

THE JUDGMENT SUSTAINED.

Restraining Dr. Milne From Acting as Local Health Officer in Smallpox Cases.

The Divisional Court Vary the Injunction While Upholding It.

BEFORE THE DIVISIONAL COURT
(Present—Crease, J., Walkem, J., and Drake, J.)

Attorney-General vs. Milne—The court delivered verbal judgments sustaining the judgment of the Chief Justice given on the

judgment of the Chief Justice given on the motion to him in so far as it referred to dissolve his injunction restraining Dr. Milne from acting or assuming to act as or holding himself out to be the Health Officer for Victoria. The court were, however, of opinion that the language of the injunction was too wide, since it restrained Dr. Milne from acting as Health Officer in matters outside of smallpox matters, and, therefore, that the language of the injunction would be varied by adding after the words "Victoria" the words "so far as smallpox

Mr. Justice Drake did not think the law was infringed by the open to the public construction. It was possible some mischief or obstruction might have arisen from the fact that the health officer provided to be a person appointed by the health officer, and a person so provided to be appointed, in an emergency, for the arrest of contagious diseases, by the Health Act and Regulations, were both called by the same name, "health officer," but the functions were distinct, though both officers might be held by the same person. The proceedings were taken to vindicate the right of the health officer to be appointed, and not as acting as "Municipal Health Officer for Victoria." It should be understood as only referring to him in his capacity as health officer, and not as appointed under the Municipal Health Act, as to which he remained undisturbed. However, he agreed to the amendment of the injunction sustained, but amended as above.

BEFORE THE FULL COURT.
(Present—Bogbia, C.J., Crease, J., and W

Sinclair vs. Lorimer and Jensen
Judgment—This was an appeal from a judgment at the trial of Mr. Justice of the Peace, in which the defendant, Lorimer, the contractor for the tank work done upon the Dallas Hotel, which the defendant Jensen is the owner of, claimed that the plaintiff, Lorimer, had agreed to pay the defendant Lorimer \$2,241 for work done by the plaintiff for his sub-contractor. The plaintiff claimed a mechanic's lien upon the property of the owner, the hotel, and the defendant claimed that he might obtain judgment against Lorimer. Lorimer did not defend the action, and final judgment was entered against him for \$1,750. The plaintiff then brought this suit for damages against the defendant Jensen for \$236.65, which he claimed to have been done on his personal order, but no lien was claimed.

the plaintiff against the defendant Jensen, claiming, let an order to realize \$1 judgment out of the property, and let personal judgment against him for extras.

The Justice, for Jensen then, objected to enforce a mechanic's lien, that being matter within the exclusive jurisdiction of the County Court, and it was so held by the Justice, who therefore refused to entertain that part of the plaintiff's claim. The plaintiff then went into proof of his claim for extras, and after hearing evidence on both sides the learned Justice held for the defendant Jensen, and it was so held by the Justice, and judgment was drawn dissenting the action generally as against the defendant Jensen.

The plaintiff appealed, wording him this:

It appears that plaintiff's counsel, on the argument of the appeal, stated that he did not desire to disturb the verdict reached. The Court held that the plaintiff, presenting an appeal from the judgment, and signing the appeal, was bound to call for a reversal of the judgment. The question of the jurisdiction of the Supreme Court to enforce the lien appears to have been some misunderstanding between the Court and the counsel for the plaintiff.

On appeal, the plaintiff, desiring to submit to the Court, upon the judgment, being delivered, that his intention had been to maintain the claim of his client to the lien, and that the judge at the trial was "wrong" in not entering the judgment in favor of the plaintiff, and in not ordering a discussion when delivering judgment, accordingly dismissed the appeal with costs.

NEWFOUNDLAND'S FUTURE

Her Union With Canada Again the Subject
of Discussion.

OTTAWA, Aug. 1.—The absorption of Newfoundland by Canada is coming to be looked upon as a thing not far distant. Already an agitation with that end in view has been started here and in Montreal. There is every reason to believe that Dominion Government is quietly leaning over to the scheme.

Officially, the probable reason publicity is avoided is that the fishermen are not to be disturbed. The time, however, is considered auspicious for such a consumption, inasmuch as the Newfoundland and Canada are at present in a very friendly terms, whereas the fishermen have a friendly feeling. The prompt answer in which Canada responded to the request for aid when the city of St. John's was in sebes was the stepping stone to present assistance. The fishermen of St. John's are now founded into union with the fishermen the latter would control the various fisheries and the inland markets. and eventually the union would provide a means of retaining the fishery. The fishermen are now the imposition of income tax on American import. The fishermen are now the imposition of income tax on American import. The fishermen are now the imposition of income tax on American import.

CEMETERY

THE AYLESBURY ESTATES.

An Important Question of Entail Before
House of Lords.

LONDON, Aug. 1.—Lord Henry Augustus Bruce, brother and heir to the Marquis of Aylesbury, and others interested in the preservation of Savernake Forest, Marlborough, Wilts, have carried to the Ho-

of Lords the question whether or no shall be disposed of to meet the incurrences upon it and to relieve the present Marquis from his load of indebtedness. The judicial tribunals have decided in fa-

of the same as best for the interest of all concerned, and have ordered that sufficient money be set apart from the amount realized to meet the obligations in the ordinary way of life interests and annuities. Lord Bruce, however, has all along been opposed to the disposal of the estates, believing that when the marquises and debts disappear in the course of nature there will be no difficulty in rescuing the property from its present situation and restoring the glory of the magnificent houses of the Bruces. The question was argued

yesterday, before the House of Lords, in behalf of the sale, it was maintained that the trustees had sanctioned the sale, and the court of appeal had consented to it. Horace Davy appeared for Lord H. Bruce and the other opposing relatives, and the case is likely to occupy several days of hearing. Great interest is felt in it, as affecting properties in a similar situation.

In bringing his discourse to a conclusion the reverend gentleman made reference to the loss British Columbia has sustained in the death of Hon. John Robson, in the following language: "There is no occasion that I should enforce these lessons of Death at this time to you. They have been very solemnly brought home to all in this colony and to many far beyond it, in the death of the Premier. From an earthly point of view, it seems so sad—so unspeakably sad, that he should have received the summons to depart when so far from his home, and engaged in business of so much importance."

when arduous labor had been crowned with success, and when well-deserved honor awaited him. So much has been said to those in highest position in the old land and by those nearer, that further words are unnecessary. And all the words are

"Yet I, a comparative stranger, crave to cast a flower upon the grave of great and a good man.

editor of the British Columbian. In the days he won his spurs. His ability was conspicuous, and, above all, he was outspoken and fearless. At a subsequent period he became editor of the Colonist and removed to Victoria. I still remember

gratefully the sense of moral backing I
as a minister in him. He respected
self too much to think of changing
church, as some others did, because he
changed his residence. He was my tea
in many respects. He had had a w

experience, and many of his leading articles left lasting impressions on me. In subjects we were both deeply interested, such as that of Life Insurance, and the reasons given in this sanctuary not infrequently received his powerful advocacy and

forcement to the wider congregation was his paper addressed. Of his increased prosperity and influence I was always informed, and in it I rejoiced; and now his labors have ended in the day of great success, I say in loving and respectful

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The plaintiff assigned to the case by the Supreme Court had no jurisdiction to enforce a mechanic's lien, that being a matter within the exclusive jurisdiction of the County Court, and the plaintiff, knowing that, who therefore refused to appear, and so that part of the plaintiff's case against the defendant failed. The plaintiff then went into proof of his claim for extras, and after hearing evidence on both sides the learned Judge found in favor of the defendant. The order for judgment was drawn drawn against the plaintiff, and the plaintiff was ordered to pay the costs generally as against the defendant Jensen.

The plaintiff appealed, showing his notes and bills, and the defendant's answer, and the court found in favor of the plaintiff, and the plaintiff was ordered to pay the costs generally as against the defendant Jensen.

It appears that plaintiff's counsel, on the argument of the appeal, stated that he did not desire to disturb the verdict below. The Court held that the plaintiff, by presenting an appeal, was not to be regarded as acquiescing in the verdict for the defendant on the question of the jurisdiction of the Supreme Court to enforce the lien. The appeal has been, some misunderstandings between the Court and the counsel, to the appeal.

It is well for plaintiff, desiring to submit to the Court, upon the judgment being delivered, that his intention had been to maintain the claim of his client to the lien, and that the judge at the trial was wrong in not entertaining the claim of the plaintiff as a proper subject for discussion when delivering judgment, accordingly dismissed the appeal with costs.

NEWFOUNDLAND'S FUTURE.
Her Union With Canada Again the Subject of Discussion.

OTTAWA, Aug. 1.—The absorption of Newfoundland by Canada is coming to be looked upon as a thing not far distant. Already an agitation with that end in view has been started here and in Montreal.

There is every reason to believe that Dominion Government is quietly lending official countenance to the scheme, though for palpable reasons publicity is avoided. The time, however, is considered auspicious for such a consummation, inasmuch as N

foundland and Canada are at present on very friendly terms, whereas a few years ago each regarded the other with distrust and unfriendly feeling. The prompt manner in which Canada responded to the appeal for aid when the city of St. John's was

present annexation movement. By bringing Newfoundland into union with the Dominion the latter would control the value of fisheries and the island markets. and definitely the union would provide an

means of retaliation against the United States, against the imposition of increased customs taxation on American imports, in the enforcement of Canadian fishery regulations on American vessels in Newfoundland waters.

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