*********** omy...

siders it a luxury to use oz. bottle for \$1.00 i

16 oz. Bottle. \$1.00

Macdonald; Mr. Justice and ng; Mr. Justice and Mrs. Put-n. Col. and Mrs. Baker; Ron. ind Mrs. Eberts; Hon. C. E. Miss Pooley; Hon. Col. Prior; d Miss Prior; Mr. Eure; Hor s; Mr. Beique; Mr., Mrs. and nsing Mr. C. B. Warren; Mr. Bodwell; Mr. C. P. Anderson Mrs Peters; Mr. and Mrs. T. Mr. and Mrs. E. Crow Baker Mrs. and Miss Richardson E and Mrs. Irving; Mr. A. J Irs. Galletley; Mr. A. and Mrs Mr. G. E., Mrs. and Miss Pow-Miss Loewen. The decorations ning room and tables were en tasty, roses and other flower ed to the best advantage: The was kept by each guest as nir. It was hand-painted, the vas a neat water-color sketch, ner itself was the result of the rts of the Driard's chef and The speeches which followed in a happy vein, many refer ing made to the kindly feelings ed by Victorians towards the from the United States. ifth Regiment band was in at-

GOLDEN TEXADA.

wett is Very Enthusiastic About Its Future.

E. Blewett, the well known expert, is at the Driard, having turned from Texada Island ne is heavily interested in the da and other properties. In to a Times representative to

Blewett stated that he believed would yet be one of the richest amps in the province. People ink this was exaggeration, but was there, generous in quantity in quality, and it was his firm that it would make one of the ing camps in the province, alothers thought other mines her because they were further ne. Mr. Blewett has about 40 ployed on the Van Anda, They e between 80 and 100 tons of in a few days, and this will b he smelter at Everett. Con-development work is being the smelter at Everett. other claims on the island ors and capitalists are going in thing has a lively appearance lewett referred to somethin

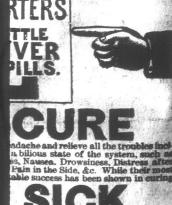
f special interest to Victorians ted out that the steamer Comos couver called at Texada twic with the result that the who creasing trade is being diverted The Comox is offered ouver. eight at Vancouver than she can It was only yesterday. that ewett wished to send lumber couver to Texada, but the The miners are buying oplies in Vancouver, and unless ria steamer is placed on the nat will give a regular service northern mining camps Van-

Greased Gloves' Seven Years. Siron, mason, Aultsville, Ont. Rheum so severe that for sev he wore greased gloves. He 'I used a quarter of a box of Ointment. It cured. me. Salt Rheum now." Chase's t cures every irritant disease skin, allays itching instantly, and erling remedy for piles. Avoid ns. 60c. per box.

rill secure the whole of the

GERS WANTS A MATCH ester, Mass, Feb. 3.-Jas. Rog

nampion oarsman of the United now living in Worcester, chal the world to a single scull race miles, barring only Jake Gand Toronto, champion of



ane of sa many lives that here is we ke our great boast. Our wife ou attern do not. "TA'S LETTLE LIVER PILLS ARE VETPS CARTER MEDICINE CO., New York, Small lines Small By

pride of the United States Navy Strikes a Rock in the Deleware River.

onsiderable Damage Done the Hull of the Big Warship.

Philadelphia, Feb. 1.—The U. S. S. Brooklyn, the latest pride of a peerless navy, calculated to withstand the fiereest onslaughts of shot and shell, lies almost entirely helpless because of a narrow ledge of sunken rock in the Deluware river, above Marcus Hook, Pa., on which she struck heavily Saturday afternoon Her lower double compartments, forward, were closely stove, and that the big vessel did not sink. This graphic art would undoubtedly have been the result had not her inner compartments withstood the shock. As it was, she was pulled clear of the rocks, and is now tied to the big stone ice breakers Marcus Hook, protected from the eavy ice gorges in mid-river, and it is mpossible to say when she will be able

in no danger of further damage. The exact place where the vessel will not be received. Chester and Marcus Hook, at that it was the first time the s'up cepted. een handled by the present officers w since going into commission in part of December. Since thes been lying at Long Island navy and certain repairs had delayed By the early part of the sailing. month, however, all arrangements en completed for her going to hen the cold snap set in and was by the piling up of ice in he and particularly at the bend in er immediately below the navy known as the Horse Shoe. The iceboat managed to keep the chan-

m two to six feet by the freezing weather, and it emed advisable to postpone salling a clearer sea. This did not come the cold weather continued and the egan until it was believed the pon of the boat was perilous. The was surging around and about her her officers felt she must be moved heavy floes would force her a-

lear of ice, but on the sides it piled

was evident, however, by the tigg at her chains, that a safer berth be given her, and so it was deto take her to Cramp's yard yes day, where one had been provided for One of the city iceboats was ight into requisition and broke the around the ship, while four big tugs stood ready to lend a hand to tow her to destination. At the last moment seen that to go through the ice in Horse Shoe was fraught with great ficulty and perhaps danger. Then it is that Captain Cook asked the pilots, ptains Wall and Bennett, two of the ost careful and experienced men on river, if the ship could be taken native and said that safe anchorage be obtained at Marcus Hook. Brooklyn, under her own steam, under way and kept straight on n the river, the ice boat breaking a for her and two of the tugs followher wake. Both pilots were on the ser, and she made her way easily

igh through the masses of floating had reached opposite and close to tly to starboard, where they conred it better water. most immediately the vessel struck rocks with a jar that shook her stem to stern. For a moment all confusion, but for a moment only; next her cool-headed officers and were at work. The engines reded beautifully and she was quickly ked off. The quick settling of her ow showed that damage had resulted.

hasty examination, followed by a er one, showed that her inner comments were but slightly, if at all, aged, and that the bulk of the inhad been done to the outer comnents, directly under the engine fire rooms. At first many on board that the ship would sink, but fear was soon dissipated.

WEST INDIAN CABLE.

tions Proceeding for Construction of a British One.

truction of a cable under British the West Indies said negotiathe subject were proceeding. unable to say when they would pleted and admitted he was French-American company reaid a cable which would compete proposed British cable.

REATY OF ARBITRATION.

of Lordon Papers on Senate Committee's Report.

don. Feb. 2.—Commenting editor-upon the Anglo-American arbitraaty, and the prospects of its adophe senate of the United States. mes this morning says: It would civil to associate ourselves with gorous language employed by the York papers with reference to the as amended by the foreign af-mmittee of the senate of the Un-ates, but few Englishmen, howcare to dissent from the subof their remarks. Our faith in ate has been sorely tried of late and should they succeed in reand should they succeed in rethis treaty by an empty sham, it
be all the more to be regretted
it would retard the general
on throughout the world of the
ble of arbitration. Perhaps Lord
mirv will be willing to ratify a
abortive agreement, but we fear of the two countries in the policy

for a treaty of this character. In the face of the silence of President-elect McKinley we must prepare ourselves for disappointment and for either a sham treaty or none."

Commenting upon the cabled state-ments of its Washington correspondent to the effect that there is no hope that the Anglo-American arbitration treaty will be ratified by the United States sen-ate, the Darly Chronicle this morning characterizes the action of the senators as a "great wickedness." Continuing its comment the Chronicle says: "We are sure that all good men in America as well as elsewhere who are not blinded by irrational hard." irrational hatred will stand stanuchly by President Cleveland and the treaty."

That Wonderful Ten Cent Combination.

Having a desire to please and entervaluable combination for ten cents to any address in Canada:

One full sized Cabinet Photo of the

"Three Future Kings of England."
Every loyal Canadian should have onc. One package of "Diamond Dye Iuk Powder," for making sixteen ounces of best black writing ink.

This novel and valuable combination, worth 65 cents, to any address for ten impossible to say when she will be able service. At present amount in one, two or three cent

stamps. Stamps of larger denomination was on Schooner Ledge rock, Seal your letter securely, and before mailing be sure you put on full postage, t 1:45 o'clock. What makes the three cents in stamps. If full postage ent even more deplorable was the is not prepaid, letters will not be ac-

Address Wells & Richardson Cv., Montreal, P.Q. JORDAN ON REVIVALS.

Says They Are a Species of Insanity or Moral Drunkenness.

Berkeley, Cal., Feb. 2.-Dr. David Starr Jordan has declared that revivals a species of insanity or moral drunkenness rather than the result of a change of heart.

This startling statement was made by the president of Stanford University in the course of a lecture delivered at Brooklyn was held in tight and Berkeley yesterday under the auspices of the Unitarian Society.

His audience, which filled Stiles' hall, was composed largely of members of the university faculty and students, but even these exponents of advanced thought were rather startled at the em, phatic views expressed by the head of the Palo Alto institution and a decided furore was predicted when the report of his utterance reach the orthodox minis-

PLAGUE UNDER CONTROL.

Number of Deaths in India Has Great ly Decreased.

London, Feb. 2.-Lord Sandhurst, the governor of Bombay, has sent a cable message to the effect that in the section where the plague had its strongest hold disease is being suppressed, but it appears to be extending to new portions of fected by the plague the mortality is ished, during the week ending January 29, but the feeling at that place is one of great unrest. In the city of Poonah, Bombay presidency, 58 cases were reported, but a late account is to effect that 48 cases were announced in a single quarter of the town. number of deaths at Karachi reached 23 for the week ending January 22. and following the ranges closely, It is estimated that one-fourth of the total population of the city has left oner ledge when the pilot sent her | Karachi on account of the plague. only deaths reported from Sinde are said to be those of travellers.

M. MARTINI DEAD,

Was the Inventor of the Martini-Henri Rifle.

Paris, Feb. 2.-A report from Frouenof the Martini rifle.

combination of the Martini breech action with the Henri barrel was selected from a large number of rifle inventions submitted to the British government that M. Martini achieved fame and fortune. The whole of the British army is now provided with those weapons. The manufacture of the Martini-Henr rifle is now carried on by the British

M. Martini has taken out a large tary rifles adopted by the various gov. fered much less in the shake-up. ernments, the Martini-Henri has been demonstrated by numerous tests as the

most powerful. It underwent a practical test in Tur- Resolution Favoring Government A'd key, where a cheap gun of this pattern was supplied on contract by an American firm during the war of 1877-78,

Completely Knocked Out.

"I was so much run down I had to not worth living," writes William W. from the local rates and by grants of Thompson, Zephyr, Ont. "I took Scott's Sarsaparilla and am now feeling as I did years ago." Scott's Sarsaparilla apropriation of £616,500. tones up the entire system, purifies the blood, and eradicates rheum scrofulous poisons. Ask for Scott's and



Spreading of Rails on the Great Northern Railway Causes a Wreck.

Although the Coaches Were giverturned no One Was Seriously Injured.

Seattle, Feb. 2.-The Great Northern westbound overland passenger train was wrecked just this side of Wenatchee about 10:30 night before last by the spreading of rails and the entire train left the track, some of the coaches rolltain the young, the manufacturers of ing over the embankment a distance of Diamond Dyes will send the following ten or twelve feet and landing on their ·side. The most remarkable thing about ments, forward, were closely stove, and One "Excelsior Rhyming A B C it is that although some of the coaches twas only by the merest good fortune Book, Illustrated," a gem of lither had as many as thirty-five passengers or two serious injuries occurred The train, after leaving the track, plunged ahead fifty or sixty feet and then most of the coaches rolled over the side of the embankment. There was on the ground at the time eight or ten inches of snow, and to this is ascribed very largely the freedom from serious ults. The tourist coach, which is vided with a range at one end and a eater at the other, caught fire almost nediately, but the prompt work of the porter of the car and others in cutting away and pouring water upon it prevented the car burning up. This ty-two people, ten of them little babes and tots from 2 to 5 and 6 years of age, were confined in the tourist coach along with the grown people. This contained a special crowd of people, composed of five families from Duquesne, Pa., bound for Port Angeles, where they will probably work in the new steel works to be built there, as all the men are steel workers from the Pennsylvania plants. When the accident occurred all had retired but one man, who, with the car porter, was still sitting up. As soon as the car went over all the lights in the coach were extinguished by the jar. The porter, quick in the emergency, lighted his The first thing he did was to turn all the water in the range cistern onto the range and to look after the passengers. The coach was found to be lying on one side. The porter knocked out a part of the roof and next assailed the windows on the side lying on the snow. In the great confusion, none of the passengers thought of clothing and when the opening was made they crawl-

> hatless, dressless and shoeless into the Most all got out by burrowing through the broken window into the snow and then away from the car. The position the coach was lying in enabled the n to get out best that way. One end door was broken loose and a few got out that way. But one of the party was burt beyond light scratches: that one a Mr. Harlin, being cut pretty badly in the heel by a piece of broken glass The tourist car and dining cars seemed

ed out as rapidly as possible, coatless

to suffer most. The engine, tender and baggage car were derailed but stood upright in a Bombay. In places most recently ef- way that when the wrecking train arrived it did not take a great while to evidently not so great. In the city of get them out of the way. The smoker on the river. They replied in the af. Bombay the number of deaths diminary and day coach, tourist car and dining of the spreading rails and toppled off the overland coaches for protection from the weather, but the women and child-ren had the pleasure of walking back barefoot in the snow a distance of nearly the length of the train to reach

The wreck occurred at a place removed from settlement and some of the passengers say that no one came to them after the accident save a couple of Indians, who stood about stupidly staring at the wreck.

Word was sent off by the trainmen for assistance and yesterday morning about 6 o'clock the company physician arrived at the scene from Levenworth. The wrecking train also arrived at the feld, Switzerland, announces the death scene early from Levenworth and began at that place of M. Martini, the inventor opening the road so trains could pass. After the derailed engine and baggage M. Martini commenced his experiment car were put in shape to draw away in gun making forty years ago. It they were removed and a false track was not until 1849, however, when a built around the portion of the main track form up. No relief train how track torn up. No relief train, however, was sent out, and it was not nirtil about 2 p.m. vesterday that the passengers got away, being taken up by the east-bound train from Seattle and returned to Levenworth. They reached

this city last evening late. Passengers arriving in Seattle to-day at noon on the next overland say that their train came to a halt at the scene government at a factory at Enfield, near London. About 1500 operatives for the colonies, Mr. Joseph or lain, in the house of commons replying to a question relative to fory and it is estimated each Martini-Henri rifle costs Britain about 18 shill standing with trucks in the air. standing with trucks in the air.

But one man on the entire train was injured sufficiently to need medical atnumber of patents on inventions in connection with the manufacture of guns and the Martini-Henri rifle has been adopted by a number of the leading nations of the world. Of all the military rifles adopted by the various government of the control with passengers and sufference with passengers and passengers and passengers are passengers and passengers and passengers are passengers and passengers are passengers and passengers and passengers and passengers and passengers are passengers and passengers and passengers are passengers and passengers are passengers and passengers are passengers and passengers and passengers are passengers and passen

VOLUNTARY SCHOOLS.

Passes the House.

London, Feb. 2.-In the house and the results were most satisfactory. commons to-day the resolution of Mr. A. J. Balfour, first lord of the treasury, providing for state aid for voluntary schools was carried. The plan proposgive up work, and I felt as if life was ed is that the schools shall be relieved

ALASKA MINING DEAL. Quarter of a Million Paid for Claims in Silver Bow Basin.

San Francisco, Feb. 2.—The Juneau mine deal is now setled. On Saturday \$250,000 was paid to Charles D. Lane and Archibald G. Campbell for their seventeen claims in the Silver Bow basin district of Alasks, on the militand, about two and a half miles from Juneau. The purchasers were Alfred

Belt, of Wehner, Belt & Co., of London; Capt. Thomas Mein, of the Exploration company of London, and Robert Duncan, jr., superintendent of the Alaska Treadwell mines. Should Alaska Treadwell mines. Should the expectations of these gentlemen be realized the property will be the most productive in the United States northern possession "if it holds out at 800 feet" said Capt. Mein, "the property will be worth more than the whole of Douglas island which is valued on the London stock market at \$8,000,000 c:

CHAPMAN ACQUITTED.

\$10,000,00

He Did Not Exceed His Authority in Raiding the Seeley Dinner.

New York, Feb. 8.—The police com-missioners to-day handed down a de-cision in the case of Capt. Chapman, tried for exceeding his authority in raking the Seeley dinner on December 19 at Sherry's, Fifth avenue. Captain Chapman was acquitted of all blame in the matter.

MINERS' STRIKE Every Prospect That the Trouble Springhill Will be Settled.

Springhill, N.S., Feb. 3.-Negotiations eading to the settlement of the coal strike here are again in progress. It is believed they will be suc-cessful. The men have been out about 21 days and business men are clamoring for both sides to make conces sions. The fire is still hurning in the east slope of the mine, but is practically

ALLEGED WILDCATS.

Charges Against Toronty Mining Brok-

next week.

Toronto, Ont., Feb. 3.-Scores of nining brokers appeared in the police court this morning charged with misepresenting the amount of capital in vested in the companies with which they are connected. The prosecution asked for another adjournment, but as this had several times been asked for before the magistrate refused and the cases were all dismissed.

You Can be Well. When your blood is pure, rich and nour-ishing for nerves and muscles. The blood is the vital fluid, and when it is poor, thin and impure you must either suffer from some distressing disease or you will easily fall a victim to sudden changes, exposure, or overwork. Keep your blood pure with Hood's Sarsaparilla and be

HOOD'S PILLS are the best afterdinner pill; assist digestion, cure head ache. 25 cents.

THOSE AMENDMENTS.

Arbitration Treaty Amendments Discus sed by the Press.

London, Feb. 3 .- The Daily Chronicle, in an editorial, claims that the amendments to the Anglo-American arbitration treaty, reported in the United States senate from the committee on foreign affairs, are even worse than expected. Says the Chronicle in concluding the editorial. "The amendments would make the treaty a mere husk. If the United States senate succeeds in wrecking the Angle-American treaty the relations of car coming next, received the full effect all nations will be worse than if a word of arbitration had never been mentioned. the grade. Some of the rear coaches England can, however, do nothing fur-

being only partially turned over were ther. There is only one thing additional utilized by the passengers rescued from we should like to see in this particular and that is a manifesto in favor of the treaty signed by every minister of re-ligion in both countries. If some of our American contemporaries would undertake to get the signatures of the American clergy the Chronicle would answer

States senate would be able to see the position it really occupies." The Standard in an editorial upon the amendments to the Anglo-American arbitration treaty says: "The treatment of the Anglo-American arbitration treaty by the United States senate is significant evidence of the dangerous vitality of

jingoism among the leading American politicians." Commenting editorially upon the amendments proposed by the foreign affairs committee of the United States senate the Daily News says: "The amnts to the Anglo-American treaty by the United States senate were clearly made with the view of amending the treaty out of existence. It would be curious if the Venezuelan arbitration proceedings were adopted and the Anglo-American treaty rejected. In that case the American zeal for arbitration would appear decidedly altruistic. The Americans would love it as something good for

thers, but not for themselves.

Paris, Feb. 3.—The Journal Des Debates and Temps comment upon "The destructive effect" of the amendments to the Anglo-American arbitration treaty proposed by the senate committee on foreign affairs.



ne treatment of nervous membranes atory organs.

DR. CHASE compounded this valuable syrup so as to take away the unpleasant taste of the turpertine and linseed. It was the Doctor's last and greatest remedy, and more of it is sold in Canada than A Banker's Experience 9999

HEREAFTER HE INTENDS TO

Full Court Decides for the City in the Matter of Point Ellice Bridge.

The Judgment Handed Down by tric Railway & Lighting Company Act, the Hon. Justice McCreight Yesterday.

Following is the judgment handed down by Mr. Justice McCreight in the Full Count yesterday allowing the appeal from the judgment of Mr. Justice Drake in the case of the Consolidated Railway Company against the corporation of Victoria: The decree in this case declares that

the plaintiffs are entitled to operate their tramway system and cars upon and over any bridge or bridges now existing or hereafter to be built over the body of water known as the Victoria Arm for vehicles connecting Work street with the Esquimalt road. Again, that the bridge now partially erected in the place of the broken bridge be made of sufficient of the plaintiffs in the ordinary and regular course of their business, subject to the terms and conditions of paragraph 33 of the agreement in the pleadings men-tioned. Further it was ordered that if—the provision as to the company for-any doubt arise as to the strength of nishing and laying at their own expense under control and there are prospects of the slope being in working condition ance with this order.

peal against the order. A preliminary question is whether, according to the objection was taken by counsel for the authorities to which I have referred, a plaintiffs that compliance with the order liability in distinct language is imposed ing. I am not sure that there was the the company to repair it in such a manbridge is not sufficiently strong for tram above maxim is to use the expression in

in other respects. it, Noir, v. Corporation of Huntingdon, 18 Can. S., C. 363, where all the court decided that the court would not entertain an appeal from any judgment for the purpose of deciding a mere question of costs. The next was the Internation-Wrecking Company v. Lobb, 12 Pr. 207, where in the judgment, however, it is stated at page 210, "that notwithstanding the appeal the appellants proceeded to execute the judgment of which they complain, and this, the two proceedings being radically inconsistent, they could not do without abandoning the appeal" (and see pp. 210 and 211 and McConnoll & Co. vs. Wakeford, 13 p.r., R. O., where it was held that the irregularity of an order might be waived compliance with it (see page 458 of the report.) The cases also at pages 308 and 638 of 12 P. R. O., only further show that a party having elected to comply with an order cannot appeal from it. defendants tands must be obeyed-see Kerr on in- was whether an action could be mainjunctions, 641, in other words they had tained." But here it cannot be serioussons I think the ly contended that the city council by ra preliminary objection should be overrul- pairing the bridge so as to render it fit

for the British clergy. Then the United tiffs to invoke this remedy? Briefly the city, for in the words of Lord Esher. then Lord Justice, in the London Railroad Company vs. Great Northern Railroad Company, 11 Q.B.D., at page 38-"there is nothing in the judicature act. which enables any part of the high court to issue an injunction in a case in which before the judicature act there is no legal right on one side or no legal liability on the other, at law, or in equity' or to use the emphatic language of Cot ton, L.J., at page 40-"In my opinion the sole intention of the section is this that where there was a legal right which was independently of the act capable of being enforced either at law or in equity, then whatever may have been the previous practice the high court may interfere by injunction in protection of that right."

The question then is, has the company such right, and before considering the statute of 1894, C, 63, and the agreement in the schedule A, it will be, according to a well known canon of construction, proper to advert to the common law as to the rights and liabilties. interests of grantors and grantees of rights of way because the company have the terms and conditions therein contained they have an easement, and that easereports at page 322, we find in the judgment of Twysden J., which was afterwards adopted by the exchequer chamthe bar non-feasance, viz., in not repairnead, 2 Douglas reports, 749, approving agree with my brother Walker that by common law he who has the use of a thing ought to repair it. The grantor may bind himself, but here he has not

may bind himself, but here he has not done it."

Now, it is hardly necessary to any that it is even more difficult to make a municipal council liable in such cases than a private person. In the Municipal Council of Sydney v. Rourke, 95 A.C., at page 485, the Lord Chancellor in delivering the indement of the judicial committee, says no complaint of malfeasance is made against them, i. e., municipal council); the sole charge is

ALLOWED one of nonfeasance, that when the road has fallen into a bad condition they failed to execute the necessary repairs. If, then, they are liable to the present tion, it must be either because that hability has been expressly imposed by some enactment or because the legislature has imposed some duty upon them the breach of which a right of action accrues to any person injured by

Before examining the Victoria Elec-1894, and the agreement in the schedule A, to see whether the city council have according to the above test incurred any liability to the company, it seems proper to observe that the legislature must have intended that the Municipal Act of 1892 and the provisions relating to the contracting of debts, sections 110 and the following sections should not rights of ratepayers were not affected unless by distinct provisions. Now, section 12 of the act of 1894 says that in addition to the powers conferred by the agreement the company are authorized and empowered to construct, maintain, and operate a single or double track, etc., and reference is made to the bridges and the approval and supervision in reference thereto in a manner which is far from suggesting any liability on the part of the city towards the com-Section 26 of the agreement strength and stability to carry the cars makes the company "liable for all damages arising out of the construction or operation of the works, etc.

I don't think section 33 of the agreement in schedule A helps the company the proposed bridge that the plaintiffs a new flooring over the whole of any are to be at liberty to move on twenty- bridge so crossed, may be considered four hour's notice for an injunction to according to the maxim "expressio unrestrain the further construction of the ius exclusio alterius," as negativing liasaid bridge until the defendants make bility to strengthen or repair the bridge satisfactory arrangements for compli- in other respects on the part of the company (though this maxim is fre-The defendants, the city council, ap- quently misunderstood). But the real the defendants prevents their appeal- on the city council as between them and upliance for I understand that the all ner as to render it suitable to carry eged grievance still exists that the new tramcars. I may observe that this car traffic, but the objection I think fails the last edition of Maxwell on statuces "occasionally misapplied in argument," Three cases were cited in support of and its true application is pointed on at pages 459-461, in such a way as 'o give no assistance to the plaintiff company in this case. The latter or following part of section 33 of the agreement contains nothing imposing liability upon the city council. I see nothing in the statute or agreement requiring the city council to repair a bridge for the company. In Municipal Council of Sydney v. Bourke, 1895, A.C., 433, part of the lead note is "Cowley v. Newmarket L. Board 92, A.C., 345, followed as establishing the principle that an action for damages will not lie for non-repair, ven in cases where non-repair constitutes an indictable breach of duty. refer to this because it was agreed that the decrees might be supposed on the ground that the conduct of the city council amounted to nuisance-but the argument is fully met by this case, where, at page 443 the judicial committee say: "In the series of cases ending with Cowley v Newmarket L Board cannot be said that the defendants in which it has been held that an acin this case exercised an election, for tion would not lie for non-repair of a that presupposes a right voluntary to highway, the duty to repair was unchoose which of the two inconsistent questionable, and it was equally their courses a party will pursue. Here the that those guilty of a breach of this by electing to disobey would duty rendered themselves liable to penhave rendered themselves liable to penal al proceedings by indictment or otherproceedings, for an injunction whilst it wise, the only question in controversy

ed. With respect to the declaratory or- for vehicles and at the same time omitder appealed from, I think any discus- ting to make it suitable for tramcar sion about it may be conveniently post- traffic, have acted contrary to the statponed until after the mandatory injune ute or the agreement, or committed tion is considered. And the first thing to any breach of duty whatever. It folbear in mind with reference to the in- lows that the declaration of right in the junction is, do the circumstances exist decree must, as well as the remainder which are requisite to enable the plain- of it, be reversed. I think it is clear the plaintiffs have no such right, and have they any cause of action against the judgment must be reversed, and, as Mr. Justice McColl—I concur. W. J. Taylor and C. D. Mason for the

ity; E. P. Davis, Q.C., and L. P. Duff the tramway. Hon. Mr. Justice Walkem's judgment will appear to-morrow.

EAST KOOTENAY MINERALS A Giowing Description of the District's Capabilities.

The Crow's Nest Pass, through which the proposed railway will enter the Kootenay valley, has an elevation of 5,500 feet above the sea level. This is about 200 feet higher than the Kicking Horse pass, through which the Canadian Pacific railway, now crosses the Bocky Mountains. It is reported that the grade of the proposed road through the Crow's Nest pass will be only 1 per cent. The proposed road will open the largest mineral country yet discovered-a section of vast undeveloped mineral wealth yet in its infancy. East Kootenay has coal. copper, silver and gold mines, which are being developed. This road when comby the statute and agreement a right of being developed. This road when com-way over the streets, highways and pleted will be the means of opening up bridges therein referred to. Subject to the whole southern portion of East Kootenay. It will run for a distance of 150 miles through a section of country rich ment is a right of way. Now, in the case of Romfret v. Ricroft, 1 Saunders' upon this road "for future shipment of ore and supplies" are the North Star and Sullivan group of mines numbering 100 claims or prospects. On Perry creek per, the following passage: "As in the are 90 more, Weaver creek 20; Moyen case where I grant a way over my land lake and river 22; Bull river and Elk shall not be bound to repair it; but river, 15; St. Mary's river and tributarif I voluntarily stop it, an action lies over 100, Wild Horse creek, 90; against me for the misfeasance, but for the bar non-feasance, viz., in not repair to the over 100, Wild Horse creek, 90; was and the vicinity of Tracey creek, the bar non-feasance, viz., in not repair to the over 100, wild Horse creek, 90; was and the largest coal field upon the American continent. Thus it will be American continent. Thus it will be seen that there are over 500 mineral claims on the line of and tributary to this proposed road. The North Star can ship 100 tons daily, the St. Eugene 50 to 70 the Dible mine has sacked one of Lord Mansfield in Taylor vs. White-head 2 Denglas reports, 749, approving ready for shipment, and several mines in the vicinity of Tracey creek have considerable ore on the dump. On Bull river there are at least two copper properties that can become producers at once, and there is no doubt that at least ten per cent, of the claims in this dis-trict would become producers upon the advent of a railroad into this valley.— Fort Steele Prespector.

Ayer's Cherry Pectoral is known by its works. The experience of half a cen-tury proves that no other preparation stops coughing and allays irritation of the throat and bronchial tubes so prompt-ly and effectually as this.