of the learned judges at the arguments are the and turn entirely hether such an over ad within the meann (which is verbally condition here.) e, but notwithstand-asses of alleged frauda anies, which are conjuvestigation there be any other case the English courts fifty years, But the avie has supplied mentical case which has ovember, 1888), been supreme court of the k on appeal from the ch takes exactly the Sternfield v. Park New York Suppl't
v. Balley is not
ther New York case
Boynton v. Anis quoted and follow-

se the exaggeration than in the present und by the jury was h of the amount al-ntiff. In Boynton v. found was one-half of court held that "from aw would assume e fraudulent, leav act as to the intent by the jury." This is almost exactly the v. Bailey. In the extratement found by erably greater tha of the New York not binding on me, esitate to disregard acted with English conceive that it is

that it is r to them, when by leidence (for they do been aware of the better), I find that udges, administering entirely founded on the same conclusions. I apprehend that did not be a seen and a see are exactly true exists the fraudulent he loss forfeited all ander the policy and pany to a verdic te that since being New York cases

se New York cases I Am. Dec. page 520 a Protection Society fused to draw the inom an overstatement may be seen as the property stock of retail dry the trader had to mate wholly from a stock and books yed, and the Courtion being only \$2800 opes of profitablesales we misled his judgverestimate was in a those customers had. That case was in 1848. at case was in 1848, Sternfield's case, sem to have been an American text and also Levi vs. her cases, the reports cessible (1 Phill, Ins., to view Levi vs. as showing that an t ground for forfeit

of the condition, viz: hould be forfeited if se declaring or affirm-he claim sent in to swore to the \$3,950 before the Coroner at his sworn answers es exhibited in this

s true, and declined answer than what was and this was part of a trial. This swear-within the meaning aring and affirming ut it is quite within clause, and, looking mutual duties of in-I am of opinion that the defendant was little of the jury, and udgment. udgment.
gued that the plainsted by the defendon the ground of
expressly alleged in
the defence; that the

e defence; that the aud was entirely on nd that they there-by the well-known lleging fraud in his we it or lose his case; juestion of fraud or rely left to the jury saly negatived. sly negatived.

true, but the diffidict is flatly contraword "fraud," as
be taken in some
hey may probably
re was no wilful, inmens rea in their mens rea in their no criminal fraud; no premeditated, ; no fraud in effect-or even that the k the list of furni-out by somebody blindly, and in that

stakeable, and it at this is the second rived at an almost as to the over value. hat either jury was plaintiff's claim, or plaintin's claim, or alousy. Yet jury en unable, as con-y that the plaintiff's re than one-third of he jury on the first he loss on the furni-

e judgment goes it le judgment goes it intradict some part and it seems safer hich is elear and which is supported a that part which is introduced in the part which ind by all the pring governed Courts there is no doubt courts now give recourts now give re-nd of fraud, where ount to rash misre-nignorance of the This has always ity. The modern atributories under have obtained re-untrue statements

OFF FOR THE HOLIDAYS. The Midsummer Examinations

the Public Schools. The Pupils of Victoria West and Rock Bay Examined Yesterday—Corrig

The Parts of Victories West and Rech
and Formation Control of the Control of the

the solidity of their grounding in these subjects.

Mr. Pope, after the examination, stated that the daily average attendance at the school was 60, and the number of pupils on the roll 103. Among the competitive examinations between the ward schools, Rock Bay was head in the subjects of mental arithmetic and English grammar. He sincerely congratulated Miss Forrest on the examination results of her school, and trusted that she might long hold her position at the school. He apologized for the unavoidable absence of Hon. Mr. Robson,

Second presented by T. . His ben & Co. . Plast prize reading—Maude Booth; presented by Col. Woltenden.

Lawring prize general multidency—Maggit Castord; presented in the latineson. It is a proper with the control of the control of

herd.

"He Nover Smiled Again," Jerry Baty.
"They Pidn't Think," Frank Shork.
"The Owl and the Pussy Cat," Axel
Frederickson.
"The Incheape Bell," James Tysos.
"Little Jim, George Tyson.
"Guilty or Not Guilty," Annie Heathorn.
"Graves of the Household," Maggie McOuarrie.

at the school was 60, and the number of pupils on the roll 103. Among the competitive examinations between the ward schools, Rock Bay was head in the subjects of mental arithmetic and English granmar. He sincerely congratulated Miss Forrest on the examination results of her school, and trusted that she might long hold her position at the school. He apologized for the unavoidable absence of Hon. Mr. Robson, who had gone to Vancouver.

Mr. Wilson also congratulated Miss Forrest on the proficiency and general order exhibited in her school.

Mr. Pope and Colonel Wolfendem presented the prizes, which were as follows and winner of spelling match and dictation, Robert Shirk, arithmetic and competence of the prizes, which were as follows and winner of spelling match and dictation, Robert Shirk, arithmetic and competence of the four ward schools—Thomas Rowe-Grocker; prize presented by Hon. John Robson.

Second Prize granmar preficie cy—fort Laurias Martin, presonted by T. Hibben & Co.

Thist purze reading—Maude Booth; prefixed prize and short prizes of the prizes with the schools was the Victoria West.

The following is a list of prizes distributed by Mr. Pope:

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The following is a list of prizes

Lewis, ari bmetic Hubert Cook, Anny Mc
conzie. Lilly Russell, Lucy Clark.
Sixth dias.—Hida Young, reading: Ber
ie Bayley, spelling; Chas. Farrall, arith
metic; Fanny Strahan, deportment; Arthur
Ni; holson, Maggie McKay, James Mc
Seventh Zeia s—Annie Strahan, Maud
Kolp, L-na Young, Agnes Gabourie, Thos.
James Minnie Fairall, Willie Veitch
ertie Dodd.

This school closed a very successful
year on Thursday. The number of
purals in attendance during the year has
averaged thirty-live. The examinations,
which were in writing, give the follow

Alice Porter, a prize was awarded to
Special prize, "Boys Own Annual,"
regented by A. M. Bannerman for general proficiency, awarded to Master
William Scafe.

Special prize, "Goms of Genius," presented by J. J. Wilson for general proficiency in 4th class, awarded to George
A. Porter.

Special prize, "Leisure Hour, "presented by R. Downer for arithmetic
awarded to Miss Famile Calvert.

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This school closed a very successful year on Thursday. The number of purils in attendance during the year has averaged thirty-live. The examinations, which were in writing, give the following results:

Upper School—Rev. C. J. Brenton, M. A., head master.

which was very sbly carried out by the first class in every respect. The new children, assisted by their teacher:—
Song—"To the Lillies."
Recitation—"Mr. Nobody"—Katie Simp-set W. Song—"To the Lillies."
Recitation Mr. Nobody"—Katie Simp-set W. Song—"To the Lillies."
Recitation Mr. Nobody"—Recitation—"To the Lillies."
Recitation Mr. Nobody "Mr. Nobody"—Re

the scalers have left for the north, with the exception of Carne and Muńsie's schooner Mary Taylor, which had all the boats swept off her decks by a heavy sea, in the rough weather encountered a few weeks ago. Considerable minor damage was also done to the rigging and the Taylor will be obliged to come home for repairs. Ald. Hilbert, of Nanaimo, is in town. J. M. Dunbar, of Toronto, is at the Oriental.
Ald. Kelly has gone to 'Frisco on a business trip, R. P. Rithet returned from Vancou-

R. P. Rithet returned from Vancouver last evening.
C. E. Turner, Mrs. S. Turner and child, have gone to San Francisco.
L. Lequime, of Okanagan Mission, is in the city. He reports universal dullness in the upper country.
Miss Keast, Miss B. Keast and Miss Robinson, left yesterday on a holiday visit to Lower California friends.
L. Samuel, of the West Shore, returned from Vancouver last evening, and left for Portland this morning.
Rev. E. K. Douglas, of London, Eng., who has been spending a few days in Victoria, left yesterday for San Francisco. home for repairs.

Building Trade at Vancouver.

The Vancouver World says: "The unsettled condition of the building trade in the city at present is not productive of good for the city's prosperity or its material advancement at this juncture. It is within our knowledge that many parties about to build have decided to await developments. If buildings are to cost more than it was estimated they should by almost double, as was the case in the tenders called for in connection with the Central School and the court house, their erection will be postponed for this year."

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THE VICTORIA WEEKLY OBLOINST, PRIDAY JULY 5 1889.

**Author of the principle of the princip

Gallagher has much to say damaging to Fogarty, the present custom house in spector of San Francisco.

Optim Smuggler Captured.

The steamer Empire arrived at San rancisco on Thursday from Nanaimo and docked at her wharf. The lines had scarcely been made fast when Alfred Gill, fireman on the steamer, was seen to jump on the dock from the bow of the vessel and run up the wharf. He was quickly overhanled by the customs inspectors, who found on his person ten five tael boxes of prepared optum. He was taken before United States Commissioner Sawyer and held with bail fixed at \$500.

The Tayler's Boais Swept Away.

Steamer Maude arrived last night from the west coast. She brought two passengers, and very little freight. All the scalers have left for the north, with the scale have left for the north of the Popte of Rome. This capture of Quebec, but an act that for the the was not an act simply of the Provincial Legislature of Quebec, but an act that for the capital the popte first, and the scale have as an act that for the popte first, and the scale have a scale of the Jogach and the capital the scale have a scal

LITTLE LOCALS.

One eccentric drunk was fined \$5 in Thirty sacks of bread for Her Majesty's ships was sent over to Vancouver yesterday from King's bakery.

Mr. Balley, the new sanitary officer, was yesterday sworn in a special constable.

The steamer Yosemite leaves for Nantico this morning in charge of Cantal

with three contents of the second of the sec

E. J. McFeely arrived from Vancouver last evening.

Mrs. Ferris, of Westminster, arrived down by the Islander last evening.
George Denny, of the Nanaimo Courier, arrived by the train last evening.
F. Clarke, late of Westminster, has been transferred to the Victoria office of the C. P. Telegraph Co., to take the place of Mr. Hansen, who goes to senting the contract of the C. P. Telegraph Co., to take the place of Mr. Hansen, who goes to senting the contract of the C. P. Telegraph Co., to take the place of Mr. Hansen, who goes to senting the contract of the C. P. Telegraph Co., to take the place of Mr. Hansen, who goes to senting the contract of the C. P. Telegraph Co., to take the place of Mr. Hansen, who goes to senting the contract of the Common a week's visit.

M. Lumby and R. Collister were passengers by the Islander last night.

Capt. Lewis returned from the main land last night.

Miss Johnson, teacher of the Cobble Hill school, and Miss Sylvester, teacher of the Koksilah school, arrived down on the train yesterday for the midsum-

or the ROSSHEAD school, arrived downon the train yesterday for the midsummer holidays.
J. E. McEleath and wife, and Geo. P.
and Mrs. Morrow, of Oakland, Cala.,
are at the Driard.
R. C. Carson and wife, of Tacoma, are

On Farming Lands. BOURCHIER & HIGGINS.

ternoon. The Ferguson left Bangkok on March 20th, with 820 tons of rice for Hall, Ross & Co., Victoria. It being the change of the monsoon in the China Sea, she had very light winds in the early part of the trip, taking 70 days up to the coast of Japan. From there the run across was made in 31 days. About a fortnight ago the barque encountered a heavy south-westerly gale, with the barque encountered a heavy south-westerly gale, with the barque encountered a heavy south-westerly gale, with the barque meter down to 29.10. The gale passed, however, without doing any damage. There was not a single accident on board during the trip, and not a day's sickness among the crew of thirteen men.

The Janet Ferguson is a Glasgow ship, and it is now just about one year since she left the "old country." She sailed from Cardiff on July 28th, 1888, for Java; and went from Java to Bangkok. Leaving Bangkok she shaped her

T. HDE. Barrister, Solicitor & Notary Public. CALGARY, N. W. T.

