Weekly Colonist

FRIDAY, OCTOBER 26TH, 1888.

From THE DAILY COLONIST, Oct. 26.

LOCAL AND PROVINCIAL.

Office of City Clerk.

Applications are invited by the corporation up to Wednesday, 31st inst., for the position of city clerk. Gentlemen with legal training preferred.

Fagan-Cooper Libel.

The celebrated slander case of Fagan vs. Cooper came up for hearing before Mr. Justice McCreight and a special jury at Westminster on the 23rd instant. The defendant's counsel, Mr. W. J. Taylor, explained that the defendant's words were misrepresentation, that he did not impute neglect or unskilfulness to Dr. Fagan in his treatment of the deceased Alex. McLeod, but simply advised another course of treatment. The court adjourned to allow the parties to settle, and a settlement was finally agreed upon, each party paying their own costs, and the defendant to pay the jurymen their fees.

The Fishing Industry.

Two Lake Ontario fishermen arrived in Westminster on Monday and intend entering into the fishing business on an extensive scale, somewhere on the northern coast. Col. McGregor and Mr. Buie, of the fisheries department, furnished them with much valuable information as to suitable fishing grounds, and they will investigate the locations as soon as their preparations are completed. The fishermen are now building a smack at Brownsville which will be suitable for cruising in search of cod and halibut banks. Fish drying and salting will be their principal business to commence with but they will extend operations as soon as circumstances will permit.

A Heroic Woman's Death.

Dr. Bentley, provincial health officer at Westminster, received a dispatch Wednesday morning from Dr. D. McLean, physician in charge of the smallpox patients at Walworths, announcing the death of Mrs. Van Luven from smallpox. She died on Monday evening and was buried Tuesday morning. It will be remembered that this heroic woman left her own family of young children to nurse her neighbors, the Walworths, when it was announced that smallpox had broken out among them. Night and day, almost incessantly, she labored cheerfully with them for weeks, but at last the constant strain began to tell on her weak system and she finally succumbed to the dread disease in its most malignant form. The deceased was 34 years of age and leaves a husband and several young children to mourn her loss. The bereaved family have the sincere sympathy of the whole community in the loss they have sustained by the death of this noble woman.—*Columbian.*

PERSONAL.

Donald Smith, of Nanaimo, is at the Driard.

John A. Webster, of Westminster, is at the Driard.

Hon. John Robson arrived down from Vancouver last night.

Mrs. A. J. Smith returned from Vancouver on the Yosemite.

George W. Driver, of Tacoma, is registered at the Driard.

Geo. W. and Mrs. Lounsberry, of Astoria, are visiting in the city.

J. B. Lambkin, travelling passenger agent of the C. P. R., Quebec City, is at the Driard.

A. Bossi, J. Crawford, Capt. W. Grant and G. B. Sword came done on the Yosemite last night.

Joseph K. Suter, the editorial light of the *Mainland Guardian*, Westminster, is at the Clarence.

W. J. Taylor, of Eberts & Taylor, arrived down on the Louise yesterday afternoon from Westminster.

Geo. F. Kyle, of Leamy & Kyle, Vancouver, arrived on the Yosemite and registered at the Clarence.

Chris. Emele, of Banff, and Arthur L. Smith, the well-known architect of Portland, Oregon, are at the Driard.

Alex. Hendry, manager of the Royal City Mills, and A. Armstrong, Westminster, arrived on the Louise yesterday and are at the Driard.

William W. Fenton, of Niagara Falls, N. Y., a well-known fruit canner, with Mrs. Fenton is spending a few days in Victoria. They are the guests of friends.

Major-General R. Cumliffe, Col. and Mrs. Marshall and J. Fisher arrived in the city last evening and are registered at the Driard. The party will spend several days in seeing the sights of the city.

Hon. Edward Blake was expected to reach Vancouver yesterday. Hume Blake accompanies his father to this coast. He is a lawyer and a member of the great law firm of which the late leader of the Liberal party is head.

Sam. Mott, representing Rochester's Musical Comedy Co., playing "Senior and Junior" and the new "Fun on the Bristol," two of the most amusing and delightful of musical comedies, is at the Driard. They will probably play here on Monday or Tuesday next.

R. C. Campbell and E. P. Thompson, of Portland, State Fish Commissioners of Oregon, accompanied by their secretary, H. C. Thompson, spent yesterday in Victoria in seeing the sights of the city. Their visit was one of pleasure only, and they left last evening for Spokane Falls, where they are to meet the Chief Commissioner from Washington, well pleased with the Queen City.

FORESTERS AT DINNER.

The Brethren of Court Northern Light Banquet at the Clarence.

Court Northern Light No. 5935, A.O.F., held their quarterly dinner last evening at the Clarence Hotel, the commodious dining room being tastefully decorated and conveniently arranged for the occasion. The chair was taken at 9:30 o'clock by Brother B. Williams, the chief ranger. On his right were the leading officers of the order, and on the left the visiting brethren. After the tempting *mens* which embraced every delicacy and substantial of the season had been disposed of, several hours were spent very pleasantly in the usual loyal and fraternal toasts, speeches, songs and sentiment. The hours flew like minutes and the pleasant gathering did not break up until a late hour, when everyone pronounced it a most delightful affair in every way. The dinner was the first given in the Clarence under the new management and reflects great credit on the new proprietor, Mr. Anderson, and upon his capable and obliging steward, Mr. A. F. Reid.

LOCAL BRIEFS.

The steward of the Royal Hospital desires to thank Mr. Lewis Lewis for a side of venison.

During the heavy gale prevailing at Vancouver on Monday night a tree was blown down close to the park road, and fell on a cabin occupied by two Chinamen, instantly killing one of them. The other escaped unhurt.

On the Platform.

Public speakers and singers are often troubled with sore throat and hoarseness and are liable to severe bronchial attacks which might be prevented and cured by the use of Hagyard's Pectoral Balsam—the best throat and lung remedy in use. tu-th-sat-dw

THE MOODY MEETINGS.

Large Attendance at Both Services—The Prodigal Son at the Rink.

There was a larger attendance than usual at the service in the Pandora street Methodist church. Mr. Moody prefixed his address with the following remarks anent the press and bible readings:

I want to say a word about the press. We have had very good reports of our services recently in our daily papers. I would like to see you use the press more than you do. Let the ministers use the press. Publish your sermons. I got a letter from a man in Tacoma the other day who said that he had been converted through reading one of my sermons in the daily papers. Why don't you buy these papers and send them away to your friends abroad. Mark these notices and send them away. There is no reason why Christians should not use the press as one of the agencies to further the Kingdom of Heaven.

Another thing I want to say to you is to feed on this word of God. One of the most interesting features in my work is the interest manifested in bible study. We can't study this book too much and we ought to study it systematically. I mean why shouldn't we all read the same scripture day by day. A sort of union bible class. Here for instance is a little paper published in Chicago by the Evangelization Society, in which there is a chapter of scripture published for every day in the week. Why not form a union here in Victoria. Suppose Mr. Gardiner and Mr. Teague take hold of this matter and get the names of all who would like to form themselves into a union. And then we will all read this Word of God in concert. And in this way we will all feed upon these holy scriptures. Here Mr. Moody offered a prayer for the press and those (especially prisoners) who read these papers and for all who read their bible that a greater love for the holy book might prevail.

He then addressed the audience as follows: The word of God and the spirit of God will alone keep a man up on the mountain top—up beyond his fears and doubts. This afternoon I want to consider the work of the Holy Spirit. In the first place the Holy Spirit was sent into the world to convince of sin. It is a good sign to see people feel badly. There are many sinners who need to waken up. They may get mad but all the better. I wish I had the power to make every man here to-day certain that I was right after him. But this is the work of the Holy Spirit. Even Gabriel couldn't convince you. It is the work of the Holy Spirit. He is sent into the world to *convince*. In the second place the Holy Spirit sheds abroad the love of God in the heart and this love is the fulfilling of the law. This love shall yet fill all hearts. Bless God, this love has found its way to my heart. Again the Holy Spirit is sent into the world to inspire Hope and ah! what a poor dark world this would be were it not for the Hope we cherish through Christ of the evangelization of this universe.

Again the work of the Holy Spirit is to give liberty. How is it that Christians are so dead and our churches so inactive? The trouble is there is no liberty. Lots of people go to church to criticize the preacher and then wonder why it is more are not converted. Ah! what we want is an outpouring of the Holy Ghost in order that we may have *liberty*. Liberty in our pulpits. Liberty in our prayer service. Liberty in our testifying for Christ.

Again the Holy Spirit is given to testify not of Himself but of Christ. If I preach Jesus here to-day the Holy Spirit will take the truth home to the heart and conscience. What the pulpit wants to-day is two men in it. The preacher himself and the Holy Spirit.

Again, this Spirit will *teach* us. The idea of the Child of God running after those people who say that God speaks to them through the dancing of tables, etc. No—I can't stand this nonsense of spiritualism. When they turn the gas off the Child of God ought to leave. The *Holy Spirit* will teach you all things. Now when the Holy Spirit is poured out upon us we'll praise God as the Levites did—all with one accord. I'll tell you that is just what we want to-day. A united Church and the people of God praising Him with all their heart. One thing this is crippling the Church at the present day is its godless choirs. I would rather pitch the pipe organ into the bottom of the sea than have a godless organist. I would much rather adopt Mr. Spurgeon's method and have no organ at all rather than have an ungodly organist and an unconverted choir.

In the next place, if this Holy Spirit is poured out upon us a great many other changes will take place. For instance, every member of the church will wake up, and instead of being a drag to others, will go to work and help. I venture to say that these preachers will bear me out in the statement that only one out of ten of the church members is fully alive. Lots of Christians in Victoria are everlastingly complaining because the pastor does'nt do this and does'nt do that, etc., etc. Well, now, what we want is more of the Spirit of Christ. Do you know one of the greatest hindrances to the Church of Christ to-day is the patronizing spirit manifested by many of its members? These wealthy, paying members who undertake to run the church because of their influence, etc. The honorable so and so, Mayor so and so. Abominable! What we want is the living water of God flowing into and upon us. Full of the Spirit. Every child of God ought to be like an artesian well—bubbling over with this Living Water. Listen, "Blessed are they who hunger and thirst after righteousness, for they shall be *filled*." What I would like to see is a meeting just for hungry Christians—for none but thirsty people that we might all be *filled*. Lots of people go to church simply because they want to keep up the services. Go to the Thursday night prayer services to keep it up. Power—power of the Holy Spirit. Have you got it? I believe if the Church got wakened up we could have nothing short of a Pentecost. I have heard of Christians who said they didn't believe in revivals, and yet there is not a church on earth that has not been born of a revival. Oh! let us have a band of men who will not give up praying till we get a Pentecost. Oh! if this Spirit would only fall on us now as it did in Jerusalem, there would be as many people converted at the Rink as there have been for the last twenty-four years in this city.

Look! See these hundreds of young men going straight to the devil, having been brought up in Christian homes. Why? Because we have not got the *power* we ought to have. Fathers, don't you want this power? Mothers, don't you? You know you do. God will give you a blank cheque. He will give you all you want. Elijah held the Key of Heaven. For three years the clouds refused to give rain. He knew the secret of this power and Elisha got a double portion of this Spirit in answer to prayer. Wouldn't you sister, brother, like to get this power? Wouldn't you like to shine for Jesus in Victoria? Let us have a fifteen minutes prayer meeting.

THE EVENING SERVICE.

Mr. Moody, in his introductory remarks, again referred to the excellent reports of the meetings in the newspapers, and recommended that everyone should purchase papers and send them to their friends. He also referred to the Y.M.C.A., and hoped that the young men who had been blessed during the services would gather around that association.

Mr. Moody then invoked the Divine blessing and the hymn "Rescue the Perishing" was sung.

The evangelist took for his subject the story of the prodigal son. He said:

I want to call your attention to the parable of the prodigal son. We will notice the difference between these two sons. They were both good and both bad; one sinned in his disposition and the other in his body. The prodigal who went away had his eyes, I believe, blinded with pleasure. Now, I think his father made a mistake in giving that boy his portion. Rich people make a mistake in piling up their money for their children. Better let the boys earn their own living. I do not know where this boy got to. Perhaps he went down to Memphis, and when he got there it did not take him more than five years before he got through with all his money. And he was a good fellow all the time—smoking the best cigars and drinking the best wines, and treating other young men. What did he care for all home restraints, such as mother's bible, etc. And he went in for a good time, and no doubt he had a good time so long as it lasted. But by and by there came a *famine*—and it always does come, no man turns his back on home but what he soon meets with a famine. He goes to the pawnbroker, pawns his gold watch, diamond ring, etc., but no one helps him. The very men who smoked his cigars and made fun of him in his ruin called him a *dude*—a *fool*. Yes, the very men who helped him made fun of him.

There was a redeeming feature about this young man, and that is he didn't beg nor steal. He went looking for a job. Perhaps he wanted to get into a store as a clerk, and so at last he got some work with a man who kept swine. And he went into the field and would fain have filled his belly with the husks which the swine did eat. Sir, that is the way of the world now. These tavern-keepers will kick a man out as soon as the money is gone. And now this prodigal began to think of other days—days when he had all his home comforts. How many servants have my father, etc. True, it was a battle. The power of God drawing him back, and the power of sin drawing him on. Look for a moment at that old home, look at that old father! Not a moment, during all these years but what he was thinking about his wayward boy.

The prodigal lost pretty nearly every thing he had taken away from the old home, but there was one thing he didn't lose—*a father's love*. The servants could have told how often that old father had prayed for that boy. Oh! how much he loved him! notwithstanding his sin. Ah! he now loved him more, and every moment he waited his return. And it was that which brought that son home again. Ah! how true it is that the love of God leadeth to repentance. So this boy begins to think of his father's love. How in bidding him good-bye, he broke down in tears and begged him not to go, and although sin drows him on, still he begins to get the victory and by-and-by he rises up and says "I will." Oh! what joy in that old home! And hows he pushes along homeward and as he draws nearer and nearer his heart leaps for joy. "No place like home." "I did think when I left home I would be all right but look what a poor prodigal I am!"

Now, see, he at last is in sight of the old home. The father has gone up to the roof of the house about 3 p.m., and now as he prays according to the custom of the East, and having for days and days and days watched for his son's return. Now at last he sees his boy away in the distance, and so he rushes down and away out of the gate and down the road to meet the prodigal. All the servants wondered why the old man should hurry so. At last the father and son fall upon each other's neck, and now the father calls for a ring and a robe, and the fatted calf was speedily killed. Look at that scene. Such a supper table—loaded down. The old father looks so happy, sitting at the head of the table, and the lost boy feasting upon such good things, cries for very joy. He had enough of sin—of husks, of rags, of hunger. He didn't want to go back. No man when he gets home to God ever wants to go away. And this story of the prodigal is intended to teach us that God—our God, is *full of compassion*. Not a drunkard, nor fallen girl in this room to-night, but that may feel that *God is love*. The first thing I can remember was my father's death. The next thing I can remember was the fact of my eldest brother running away from home. Sitting around that old home fireside we used to talk about everything else but that boy's absence. Years and years passed before my dear old mother heard of that prodigal boy. Whenever one beautiful June morning as she sat with her infant twins upon her knee, a tall full-bearded man walked up to the front gate and she rushed forth and cried, "Oh! my boy, my boy! come in, come in!" "No," said he, "I will not come in, mother, until you have forgiven me." Don't you think that mother forgave him? Ah, yes! Day after day, hour after hour—for *years* she had prayed for that boy, and not a moment had he been absent from her thoughts. Don't you think, therefore, she forgave him?

Friends—God loves you. His heart is full of compassion. He stands to-night with outstretched arms waiting for your return. Oh! come to Jesus, come to-night—come *now*.

At the conclusion scores pressed into the inquiry room.

ALONG THE WHARVES.

Arrival of the Princess Louise With a Large Cargo—The Norcross' Salmon Cargo Completed.

The Princess Louise arrived at the outer wharf yesterday afternoon at four o'clock, one day behind time. On the up trip she was delayed by stress of weather, and on the down trip she carried a large freight list. Among the latter were 300 sheep for Van Volkenburgh Bros., which were landed at Cadboro Bay; two carloads of flour for W., R. & Co., which was discharged at the outer wharf; 1,000 cases of salmon from Laidlaw & Co., and 400 from Deas Island, which were transferred to the Norcross at Esquimalt; and 600 packages of products from Fraser River points. The Louise will leave at 7 o'clock this morning for Westminster and way ports.

The steamer Sardonyx finished discharging salmon into the Norcross yesterday afternoon, and returned to Turner, Beeton & Co.'s wharf, where the balance of the cargo destined for the east, is being unloaded.

The steamer Western Slope, which arrived from Fraser River on Sunday with 5,000 cases of salmon, completed the work of transfer to the bark Norcross yesterday. The Slope returned to Spratt's wharf, took on necessary supplies, and will leave for Nanaimo for a cargo of coal to-day.

The steamer Maude is due from Queen Charlotte Island to-day.

The bark Norcross will have completed her cargo this afternoon, and will clear for England on Monday.

Praiseworthy.

"Last summer I was entirely laid up with liver complaint. A friend advised me to use Burdock Blood Bitters; I did so, and four bottles cured me. I cannot praise this remedy too much." John H. Rivers, Orr Lake, Ont. tu-th-sat-dw.

Children Cry for Pitcher's Castoria.

CRIMINAL LIBEL.

The Case Advanced a Stage—Law Points Take up the Greater Portion of the Time —Mayor Grant's Testimony.

At 11.30 yesterday morning the case of W. H. Ellis and A. G. Sargison, adjourned from the 22d inst., on the charge of criminal libel, was called in the police court before Hon. A. N. Richards, P. M., presiding.

Messrs. Mills and Hett appeared for the prosecution and Mr. Theodore Davie, Q. C., for the defence.

The magistrate opened the case by remarking to Mr. Davie: "We adjourned this case on Monday last for the purpose of allowing you to ascertain whether you could produce evidence to prove the truth of the charges contained in the alleged libel."

Mr. Davie—Yes, sir, and also as to whether I was at liberty to cross-examine the witnesses put in the box by the prosecution. The two contentions are entirely different. While I may not be able to call evidence, I no doubt have the right to cross-examine the witnesses. If the right of the defence to cross-examine witnesses in a libel case in the police court is denied it cannot be granted in any other case in the police court. Mr. Davie did not contend for the right to call evidence but claimed that the right to cross-examine was absolute, citing section 222 of the Procedure act Reg. *vs.* Griffiths, 16, Cox C. C. 45. There was no distinction on this point between libel and any other criminal proceeding.

The magistrate thought that if he allowed evidence, either direct or by cross-examination, to be received for the defence, he would be doing so without authority, and if the witnesses spoke untruths, they would not be guilty of perjury.

Mr. Davie claimed that evidence for the defence was taken in the police courts every day and in this respect the statutes in force in England and in Canada differ.

His honor acknowledged the fact, but urged that such evidence was received in the absence of objection and the evidence was only received to break down the prosecution by disproving the charges. In libel cases, however, evidence of justification is not relevant to the charge and can only be set up in the assize court on a plea specially pleaded for that purpose.

Mr. Davie thought that perhaps the discussion was premature, and that the best plan would be to continue the evidence and deal with the objections as they might arise.

His honor assented to this course.

Mr. Mills contended that the cross-examination must not be allowed to extend to any matters tending to justify the libel.

His Honor—That is my ruling.

The point having been settled, Mr. Davie requested that Mr. Grant might be recalled according to promise.

Mr. Mills—I shall do nothing of the kind. I shall put Mr. Rithet back again to be cross examined by Mr. Davie. Mr. Rithet was in the box when the court adjourned.

Mr. Rithet was regalled but not questioned by the counsel for the defence.

Mr. Davie again asked for the recall of Mr. Grant, and said that Mr. Grant had been sworn and the prosecution had asked to allow him to leave the box in order that Mr. Rithet, who was in waiting, might be able to give his evidence and return. The request was conceded by counsel for defence upon the distinct understanding that Mr. Grant was to be recalled for cross-examination.

Mr. Mills—I object to Mr. Theodore Davie conducting this case, your Honor. I am here to conduct the case, and I will do it. I placed Mr. Grant in the box simply to swear to the information, and I intend to put him back and examine him myself, and then Mr. Davie can cross-examine him. I shall put him back presently.

His Honor said that Mr. Grant had been allowed to leave the box to oblige the counsel for the prosecution. It was distinctly understood that Mr. Davie would be afforded an opportunity to cross-examine him after Mr. Rithet had been examined. It would be the proper practice to recall Mr. Grant as it was understood he was to be returned to the box as soon as Mr. Rithet had been examined.

Mr. Davie—And good faith, too.

Mr. Mills—I am not committing any breach of faith and I do not intend to. I shall return Mr. Grant to the box, and now, your Honor, desires me to.

Submitting to the ruling of the court Mr. Grant was recalled and his examination continued. He deposed as follows: My name is John Grant. I am Mayor of the City of Victoria; I see in the issue of THE COLONIST, bearing date of Oct. 3rd, which I now hold, a letter headed "Who Connived at Thomas Russell's Escape?" (The witness proceeded to read the letter to the court). I take it that the mayor referred to is myself; Thomas Russell is undoubtedly the gentleman who occupied the position of treasurer, assessor and collector until about the first of the present month when I understand he left for the other side; I mean the United States; I believe there is a charge against Thomas Russell of embezzlement or embezzlement or fraud; (the charge produced and the information against Thomas Russell placed in evidence); the charge is that he did feloniously steal or embezzle the funds of the City of Victoria at divers times; I cannot say whether or not a warrant was issued for his arrest. (Warrant handed to the witness.) Yes. There seems to be a warrant. It is signed D. R. Harris, Justice of the Peace, on the 27th of September, for the arrest of Thos. Russell. I am informed by the proper authorities that the police attempted to carry out their instructions. These proceedings have, I believe, been ratified by the council.

Mr. Mills—I will put the minutes in evidence.

The witness, continuing—Before Thos. Russell left for the other side I believe he was suspended. I only know this from the minutes of the special meeting of the council, which were ratified afterwards at a meeting I presided over as mayor. I know the defendants in this case. They are, I believe, the publishers of THE COLONIST newspaper. Since I have been mayor THE COLONIST has not been friendly to me. According to my judgment their conduct has been most unfair and untruthful. I say they have been unfair and untruthful in reporting my actions or words spoken by myself.

Mr. Mills placed in evidence copies of THE COLONIST bearing the dates of Sept. 27th, 28th and 29th respectively.

The Witness—These are papers published by the defendants and were delivered to me by their agents. I am now referring to a paper of the date of Sept. 27th and am looking over a report of the council proceedings of the night before. There is much contained in the report that is not correct. There are words left out and others put in to give a different meaning from what was said, making it appear absurd. The report is not true.

His Honor—How is this relavent? What has it to do with the case?

Mr. Mills—I have a right to put in previous libels and unfair comments in order to show malice.

Mr. Davie—Mr. Mills is quite right. I have no objection.

His Honor—If there is no objection go on.

Witness, continuing, referring to THE COLONIST of Sept. 28th. There is in this paper an editorial headed "The Mayor and the Audit." There is a great deal said in this that is incorrect. (Referring to THE COLONIST of the 29th September). In the editorial headed "The Mayor and His Methods," there are many things contained in this that are not correct and that would turn me into ridicule.

Witness—I instructed my solicitor to write to the publishers of THE COLONIST for the name of the writer of the letter signed "Taxpayer" appearing in the issue of September 3rd.

Mr. Davie here ventured to address a private remark not bearing on the witness' evidence, to a reporter of THE COLONIST, and Mr. Mills angrily and getting very red, remarked: "That's right, Mr. Reporter. Get it down as Mr. Davie tells you."

Mr. Davie said he was offering no suggestions in regard to the reporter's work.

The evidence of Mr. Grant continued: In reply to my request through Mr. Hett he received a letter from Mr. Theodore Davie, declining on behalf of THE COLONIST, to answer the request.

The direct examination of Mr. Grant being concluded, the court rose for a recess of one hour.

THE AFTERNOON SESSION.

Mayor Grant cross-examined by Mr. Davie:—You say that the report of the Council meeting contained in the COLONIST of the 27th is incorrect?

Witness—Yes, I said it was unfair and untrue.

Mr. Davie—Will you just read the article through and point out in what particulars it is unfair or untrue?

Mr. Mills—I object to the question.

His Honor—On what ground?

Mr. Mills contended that the defence could not go into the question of articles apart from the main libel even if the witness had stated they were false in some particulars. He said he had only examined Mr. Grant in regard to the report of the council meeting, and he did not think Mr. Davie had any right to cross-examine on any other point, even if he could possibly on that. To do this would be to justify, which his Honor had ruled could not be done.

Mr. Davie said that in deference to his Honor's ruling he was not going to cross-examine upon the libel laid in the information at all, but as Mr. Mills had introduced the antecedent articles in the newspapers to show malice, the door was now opened to the defence to show that there was no malice at all, and that what was claimed to show malice was truthful and fair. Mr. Mills had opened the fullest cross-examination to the defence by putting in these articles, and counsel for defence was at liberty to cross-examine fully to show they were truthful and not malicious.

The magistrate thought that the prosecution should have contented themselves with proving the publication of the libel sued on, that would have been enough. Now, however, that they had gone further and put in other libels as proof of malice, they themselves had opened full scope to the defence to explain and justify these other libels in any way they could. After the prosecution had taken the latitude which they had availed themselves of he could not limit the defence.

Mr. Mills said he had only examined the witness in regard to the report of the council proceedings. He thought Mr. Davie should confine his cross-examination to this.

Mr. Davie, to the witness, (referring to the report of the council proceedings)—Will you first point out wherein the report of the council proceedings is unfair or untrue?

Mr. Grant—I have marked in pencil five places in the report (placed in court as Exhibit D) which I claim to be unfair, and one of the five untrue. The one I say is entirely untrue. It is marked "No. 5" and reads "I do not know and I don't think you do either," etc. The reason I pronounce this portion of the report untrue is because I never used the language quoted. I did not say "I know more about figures than any auditor." The language I used was "I know as much about figures as any of the auditors."

Mr. Davie—On that occasion you objected, did you not, to the reception of the auditors' report?

Witness—I did not object to the reception of the report.

Mr. Mills (hastily)—I object to that question, as it is a question in the libel.

His Honor—All this evidence would have been shut out if it had not been for your examination. You can't stop him now.

Mr. Davie—Did you not object to the report in its then condition being read?

Mr. Mills—I object to the question.

Mr. Davie repeated his query.

The witness—This was one of the paragraphs I did not mark. The language speaks for itself. I don't deny that the first paragraph is correct. I did not say it was correct. I wish my counsel, Mr. Mills, to advise me. Shall I answer that question? I——

Mr. Davie—You are in the stand giving evidence, Mr. Grant, not Mr. Mills—

Mr. Grant—Your honor, I wish my counsel to instruct me whether——Mr. Mills shall I answer?

Mr. Mills—Oh, yes, yes!

The witness, to Mr. Davie—That is practically what I said. There is very little to be found fault with in that paragraph.

"The paragraph reads as follows:—

"THE AUDITORS' REPORT.

"His worship said before proceeding with the regular business he desired to draw attention to the auditors' report, which had been handed to him during the past week, and he would like the matter to be dealt with first. The report showed a shortage in several departments, and he thought it was the duty of the auditors to submit data and evidence upon which they found such shortage. This matter should have been dealt with in the same manner as is done in bringing in reports in all legislative bodies, and it was clearly the duty of the auditors to furnish the details of their findings in order to afford anyone who might be accused a chance to explain away the charge of shortage in the accounts. He (the Mayor) did not think it a proper report, and in all fairness to those gentlemen who are believed to be responsible for the shortage, the data upon which the auditors base their findings should have been handed in with the report. However, it would be for the board to decide upon it."

Mr. Davie—At that time were you made aware of the data of this shortage?

Mr. Mills—I object to that question.

Mr. Mills contended that Mr. Davie should confine himself in his cross-examination to the five passages marked in the report.

Mr. Grant requested the clerk to hand the record of his evidence to him to read, which the clerk did, the action of the mayor calling for a sharp reproof from Mr. Davie, and the magistrate informed the witness that it "would all be read over to him in due time."

Mr. Grant asked Mr. Davie to explain what shortage he referred to in his last question, and Mr. Davie was proceeding to comply when Mr. Mills took objection again to the procedure. He thought Mr. Davie was undertaking a justification of the libel.

Mr. Davie explained that he was not not trying to establish a justification, but wished to rebut the articles claimed to be prior libels placed in evidence to prove malice.

Mr. Mills said that the defence was trying to prove indirectly what they were debarred from proving by the production of direct evidence.

The Magistrate—Well, Mr. Mills, you brought this on yourself.

Mr. Mills brought forward legal authorities to support his contention that the counsel for the defence had no right to cross-examine until the case was taken to the higher court.

The magistrate said the proof of the publication was the only evidence necessary for him to receive to send the case up for trial, when all evidence could be received.

Mr. Davie foresaw the position which the prosecution had endeavored to force the defendant into. He thought, however, that they had over-reached themselves and had opened the door for the defence to enter with their evidence.

The magistrate thought the easiest way out of the matter would be to strike out of the evidence everything concerning the articles published prior to the communication upon which action was based.

Mr. Mills said this could be done.

Mr. Davie claimed that there was no power to strike out anything which had been taken down. The defendant was entitled to the benefit of it. The prosecution had attempted to take an unfair advantage by excluding cross-examination and had over-reached themselves. He had expected that when Mr. Grant came into court he would come with a desire to have his actions enquired into, not wishing to shirk all investigation.

The magistrate wishing to enquire into several points raised by the legal counsel adjourned the case until Tuesday next at 11.30 a.m.

A DISAGREEABLE BATH.

A Drunken Sailor Tumbles from the Wharf and is Rescued by His Companion.

At about nine o'clock last evening a sailor, named William Stone, who had imbibed a greater quantity of liquid refreshment than was good for him, was walking on Janion's wharf with a companion also half-seas over. In some way, probably never to be determined, Stone slipped and fell from the wharf into the water. Fortunately the cold bath had the effect of partially sobering him, and he managed to keep his head above water until his companion, with the assistance of a man brought to the spot by the cry for help, rescued him from his unpleasant position. His cold dip, which might very easily have been his last, will probably be a better lesson to him than a dozen homilies on temperance.

MARINE.

Steamship Abyssinia sailed from Yokohama for Vancouver on Sunday last.

Bark F. H. Drew has completed loading lumber at Moodyville for Shanghai.

C. P. R. steamship Parthia is loading cotton, flour, lumber, etc., at Vancouver, and is expected to sail for the Orient tomorrow.

(BY TELEGRAPH.)

SAN FRANCISCO, Oct. 25.—Cleared—Steamers Mexico, Victoria; Antonio, Nanaimo; Wilmington, Port Townsend; Columbia, Portland.

SAN FRANCISCO, Oct. 25.—The new four-masted schooner Robert Searles has arrived from Port Blakely with 800,000 feet of lumber. This is the first trip of the Searles. She was built by Hall Bros., of Port Blakely, and cost $43,000.

WESTMINSTER NEWS.

P. McTiernan, Indian agent, who returned from the Squamish river, states that there were two cases of smallpox there among the Indians, and that two children had died lately from the disease. The Indians stated to the agent that they were satisfied they caught the disease from castaway bedding they fished up on the beach at Vancouver.

A man named Thomas Monis, who has resided at Westminster above a year, and who has lately showed signs of insanity, was, on being examined by a medical board, pronounced insane and committed to the Provincial asylum.

The Hyack fire company has been reorganized with a membership of 48 and the following officers: Captain, J. C. Armstrong; 1st lieut., Joseph Healey; 2nd lieut., Jos. Wise; 1st branchman, George Scoullar; 2nd ditto, W. E. Dickinson; 3rd ditto, Neil McColl; 4th ditto, C. Hamber; treasurer, J. S. Clute, Sr.; secretary, J. S. Clute, Jr.; assistant mechanical engineer, G. W. Janes; stoker, Wm. Johnson.

W. Norman Bole, Q. C., M. P. P., has received word from the government to the effect that plans for the new court house at Westminster are being prepared and tenders for its construction will be called for in a few weeks.

A land surveyor from Vancouver has just completed chaining the road between Westminster and the terminal city in the interests, it is said, of a company that intends building a tramway to connect the two cities.

The youngest Walworth boy is the only one of the family not convalescent. All danger of the small-pox spreading is now at an end, and a few weeks more will stamp it out entirely.

Mr. J. Curtis, a gentleman representing one of the largest lumbering companies in northern Michigan is in the city. His visit to British Columbia is to learn the land and timber regulations with a view to acquiring large limits and erecting sawmills, and, if he is successful in his arrangements, and his company decides to build, the mill will be located close to Westminster. After securing the information he is in search of Mr. Curtis returns to Michigan to report, and if satisfactory the erection of the mill will be immediately decided on.—*Columbian.*

THE RAILWAY WAR.

WINNIPEG, Oct. 25.—Judge Taylor delivered judgment yesterday morning, dismissing the injunction granted the C. P. R., restraining the Red River road from crossing their line. The government immediately took steps to make a forcible crossing, but the C. P. people applied for another injunction, which was granted. The hearing will take place Friday. A monster mass meeting was held last night at which strong resolutions were passed condemning the C. P. R. Two hundred citizens were sworn in as special constables. The C. P. R. declare their intention to restrain a crossing till the decision is made by the Supreme Court next month.

Indignation meetings are being held at the provincial towns, and the action of the Canadian Pacific is strongly denounced.

WINNIPEG, Oct. 25.—Attorney-General Martin has inserted a flaming advertisement in the papers, calling for special constables to go out to-morrow morning to clear the tracks of the Canadian Pacific. He will not accept the decision of the courts and will resist the crossing. Excitement runs high and trouble is expected.

A force of twenty-five provincial policemen, in charge of Chief Clark, and about thirty track layers left the city last night at midnight and drove to Beedingly, fifteen miles distant, where the Portage line crosses the Glenshow Branch of the Canadian Pacific Railway. Under cover of darkness they succeeded in crossing and a force of armed policemen are protecting it. An injunction has also been obtained prohibiting the Canadian Pacific to interfere with it. A large number of men were brought in from Port Arthur and other eastern points to-day to reinforce the little army the Canadian Pacific have stationed at the southwestern crossing.

CABLE NEWS.

M. DeGiers Celebrates the Fiftieth Anniversary of His Entrance into Public Service.

Progress of the Commission of Inquiry —Interviewing Prisoners for Evidence Against Parnell.

Queen Natalie Appeals to the Patriarch of the Greek Church Against the Decree of Divorce.

The Parnell Commission.

LONDON, Oct. 25.—Before the Parnell commission to-day the attorney-general resumed his address. He said the land league originated in America and the conspiracy was benefitted by American money. Members of the league in America were dynamiters and advocates of murder and they had Parnellites as accomplices. It is absurd to say that Parnell had no relations with Patrick Ford. A host of facts proved the intimate connection between the two. The attorney-general quoted extracts from the *Irish World* to prove the connection of the Parnellites with the American section of the Irish extremists. He then dwelt upon the misdoing of the national league in America until the court adjourned.

Lord Sackville's Blunder.

LONDON, Oct. 25.—The *St. James' Gazette* comments as follows on the letter which Lord Sackville, British minister at Washington, wrote to an English voter of California: "In the present position of American politics Lord Sackville should not have written such a letter even under the seal of privacy, but the fact that he acted in perfect innocence is clear. The use which certain American politicians appear to hold that England is ready to help to re-elect President Cleveland is a thorough mistake. The personality of the future President is purely a domestic question." The *Globe* says: "Lord Sackville fell into a trap too readily. Happily he did not commit himself by giving a testimonial which would have been invaluable to representative wire pullers. The trick is too obvious and discreditable to have much effect."

At the Request of the Queen.

LONDON, Oct. 25.—Count Hatzfeldt, German ambassador, had another long interview to-day with Lord Salisbury in reference to the printing of certain private German documents in England. The result of the interview is not known. Dr. Mackenzie has written to a friend that he published his book on the Emperor Frederick's case at the request of Queen Victoria and Empress Frederick.

Held as Witnesses.

DUBLIN, Oct. 25.—It is asserted by the *Freeman's Journal* that two hundred Irish policemen, upon whom subpoenas have been served, are held in readiness to testify before the Parnell commission against the Parnellites. The *Journal* also states that the papers seized at Matthew Harris' house have been turned over to the *Times*.

Hunting up Evidence.

DUBDIN, Oct. 25.—A solicitor who is supposed to be working in behalf of the *London Times*, attempted to-day to interview Mallet and McCaffrey, who are imprisoned in Downpatrick jail. Both refused to divulge any information whatever on Irish matters. It is reported that the *Times* will ask the Parnell commission to compel these men to attend sessions of court.

The Parnell Defence Fund.

DUBLIN, Oct. 25.—The Parnell defence fund now amounts to £11,000.

Friendly Feeling Between France and Russia.

PARIS, Oct. 25.—A lunch was given today at Cherbourg to the officers of the Russian squadron at that port. The mayor offered a toast to the union of the French and Russian peoples, and the maritime prefect proposed a toast to the Russian navy. The commander of the Russian man-of-war Machinoff responded, and toasted President Carnot and the French army and navy. A band played the Russian anthem. The Russian officers received an ovation on their way back to their ship.

Emperor William's Hunting Trip.

BERLIN, Oct. 25.—Emperor William left Potsdam to-day for Blankenburg on a shooting trip.

Stoppage of the Sales Illegal.

BERLIN, Oct. 25.—The Dunsburg courts have declared that the stoppage of the sales of Dr. Mackenzie's book on the late Emperor Frederick's case is illegal.

Ministerial Victory in Bucharest.

BUCHAREST, Oct. 25.—The ministerial party gained a victory in the elections held yesterday. Out of seventy-five members for the chamber of deputies, the ministerialists secured sixty-five, the Liberals four, and six will have to be re-balloted for. Further elections will be held to-day. The chamber of deputies, which was dissolved in September, is composed of 178 members.

Queen Natalie Appeals.

BUCHAREST, Oct. 25.—Queen Natalie has appealed to Dionysios, Patriarch of the Greek Church at Constantinople, from the decision of the metropolitan Theodosius, who dissolved her marriage with King Milan. Dionysios is the superior of Theodosius.

M. DeGiers' Fiftieth Anniversary.

ST. PETERSBURG, Oct