraser led in prayer and Mr. Studd, D. L. Moody's faithful co-worker, delivered a practical and impressive sermon, his theme being the parable of the rich man and Lazarus. The discourse was listened to attentively and evidently sank deep into the hearts of many in the audience. The revival services will be continued every evening this week in the Pandora street church.

Fast Time.

The British bark Kaisow, Capt. Wm. Davies, arrived from Bangkok, Siam, yesterday morning with a cargo of 1,200 tons of paddy for the Victoria Rice Mills. She now lies in the harbor at Esquimalt and will remain in port about one month. Leaving Bangkok on August 26th she was delayed at the start by unfavorable winds and weather, but her time from land to land will stand on record as one of the fastest accomplished by a sailer for some time. She made the run from the coast of Japan to Cape Beale in exactly nineteen days, nothing of importance occurring during the entire voyage. The distance covered in nineteen days is about 4,000 miles.

From the North.

The steamer Boscowitz arrived down on Sunday morning from the northern ports with a very light freight. John McDonald, from Vital creek, Omineca, five miners from Lorne creek, Capt. Jemmett and survey party were among the passengers. Snow was falling at Bella Bella when the steamer was there. Capt. Jemmett states that they had only a few days pleasant weather during the whole season, the rain pouring all the time. The reserves at Bella Bella, Bella Coola, and other places were surveyed, however. The schooner Ariel was under sail across Millbank sound, met the steamer Falcon having gone under shelter during stress of weather.

The Police Court.

William, a West Coast Indian, was charged before Hon. A. N. Richards, police magistrate, yesterday morning with assaulting one Ah Lung, a Chinaman, with intent to do grievous bodily harm. He was fined $10 and costs, or in default committed to the lock-up for two months. A plain and inoffensive drunk paid over the usual five dollars for having made a fool of himself. The bridge case loomed up as usual, of course; this time a gentleman who failed to restrain the spirits of his restive steed while passing over Rock Bay bridge paying his $5 into the treasury. The defendant said he was a practical bridge builder, and any bridge that was so shaky that it would not be safe if a person drove over except on a walk, in in his opinion should be torn down and a new one built at once.

A Sneak Thief in the Toils.

Yesterday morning Police Constable Thomas while on duty noticed a man named George Taylor, a character who is generally known as Cockney George among his associates, wearing a good, new overcoat which was not exactly in harmony with his other garments. The officer thinking that George could not have procured his good clothes honestly, reported at the police station, and while a warrant for Taylor's arrest on suspicion was being made out, Mr. Gilman, proprietor of the Brown Jug Hotel on Government street, came in to report the loss of his overcoat. A warrant was issued at once and Taylor arrested with the overcoat on his back. He will figure in the police court this morning. Taylor was arrested on Saturday afternoon suspected of the larceny of a pair of boots from James Larman, Johnson street. The loser of the boots could not swear that he was the man who took them and he was released. His record is not an enviable one.

The Coast Fisheries.

Capt. C. D. Grant, of the schooner Oriel, has returned to Westminster from a voyage of discovery among the northern waters. The Oriel left Westminster on August 8th and sailed direct to Cape Scott, the extreme northwest point of Vancouver Island. She sailed thence to Hope Island, which lies a short distance off the mainland. Hardy Bay, Bull Harbor and other places were visited, and everywhere Capt. Grant found silver salmon in abundance and halibut in paying quantities. Close to Hope Island a magnificent halibut bank was discovered in sixty-five fathoms of water. Not being prepared for such deep fishing, Indians had to be employed; but enough fish were obtained to pay all expenses of the trip and a neat profit besides. Speaking of the prospects of the fisheries Capt. Grant said that their greatness is inappreciable, but steam vessels will be necessary to make the business profitable. Steam schooners, fitted up with every appliance, are the only class of vessels suitable to the fishing, as the currents and tides are so strong that a sailing vessel is almost useless. The best fishing will be found in deep water and vessels should be provided with hawsers not less than seventy-five fathoms long. The fishing is profitable and can be engaged in, not as a speculation, but as a solid money-making business.

The Revival Services.

Pandora street church was well-filled last evening. There was an enthusiastic praise and prayer service for half an hour, after which the service was conducted by the Rev. Mr. Starr. The usual services will be held this afternoon and evening.

A Treat for Nanaimo.

The Rochester Musical Comedy Co. will play in Nanaimo on Wednesday and Thursday evenings, and in Wellington on Friday evening. It will undoubtedly be the greatest attraction that has visited the black diamond city, and should be given big houses.

A Defaulter's End.

C. F. Wootten, who suicided in a room in the Pritchard House recently, has been identified as the man who formerly occupied the position of chief of police of the town of Tulare, California. It is stated that he left that place in May last for British Columbia, being a defaulter for a considerable amount. He left a wife and family behind him.

Gordon Hydraulic Mine.

Wm. Stevenson and D. F. Fee, Jr., returned on Saturday evening from Leech river. Mr. Fee was engaged in constructing flumes at the Gordon Hydraulic mine, the prospects of which are reported to be encouraging. With favorable weather the flumes and ditching will be completed in a couple of weeks and washing will commence. The company's claim extends for a mile along the river, and colors can be obtained in any part of it.

Mysterious Occurrence.

On Saturday last Mr. Fred Beaumont, son of Mr. Wm. Beaumont of Maple Bay, was out hunting deer on a mountain near that place. When in the act of raising his rifle to shoot at a deer he was shot himself. The bullet came from a side direction, glancing across the breast and lodging in the shoulder or muscles of the arm. No person was seen in the vicinity, and whether the shooting was accidental or intentional remains unexplained.

A Persistent Dun.

An interesting case will come up before the court at Esquimalt to-day. It appears that a boatman there rowed to and from various vessels an officer of Her Majesty's customs, until quite a little bill was run up. The boatman became very persistent in his dunning, and requested his pay at inopportune moments, while his debtor was on the street, in conversation with friends, drinking at the bar, or wherever chance found him. The debtor at last became angered at this persecution and has brought suit against his tormentor.

Injured by a Wounded Buck.

Yesterday a young man named McDonald met with a painful accident while hunting near Goldstream. He had shot a fine buck, which was kicking and struggling on the ground, when he approach the wounded animal, intending to cut its throat. Just as he was about to use the knife, however, the dying buck made a plunge, and with one of its horns badly gashed McDonald's hand. The wound bled profusely, but the young man managed to get to the city, where the wound was dressed by Dr. Jackson. The injury, although not very serious, is of a painful character, and will prevent the use of the hand for some time.

ESCAPED FROM CUSTODY.

Two Sailors Handcuffed Break from Constable Campbell's Protection and Escape.

On the bark Norcross' arrival at this port four sailors deserted the vessel, and were sent to the provincial gaol for safe-keeping until the bark was ready to sail for England. Capt. Roop obtained a magistrate's order yesterday, and with Constable Campbell proceeded to the provincial gaol, where the four prisoners were handed over by Warden John. They were handcuffed in pairs, and as soon as two of them, Henry Brett and Francis Sullivan, got to the bottom of the gaol steps they bolted, and, though followed, successfully scaled the fence, and disappeared in the woods, and up to last evening were still at large. The other two sailors also gave leg-bail but were stopped by an accident. They were secured and taken on board the Norcross last evening. Both express great reluctance about proceeding on the voyage, but the law compels them and they have to submit.

PERSONAL.

Ald. Coughlan went up to Nanaimo yesterday afternoon.

John Urquhart, of Comox, is registered at the Oriental.

John G. Camp, of Lockport, N. Y., is at the Clarence.

A. McDonald, from Lorne Creek, is registered at the Occidental.

Jas. Laidlaw arrived down on the Louise and is at the Driard.

Rev. Jas. Bryant, Miss Grant and Miss Mina Grant, Toronto, are at the Driard.

Hon. Forbes G. Vernon is expected to return from the Mainland on Wednesday.

George M. Wilson, C. E., returned from Seattle on Saturday and is at the Clarence.

Ald. I. Oppenheimer arrived down on Sunday night and returned to Vancouver this morning.

R. E. Gibson, who has had charge of the bridge contract on the Comox railway, is at the Oriental.

W. Chudley, chief accountant at Welch, Rithet & Co.'s, returned from a holiday at Harrison Hot Springs on Sunday night.

Lord Ennismore was a passenger to Victoria on the Boscowitz, returning from an enjoyable hunting trip. He is now at the Driard.

Captain Jemmett and survey party arrived down by the Boscowitz from Bella Bella, after rather a wet season's work in that district.

George Babbage, formerly of the firm of Moses & Babbage, in this city, has returned from Plymouth, Eng., and was welcomed home by many friends.

Chas. Oppenheimer, wife and two children, arrived yesterday from San Francisco and left this morning for New York *via* the C. P. R. Mr. Oppenheimer is a brother of Vancouver's Mayor and a former resident of Victoria.

E. B., N. P. and Miss Andrews, of Minneapolis, are spending a week in Victoria sight-seeing. Mr. E. B. Andrews holds an interest in the great Washburn Mills, with a capacity of 7,500 barrels of flour per day, and, with his son and daughter, is on the way to California, where they intend spending the winter.

Hon. Edward Blake and his sons were yesterday the guests of Hon. Robert Dunsmuir, who placed a special train at their disposal, from the windows of which they could form a good idea of the country, while whirling over the line of the E. & N. Railroad. Last evening Mr. Blake and a few friends amused themselves by taking a walk through the Chinese quarter. The honorable gentleman and his sons left for the East on this morning's boat.

Mr. William Phillips has presented to the Victoria fire department, a beautiful crayon photograph of his lately deceased brother, ex-Chief Engineer Phillips. The token of remembrance adorns the Deluge engine house, and is highly prized by the members of the department.

A MUSICAL TREAT.

Provided by the Choir of the First Presbyterian Church in Philharmonic Hall.

It was not a very large audience that listened to the concert given in Philharmonic Hall last evening, but it was a very well-satisfied one. Nothing had been left undone to make the concert delightful from first to last. The choir of the First Presbyterian Church, under the leadership of Mr. Brown, rendered three excellent choruses, which spoke volumes for the material of which it was composed, and for Mr. Brown's ability as a director. Mrs. Turnbull sang "At the Ferry," sweetly and effectively, and Mr. Kinnaird won deserved applause by his careful rendition of the "Tempest of the Heart" from *Il Trovatore*. Prof. Sharp in his selection, a medley of popular ballads with variations, proved himself a thorough musician capable of making his instrument tell of every different emotion, and playing with a master's touch and skill. The audience demanded an *encore* and would not be satisfied until Prof. Sharpe responded. Mrs. Harris in her solo "Tell Me, Oh Bird" won the heart of her audience at once, her singing being animated, her voice clear, musical, of good compass and under complete control. She was forced to respond to an enthusiastic recall. The singing of Lieut.-Col. Prior is always a treat. Never more so than last evening, when his rich voice was heard, clear, full and strong in Watson's beautiful song, "Anchored." An *encore* was demanded, loudly demanded, but not obtained. Evidently Lieut.-Col. Prior, like many others, sees what a nuisance the *encore* custom is becoming. It would be well if it was entirely discontinued, for as long as *encores* are allowable, they will be given indiscriminately and amateur vocalists will become so disgusted with the demands of a never-satisfied portion of the audience that they will not sing in public at all. Messrs. Grant, Meston, Ledingham and Brown form a strong quartette. Their selection, "The Three Chafers," was a bright, tinkling little bit of melody, that delighted the audience immensely. In the second part, Mr. Robson won applause and an *encore* by a remarkably fine interpretation of the immortal song, "The Death of Nelson." Miss O'Neil's voice was pure and sweet, a more perfect soprano is seldom heard. In the duett, "Love and War," Messrs. Robson and Brown were greatly appreciated. Both voices are clear, strong and well cultivated; they blend perfectly and the selections were unusually fine. Messrs. Robson and Brown were recalled and responded with "Oh Albion." Prof. Strauss, in his rendition of *Wagner-Liszt's* "Flying Dutchman," proved himself a wonderful musician, capable of giving expression to the best thoughts of the greatest musician of the world.

Mr. J. G. Brown's solo, "The Village Blacksmith," was but another triumph to the many he has already scored, and in response to an *encore* his "True till Death," brought the programme to a close. The accompaniments were played in excellent taste, and the entire programme was so delightful that many expressed a wish to listen to another, provided by the same capable caterers to the enjoyment of the public, at a very early date.

LOCAL BRIEFS.

Steamer Amelia leaves for Nanaimo this morning.

The C. P. N. Co.'s scow is loading water pipes for Vancouver at Spratt's wharf.

A nuisance, in the shape of a very bad smelling poultry yard, is said to exist at the upper end of View street.

The sale of furniture advertised for Oct. 30th by Mr. Geo. Byrnes, has been postponed until the 6th of November.

A deer killed in the neighborhood of Sooke was on exhibition at the Vancouver House yesterday, which weighed 174 pounds.

The steward of the Royal Hospital thanks Mr. A. J. Langley for a parcel of books, and Mr. Meiss for some venison.

The criminal libel case will be continued in the police court this morning at 11:30.

The schooner Theresa, from the black cod banks, is expected in every day.

The Mulbury-Boyd Co. return to-night from Vancouver, and to-morrow evening will present the thrilling melodrama "Passion Slave." Seats at Waitt's.

The steamer Dunsmuir on her first trip to Comox made over sixty miles in five and one half hours, calling at two points on the way. This is more than was expected from her.

The catapult must go. A lady residing on Fort street was struck in the face by a stone projected from a catapult in the hands of a youthful sportsman on Sunday morning. The stone inflicted a painful though not dangerous cut.

M. Lelaire's new block on Government street is rapidly nearing completion. The workmen are now engaged in applying the outside coating of cement. The proprietors of the California Hotel will take possession of the new premises on Saturday.

A duo of first-class musicians delighted a large number, who were drawn to the Driard, by their sweet selections last evening. They played almost every class of music, and introduced a number of pleasing novelties on the banjo and guitar.

On the arrival of the Sound steamer last evening one of the passengers, a member of the Rochester Comedy Company, had a narrow escape from falling from the gang plank, owing to the fact that there was no light of any kind where it would be of service to the passengers. It should be provided at once.

Two young swindlers are at present "doing" Victoria, their scheme being a rather new one. They claim to be unable to get work and anxious to get to San Francisco, where they have friends, and finally offer to sell a valuable gold ring—a keepsake—for 50 cents or $1, to get a little money. It is needless to say the ring is as brassy as the sellers.

MARINE.

Bark California, from Australia, to load lumber for Chemainus, is in Royal Roads.

Steamer Pilot returned to port last evening, having towed the bark Sonoma to sea.

Steamship Mexico arrived from San Francisco at 7 o'clock yesterday morning. It is reported that the Mexico is to be withdrawn from this route and her place taken either by the Walla Walla or the Queen of the Pacific.

U. S. coast surveying steamer Patterson was in the harbor yesterday. She arrived from the north a few days ago and brings news that the revenue cutter Thetis would leave Sitka as soon as a pilot could be obtained from the steamship Idaho.

Hawaiian bark W. B. Godfrey on the 10th October, when sixteen days out from Departure Bay, for Honolulu, when in latitude 28. 30. N., longitude 35. 45. W., encountered a severe gale from the southeast, and was on her beam ends for six hours. She had her starboard bulwarks stove in, besides losing four sails, and arrived at Honolulu in a sad plight.

Messrs. Turner, Beeton & Co. have placed the bark Paul on the berth at London to load a cargo for this city and also for Vancouver should sufficient freight be offered for the latter port. The vessel has the greater part of her cargo engaged and will sail not later than the 30th of November.

Children Cry for Pitcher's Castoria.

From THE DAILY COLONIST, Oct. 31.

LOCAL AND PROVINCIAL.

Locomotive for the Union Mines.

Steamship Wellington left San Francisco yesterday for Departure Bay. She has on board the first of the three locomotives for the Union Mines railway at Comox.

An Attractive Candidate.

Twenty-one women in convention at Boston have nominated Miss Alice S. Stockton as candidate of the Equal Rights party for governor of Massachusetts. The candidate is an attractive-looking young lady of twenty-six years of age.

Suicide of a Commercial Traveller.

A commercial traveller named F. J. Spear suicided at the Tacoma Hotel, Tacoma, on Sunday last, by taking an overdose of chloral. The deceased leaves a wife and family in San Francisco, where the remains will be sent for interment. Spear was a pleasant, companionable man, but unfortunately he was addicted to intemperance, and that was undoubtedly the cause of the rash act.

Accident on the Northern Pacific.

On Saturday last a special train left Spokane Falls for Tacoma. The train crossed the mountain all right, and was rounding a curve near Eagle Gorge, when the engine ran into a landslide caused by the heavy rains. The engine and baggage car pitched into the river, and A. M. Sypher, the engineer, was not seen afterwards, and is supposed to have been killed or stunned and swept away by the swift current of the river.

Loss of the Schooner Makah.

The schooner Makah of Astoria, Oregon, was wrecked near the entrance of Tillamook Bay on Wednesday, the 24th inst. As the hull of the vessel lies bottom side up, and no signs of life are visible, it is supposed that all hands were lost. The Makah was a vessel of 400 tons burthen, and was valued at $40,000. She was in ballast, and was on the way to Puget Sound to load lumber for Australia. No particulars are obtainable regarding the fate of the crew.

The Mexico Withdrawn.

The statement is made at San Francisco that the Oregon Improvement Company has purchased the property of the California and Mexico Steamship Company, thus giving the Guaymas trade to the Pacific Coast Steamship Company. The price is understood to be something like $200,000 for the steamers Mexico and Newburn. The Newburn will remain in the Guaymas trade, and the Mexico will be temporarily supplanted by the Queen of the Pacific on the Northern line.

A Broken Leg.

About 5.30 o'clock last evening, while a longshoreman named Wm. Hardy was assisting in removing a piano from a truck to M. W. Waitt & Co.'s music store on Government street, the heavy instrument slipped, and Hardy in trying to prevent it falling had his left leg broken above the ankle. The unfortunate man was conveyed into the store and Dr. J. D. Helmcken was called. With the assistance of Dr. Davie the broken limb was set, and Hardy was conveyed to the Royal Hospital. The injury is a simple fracture, but it will be a month or six weeks before the injured man is fit to work again.

The Shooting at Cowichan.

Mr. Beaumont, of Maple Bay, writes to a friend in this city further particulars of the shooting of his son Fred. on Saturday last. It appears that the young man was in the vicinity of Quamichan Lake on Stamp's Hill, and, as already stated, had raised his rifle to shoot a deer, when a shot came from the direction in front of him, the bullet striking him in the breast. Young Beaumont called out in a loud voice, "what are you doing?" although he saw no one. He then ran about 100 yards, when he became faint and had to sit down. However, being a powerful young fellow, he managed to walk home, a distance of two miles. Upon reaching his house, he was conveyed to Dr. Rowbotham's, where his wound was examined. The doctor found the bullet had entered the chest close to the nipple, struck a rib and glanced off under the arm, inflicting a severe but not dangerous wound. Mr. Beaumont says the coward who fired the shot has never come near the house to see if the young man was dead or even wounded, and although some days have elapsed since the shooting no one has been man enough to come forward and explain how the affair occurred. Constables Kier and Mainguy have been trying to find out the guilty party, but so far without success.

PERSONAL.

J. Freeman is spending a week in Vancouver.

Mr. Justice Walkem arrived down last night.

Louis Eckstein, of Westminster, is at the Driard.

Robert McNab, of Montreal, is visiting Victoria.

C. C. Sabin, of Montreal, is registered at the Clarence.

L. M. Ketchum, a prominent merchant of Juneau, Alaska, is at the Clarence.

Paul Shultze, president of the Tacoma Land Co., and party of six others, are at the Driard.

Col. Jas. Scobie, Mrs. and Miss Scobie, arrived on the Yosemite last night, having completed a two years' trip in the old world.

Senator Eugene Canfield, president of the West Shore railroad, which is now building towards Westminster, is at the Driard.

J. Bentley and wife, of San Francisco, arrived from the east over the C. P. R. last evening and are at the Clarence. They have just completed an extended pleasure trip.

J. H. Ashdown, wholesale hardware merchant, K. Murchison, senior partner in the dry goods firm of Murchison, Kenneth & Co., and M. Putnam, Winnipeg; and W. B. McArthur, Ottawa, arrived last night from the east and registered at the Driard.

P. D. Barr, one of the owners of the Pittsburgh, Pa., *Post*, a representative American newspaper, arrived in the city on Monday night and is at the Driard. Mr. Barr is a nephew of one of the oldest pioneers of British Columbia, P. C. Dunlevy, of Soda Creek, whom he hoped to have met in Victoria. A coincidence of his visit was his meeting yesterday in the Driard office, M. M. Ogden, the Abbott company press representative, who for two years was one of the brightest editorial writers of the *Post*. Mr. Barr is very much impressed with the Pacific Coast and will probably make his home for the future in Seattle.

CITY POLICE COURT.

(Before Judge Richards).

Geo. Taylor, charged with stealing a coat from John Gilmore, bar-keeper at the Brown Jug Saloon.

Prisoner said he was drunk and knew nothing about the matter.

The magistrate considered drunkenness no excuse, and Taylor was sent to jail for three months.

Kitty Calvert, charged with maliciously and unlawfully breaking 98 panes of glass in a house of ill-repute on Yates street.

The accused pleaded guilty, saying she was under the influence of liquor at the time.

Fined $1 and $4.50 costs. Also ordered to pay $20, the cost of the glass broken.

THE CRIMINAL LIBEL.

Mayor Grant Makes a Statement of His Position.

Lengthy Argument by Counsel Regarding Right of Defence to Cross-Examine—Some Sharp Passages Between Counsel for the Defence and His Worship—The Case Adjourned Until Friday.

At 11:45 yesterday morning the alleged criminal libel suit was continued in the police court.

His honor having remarked that the postponement was granted to afford an opportunity of consulting authority as to defendants' right to cross-examine with a view to prove the truth of the prior libel given in evidence by the prosecutor, Mr. Mills said that he had looked into the matter and was more than ever convinced that he was right. Mr. Mills read through the case of Reg. *vs.* Carden and referred to Reg. *vs.* Newman to show that justification could not be pleaded.

His Honor—You are only repeating yourself. I have already ruled in accordance with the cases you have quoted that defendant cannot justify the libel sued on, but when you yourself introduce prior libels to show malice, have you any authority to show me why the defendant should not be at liberty to prove that what he has written is true?

Mr. Mills—Your honor is bound to commit for trial on proof of publication. In introducing any other evidence you could have stopped me. The letter "Taxpayer" is ambiguous, and therefore it is that I called Mr. Rithet and Mr. Earle and propose to call others to prove who it is pointed at.

His Honor—In libel malice is presumed. It was unnecessary to prove express malice and it seemed to me that the evidence of the prior publications which you were introducing could have been successfully objected to by Mr. Davie, but he contradicted me and said you were quite right and so the evidence was admitted. Mr. Davie could have objected.

Mr. Mills—We expected that he would have objected.

Mr. Davie—But I did not do so.

His Honor referred to the case of Warne *vs.* Chadwell, 2 Stark, and after some further discussion His Honor ruled that the cross-examination must go on.

Mr. Mills—Then I will ask your honor to strike out all the evidence which I have given of the prejudice to my client.

His Honor—Why should that not be done?

Mr. Davie—Because there is no power to mutilate the records of the court. The prosecution cannot blow hot and cold in this way, introduce irrelavent evidence for the purpose of damaging the defendants' cause, and then when their action recoils on themselves withdraw it.

Mr. Mills—I will produce authority giving the magistrate the right to strike out the parts of the deposition. The reason we wish to withdraw these papers is to clear up the doubt in your honor's mind in reference to the cross-examination.

His Honor—Can there be any objection to Mr. Grant telling all he knows about it now? Possibly Mr. Grant may deny the whole matter now and then knock under when the case came up for trial in the court above. People will think it looks very strange for the Mayor to appear at least to try and avoid an investigation. I should think he would like to clear himself before everyone without delay.

Mr. Mills—If Mr. Grant has his own way, he would go into the box at once and allow Mr. Theodore Davie the fullest opportunity of cross-examining him.

Mr. Davie—Let him have his own way.

His Honor—Don't you think the public will think it very strange for him to appear afraid of a thorough investigation?

Mr. Mills—We don't care for the public, your honor. We will clear up the matter in the eyes of the public at the proper time. We want to exercise our legal rights and to keep the defendants down to their legal rights.

Court then adjourned for one hour.

AFTER RECESS.

On the re-assembling of the court at 2:40 p. m., Mr. Mills said he had not taken much time to look into the matter, but he would read of a judgment given by Chief Justice Richards, a brother of the magistrate, in which it was clear that depositions were taken for the benefit of the prosecution and not for the defence. So long as the depositions had not been signed by the magistrate any part might be struck out.

Mr. Davie argued that his honor's decision, given before recess, had established a right in the defendants to cross-examine the prosecutor. Now it was proposed to take away the right so established, by altering the depositions. He contended that the magistrate had no power to allow such a proceeding, and that even if the magistrate had the power it would be unjust to execute it.

The magistrate commented on the possibility of Mr. Grant not being present when the case came up for trial in the court above, and remarked the disadvantage the defendants would be put to if such an event should occur.

Mr. Mills assured the court that Mr. Grant would be present.

The magistrate commenting on the case said, the pith of the accusation of "Taxpayer" is that the mayor, by failing to take action after he knew of the frauds, connived at Russell's escape. That is the alleged libel and the meaning of the letter. The mayor, instead of bringing a civil action when the truth could be justified at once, took criminal proceedings where only a portion could come out. He asked what object the mayor had in introducing proceedings if it was not to clear his character. He could see no objection to the mayor taking the first opportunity to state what he knew to clear up the stain on his character. He could not see any objection to Mr. Davie being allowed to cross-examine on previous libels. Mr. Grant was not compelled to criminate himself.

Mr. Mills said that so far as Mr. Grant was concerned he was not afraid of the fullest investigation.

His honor did not think it would do Mr. Grant any harm to go in the box and make his explanation at once.

Mr. Mills said it was not a question of policy but of law.

After considerable discussion the magistrate ruled that the examination must go on, and Mr. Grant again took the stand.

The cross-examination of Mayor Grant was resumed by Mr. Davie.

Mr. Davie—I think Mr. Grant that the last question I put to you was, whether at the meeting of the Council, on the night of September 26th, you were aware of any of Mr. Russell's defalcations.

The witness—I asked your honor if I am compelled to answer that question?

Mr. Mills—I object to that question.

The witness—I know all about it. The first paragraph was practically correct.

Mr. Davie—Were you at that time aware of any data of the shortage?

The witness—That your honor is a portion of the original libel. Your honor shall I answer that?

Mr. Mills—I object to that question, your Honor.

The witness—Your honor, I asked if I should answer that question.

Mr. Mills—The counsel for the defence is endeavoring to prove indirectly the truth of the articles which he cannot justify by direct testimony.

The magistrate—All you've a right to ask, Mr. Davie, must be in reference to the articles put in by the prosecution to show malice.

Mr. Davie explained his question again, and asked that it be taken down. He repeated, "At the time of this council meeting were you not aware of the particulars of Mr. Russell's defalcations?"

Mr. Mills—I want Mr. Davie to be a little more explicit. He might have heard it from street rumors.

Magistrate—If the defence prove any of these articles put in to show malice, it merely goes to rebut the accusation of malice, not as a justification of the main charge.

Mr. Davie—Will you answer my question, Mr. Grant?

The witness—Your honor, I believe Mr. Mills objected to the question.

Mr. Davie commented on the apparent desire of the witness to direct Mr. Mills, the presiding magistrate, and everyone else in the case.

Mr. Mills—I understand what my position is, Mr. Grant understands what he is saying.

The witness—That's what's the matter!

Mr. Davie—Is that "what's the matter?"

The witness, raising his voice—Yes, that's what's the matter!

Mr. Mills—That will do, Mr. Grant.

The magistrate—I think we had better adjourn.

Mr. Mills—No your honor, I think we had better go on.

The magistrate—Well keep cool then, gentlemen.

Mr. Mills—We are perfectly cool, your honor.

A discussion here arose, Mr. Mills contending that Mr. Davie in his cross-examination on the articles put in to prove malice, was justifying the original libel.

Mr. Davie argued that his questions were only to rebut the malice inferred by the prosecution from the previous articles. If they proved anything more it was not the fault of the defence. It was the prosecution was to blame for putting the matter in evidence.

The magistrate gave the matter careful consideration, and then gave his ruling—"Well I think Mr. Grant ought to answer. We might as well get all the facts."

Mr. Grant then proceeded—Very well. First your Honor will allow me to answer in my own way. By simply answering "yes" or "no" would not convey exactly the full answer to the question. Sometime in July I incidentally met Mr. Bales, on the street, I believe. Anyway I met him somewhere about town and I asked him how he was getting along with the audit. To put it in shape he said they had found some matters that were not correct, in other words, that were not straight, or words to that effect. I said to Mr. Bales I could not believe Mr. Russell, the party whom he accused, could be guilty of anything of the kind. Mr. Bales asked me if I would like to see some of the items they had found that were changed or incorrect. I said "yes," I would certainly. We went to Mr. Bales' office and Mr. Bales turned up two or three or four different items, which did not appear to be correct. Mr. Bales said he was satisfied there had been dishonesty in connection with the books and the handling of the funds, and I said to him "It is impossible that some of those things that look incorrect now, may not be explained satisfactorily?" I said I was not prepared to condemn anyone until they had had an opportunity of making an explanation. That practically ended the interview at that time, the only one in fact, and I am now satisfied of the correctness of my opinion at that time from what has transpired since in respect to some of the items of cash said to have been unaccounted for or changed in the books, as in the presence of myself and several gentlemen Mr. Robinson who had been charged with complicity with Mr. Russell in the defalcations convinced the auditors that they were at least wrong in one charge, one item of the charge. The reason for my not saying anything about the irregular entries which Mr. Bales showed to me was that the conduct of the audit was taken out of my hands by the action of the council and placed in the control of the finance committee, who, by the way, knew of those irregularities some time before I was made aware of any. It is for the finance committee. It was for the finance committee to have instructed the auditors to have brought in an intermediate report. Not only had the council—

The Magistrate—This is merely a matter of opinion, isn't it?

The witness—It's facts, sir. Legal facts. When I'm asked, your honor, by yourself, to give an answer to a question that, in truth I would have to answer "yes" to, I think I have a right to explain my words.

Mr. Mills—I told your honor we were not afraid to put the Mayor in the box.

The witness, continuing—I am stating what are facts, facts only, that can be borne out by documentary evidence. Not only had the council got control of the audit, but the auditors should have understood that that was the true position of responsibility, insomuch as when they had completed their labors in auditing the accounts to the end of 1887 I was not made acquainted with the completion of their work. Neither was their report handed to me, nor was I told that the report had been handed to the chairman of the finance committee, in fact, did not know it. Only from floating rumors about town. When the chairman of the finance committee did not present the auditors' report on the night of the council meeting, Wednesday night the 19th of September, I think it was, to the council, the report was withdrawn and brought to me I believe on the following Saturday under cover. On the Monday following I met Mr. Sargison and Mr. Raymur, who asked me if I was going away on Wednesday—that was on the 26th—and stated that they had seen it so mentioned in the paper. I said no, not until after the sitting of the council on Wednesday night. They asked me if I was going to present the report. I said certainly. I remarked at the same time to Mr. Sargison that it would be well for them to give a chance to check and verify; to hand in the notes upon which they obtained the findings. Mr. Sargison said they might have to be submitted to some other tribunal. I think for the present, your honor, that is all I care to say in answer to that question, till the matter comes up in some other shape.

Mr. Davie—Did Mr. Bales show you where the books showed a credit of $26.50 to James Young, that should have been a credit to James Yates, of $426.50?

Witness—I think so. Yes. I don't say what it ought to have been. I have never seen that entry proved. He called my attention to an irregularity, and told me it was his impression that the correct sum should be $426.50 to the credit of James Yates. He showed me the stub of some receipts. But the stub of a receipt don't prove anything unless the receipt is proved to match it. The stubs appeared to be in Mr. Russell's handwriting, but I could not swear to that.

Mr. Davie—Did he show you where an entry was made of $5 to the credit of one Brown, that he told you should have been to the credit of Lung Chung for $250.

Witness—I believe he did, but it would have been perfectly possible for anyone else to change the figures as well as Mr. Russell if they could obtain access to his books.

Mr. Davie—You say it was possible for some one else to change the figures.

Witness—Certainly.

Mr. Davie—And was that the reason you took no action?

Witness—No, it was not. I could not convict Mr. Russell, or you, Mr. Davie, without giving him an opportunity of being told what he was charged with. I wish to say, too, the matter had been taken out of my hands by the council.

Mr. Davie—Did not Mr. Bales show you on page 361 in the cash book where the addition was $300 wrong?

Witness—I can't tell what page in the book it was. I believe he did show me something of the kind. That was another change in the figures that might easily have been made by someone else who might have had access to Russell's books.

Mr. Davie—Was that the explanation for your not taking any action?

Witness—That was one reason. The other was that the matter might have been explained and adjusted in some way and in some other part of the books, the same as the $50 change before referred to.

Mr. Davie—You haven't referred to any $50 charge yet.

Witness—I did.

Mr. Davie—You thought you did, but you did not.

Witness—Yes I did.

Mr. Davie—When your evidence is read over you will see that you did not. And did Mr. Bales show you where Lun Chung appears again credited $5 and it should be $250?

Witness—I think he did, but that was another matter that might have been explained and adjusted in some other case.

Mr. Davie—Did Mr. Bales show you another case where the addition of a column was short $100?

The Witness—The matter was taken entirely out of my hands and I kept my mouth shut about it, in as much as anything the council legally does, I have no right to interfere with. Another reason I did not say anything to anyone in an official way was that the gentleman accused by Mr. Bales (Mr. Russell) had lived in this portion of the world for 35 years, had filled responsible positions during that time, handling the cash of societies and estates and of mercantile concerns, with clean fingers. Certainly till that time enjoying as honest a reputation in handling other people's money as either Mr. Davie or myself.

Mr. Davie—You did not suspend Mr. Russell?

Witness—I had no right to.

Mr. Davie—And you did not call on Mr. Russell for any explanation?

Witness—No more than asking him if his accounts were correct, and he assured me that he had nothing to fear. It certainly was not me that put the rumors flying about town into circulation. I simply just acted as I would again under similar circumstances. There was no accusaiton made against Mr. Russell, and I would take the same course again under like circumstances that I did. I took no action in regard to what was shown me by Mr. Bales, and remained on friendly terms with Mr. Russell.

Mr. Davie—Were you at the Club Theatre on the night of Tuesday the 4th of September?

Witness—I do not keep track of every time I go to the Club Theatre. I might have been there on the night of September 4th in company with Mr. Russell.

Mr. Mills—Be careful, Mr. Grant.

Witness—That's all right. The first time I went to the Club Theatre I was induced to go from the fact that I understood Mr. Theodore Davie was the owner of the Club Theatre, and I wanted to see what sort of place it was.

Mr. Davie—I asked you if you were at the Club Theatre on the night of the 4th of September.

Witness—If the learned gentleman will take a cannon ball in his hands I am not to blame if he lets it fall on his toes. I went to the theatre first from the information that you were the proprietor of the license, and I had a certain amount of curiosity to know how that theatre was conducted.

The magistrate—What's the object of all this?

Mr. Mills (interrupting)—The object is to insult the mayor. Ha! ha!

Witness, continuing, and becoming excited—And I am happy to say that I did not see anything reprehensible presented on the stage, no more than there might be presented on the stage of the best theatre in the land.

Mr. Davie—Quite an advertisement for the Club Theatre. I understand you are a regular patron?

Witness—Yes, I go there sometimes, I don't know whether I was there on the night of the 4th of September or not. Mr. Russell and I have been there two or three times together. I think I had better give you an account of all the gentlemen that I've met there. I might have been there in August. I don't know. It's a very few times I have been there. It might have been three or four or five or six times.

Mr. Davie—You might have been there three or four or five or six times? Was it not a dozen times?

Witness—No, I scarcely think it was a dozen times. I don't keep a record of every time I go to the Club Theatre. Nor of the number of times you may be carried druuk out of a saloon.

Mr. Davie—Nice language from the mayor who, report says, is fast becoming a drunken sot.

Witness—If Mr. Davie—

Mr. Mills—I think, your honor, that the