## ADAMS VERSUS M'BEATH.

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A Great Deal of Interest Manifested in the Disputed Will Case.

PLAINTIFF'S CASE CLOSED AT NOON.

Interesting Evidence Given This Morning-Case for the Defense Opened This Afternoon-Probability of the Case Being a Very Long One.

The hearing of the case of Adams vs. McBeath was continued to-day before Mr. Justice Crease. Mrs. Jane Noble testified that she saw deceased, Samuel Adams, on Monday, November 9th, 1891, at his own house. Mrs. Smith was present at the time. Deceased said had been down to the postoffice in e morning of Friday the 6th to post letter and when he came back he fell dhurt himself. He was complaining the time and told witness that bethe time and toold with the time, ween Friday and Monday he had been lying on the floor most of the time, being unable to get into bed. George Barret and Duncan McBeath were presented to the time, which is the second of the time. at the time. Went to see deceas-on Sunday after he had been remov-McBeath's house. Mrs. McBeath Adams that witness had come to Deceased said he did not ow anybody. Witness remained in room 15 minutes and Adams apared to be in great agony all the time.
nee or twice he asked to be lifted up,
it did not recognize witness at all.
fter witness left the room she went the kitchen, where she had a conto the kitchen, which or sation with Mrs. McBeath, which all have been heard by the defendant. Mr. Bodwell objected to the evidence admitted, but the objection was Witness asked Mrs. McBeath if they

got Mr. Adams to make his will. e said "No, he had promised to make when he got better." Witness then the court—"This conversation took ace on Sunday. He had been taken the defendant's house the Tuesday

Cross-examined by Mr. Bodwell-Did expect to talk much to him as he as very deaf. It was about 3 in the noon when witness visited Kirsop had asked her to make in-ries as to the will. Mr. McBeath ould hear the conversation, but he gave indications that he did hear it. Had

the property in dispute in this action. Within 12 months he had been commissioned by McBeath to sell the prop-Within 12 months he had been commissioned by McBeath to sell the property. Negotiations were carried on for the sale of the lot for \$8000, but for some reason or other they fell through. The property was listed at \$8000.

Cross-examined by Mr. Bodwell—It was to be on reasonable terms. The sale fell through for some reason.

We used to have a chat and occasionally a game of checkers; Adams, two years after, built a house on View street; we kept up the same friendly relations; used to walk around together on Sundays; spoke of a sister in Australia and one im Ireland; told me he used to have a chat and occasionally a game of checkers; Adams, two years after, built a house on View street; we kept up the same friendly relations; used to walk around together on Sundays; spoke of a sister in Australia and one im Ireland; told me he used to have a chat and occasionally a game of checkers; Adams, two years after, built a house on View street; we kept up the same friendly relations; used to walk around together on Sundays; spoke of a sister in Australia and one im Ireland; told me he used to have a chat and occasionally a game of checkers; Adams, two years after, built a house on View street; we here to walk around together on Sundays; spoke of a sister in Australia and one im Ireland; told me he used to have a chat and occasionally a game of checkers; Adams, two years after, built a house on View street; we here to have a chat and occasionally a game of checkers; Adams, two years after, built a house on View street; we here to walk around together on Sundays; spoke of a sister in Australia and one im Ireland; told me he used to send money to the latter; built a house of View street; we have to have a chat and occasionally a game of checkers; Adams, two years after, built a house of View street; we have to have a chat and occasionally a game of checkers; Adams, two years after, built a house of view street; we have to have a chat and occasionally a game of checkers; Adams, two years after, built a house of view street; w sworn-Knew Samuel James Boyd,

Adams; saw McBeath after his death; was deputed to go to see him and ascertain in whose favor the will was made, as friends wished to correspond Livernool. He said: "Boyd, he made the will in my favor; he had promised it seven years ago." This might have taken place two days after the death of Samuel Adams.

Cross-examined by Mr. Fell—Did not know whether there was a will when I

saw McBeath. Mrs. Watson, sworn-Went on Sunday to defendant's house; this was before Adams' death. Sat in the kitchen while her mother (Mrs. Noble) went into the room where the sick man lay. Mr. McBeath in the same room. The witness here corroborated the conversation referred to by the previous witness, Mrs. Noble, and said she

could hear it distinctly.

Cross-examined by Mr. Bodwell—Remember the conversation because I heard it. Mr. Adams did not appear to recognize mother. Made no memorandum of the conversation, but was his death; he would not go to the positive that it was as stated.

At this stage the court abjourned till 'clock. After recess the registrar of the Supreme Court produced the original will of Samuel Adams. The probate was dated Nov. 25th, 1891, and the personal The probate was

The Attorney-General also put in the certificate of the death of Samuel Adams, the information for which was given by the medical man attending. The cause of death was not specified. After this the Attorney-General stated that the plaintiff's case was closed. Mr. Bodwell formally took the exception that no case had been made out the plaintiff to show that undue influence had been used. The onus of proof is on the plaintiff and to prove unue influence he must show that it was ught about by coercion or by fraud. must also be shown that a state of facts must be shown which is not in-consistent with the theory of undue in-

fluence. Boyse vs. Rosborough, 6 House of Lords cases, page 47, show-ed this clearly. All influences brought to bear on a testator were not unlawful as shown by Parfitt versus Lawless, two probate and divorce law reports, page 426. More-ever the evidence of the plaintiff's witnesses was different from the allegations made in the statement of claim, which were to the effect that the defendant had insisted on removing Adams much against his will. Even if all the evidence was accepted as true the only inference to be drawn was that the old man had been prevailed on to leave all his property to the defendant instead of to his nephews. It is alleged that the correspondence shows that it was the intention of the testator tolory.

was the intention of the testator to leave property to the plaintiff. This ght be inferred from the first four or five letters but, whatever his intentions were at the time, it was clear that changed them as soon as the plaintiff ot into the "Sailors' Home."
His Lordship noted the motion for a on-suit and the hearing of the evidence the defence was begun.

When Mr. Bodwell had concluded his remarks on the motion for non-suit, as reported in yesterday's Times, the attorney-general stated that, if Mr. Bodwell was right in his contention, it would be useless to weary his lordship with the hearing of further evidence. therefore wished to have the points of law raised by Mr. Bodwell decided at once, so that, if it were shown that the plaintiff had failed to establish a case, valuable time might be saved. He was sure, however, that the authorities quoted by his friend were entirely irrelevant. All the cases quoted had reference to ordinary wills, where, for instance, a testator left the whole of his property to a certain relative to the ex-

tention of leaving his property to his nephew and then, contrary to his de-sires, had left all to a comparative stranger. Mr. McBeath, the detendsires, had left all to a comparative stranger. Mr. McBcath, the detendant, had taken the testator to his own house, and on the following day had had a will made in his own favor. The will had been made through the instrumentality of the devisee, had been drawn in accordance with his instructions by his own solicitor. The onus of proving the righteousness of such a transaction was thrown on the devisee as Fulton vs. Andrews, 7 house of lords cases, page 448, sufficiently showed.

His lordship said there were circumstances of grave suspicion in this case and he considered it incumbent on the defendant to show that it was a bona fide transaction.

At the request of the attorney-general the witnesses were ordered out of court, whereupon Mr.H.G.Hall, the first witness for the defence, was called.

He testified that he was the solicitor in this action; became acquainted with defendant Nov. 11th, 1891; was by him told that Samuel Adams wished to have all him to the second to the seco leave all his property to him; drew a will; took it to defendant's house; read the first sentence to Adams and asked him if he could hear it; Adams said he could; read the will and asked him if it was in accordance with his intentions; he said it was; after execution of will asked if he wished to leave all his property, real and personal, to Mc-Beath; he said, "I do; it should have been done long ago." He asked if he could change the will in case he got

better. He was in pain at the time; he had no trouble in hearing because

witness raised his voice. Cross-examined by Mr. Davie-Wrote Cross-examined by Mr. Davie—Wrote the will in the office while Mr. McBeath waited. McBeath said to Adams, "Here is Mr. Hall with the will for you to sign." McBeath assisted the old man. He seemed to be in great pain. I told him I had a will for him to sign if he wished to sign it; asked him if it was in accordance with his intentions; witness had seen McBeath before but was not acquainted with him; understood from McBeath that the old man had a house and lot; told McBeath it was necessary to have another witness; the family were at tea, a man taking tea with them; this was Mr. Modeland; did not know he was a relative of McBeath till the examination of defendant before the stenographer; he is a brother-in-law of the defendant. The will was a very simple one; it is preferable to take instructions from

testator; it is my practice to enter into conversation with testator. Redirect by Mr. Bodwell—I saw or heard nothing to excite suspicion.

To the court—Did not ask if testator had any relatives. Have an indistinct had any relatives. Have an indistinct recollection of McBeath saying he had no relatives living. This he said in my office or on the way down.

Liverpool, and said that all was to to them.

Mr. McDonald, the next witness, gave mimportant evidence.
R. T. Williams, recalled, produced his etter book to show the advertisement he had put in the Liverpool Post. It was dated November 28th, 1891.

Joshua Holland testified that he knew he property in dispute in this action. Wethin 12 months he had been compared to have a chat and occasionally we used to have a chat and occasionally we used to have a chat and occasionally death; spoke of acquaintances who wished to come to live with him, but wished to come to live with fifth, but said he would not be bothered with them, as they had never done anything for him. I did work for him several times; did not receive pay. Deceased would say, "That's first rate, Mac; I won't forget you for this; I will make it all right some day." He always called won't lorget you for this; I will make it all right some day." He always called me "Mac"; did not notice any change in his habits of living or in his conversation; deceased said R. T. Williams and others were around insisting on his making a will; that a will had been drawn up but afterwards decreased by drawn up but afterwards destroyed by him (Adams); never saw the will and know nothing of its contents; went to see him on Monday, Nov. 9th; George Barrett was there, and asked me to stay with the old man, which I did. I result in the second of the second turned next morning. He said if turned next morning. He said if he was going away he would go to "Mac's place." Kirsop, Macdonald and Dr. Milne advised him to go; he always promised to come and live with me; I had no object in view beyond the fact that he had promised to come; he was always complaining of being very lonesome; did not think he was so near pital, as he said they would kill him; when he came to my house he first sat on a lounge in the kitchen, then he wanted to go to rest; we stayed up night and day with him; I said nothing about a will to him; never heard of his nephews till this action was commenced; will and probate were put in evidence as also the affidavit of Duncan Mc-Beath for probate, and the caveat of Nov. 26th, 1891.

The day the will was made, word was sent to the factory that the old man wanted to see me; went home and Adams said, "Mac, I always promised you what little was left after I was gone." the day the will was made, word was what little was left after I was gone." He often used the expression "what little was left."

Witness here corroborated Mr. Hall's testimony regarding the execution of the will. Mr. Bodwell then gave in books, receipts, photographs, etc., found by defendant in the cabin, after which the court adjourned till 11 o'clock to-

Mr. Justice Crease took his seat on the bench promptly at 11, when the attorney-general stated that he wished a witness whom he had examined yesterday, Mr. Macdonald, to be recalled corroborate certain evidence. The judge had discretion in the matter. Mr. Bodwell objected.

The court allowed the attorney-general's application, noting Mr. Bodwell's ob-

Mr. Macdonald testified that the death of Adams he and Mr. King went to his house on View street. Mr. McBeath was there. Adams was lying on the bed asleep. Kirsop told McBeath that if he was to take Adams to his house he was to get him to make a will; that he had been trying to get him to make a will for years; that he (Adams) wanted all his property to go to his nephews or nephew in Liverpool. Cross-examined by Mr. Bodwell—Have myself being present; do not remember anything else that was said during the time; met Kirsop on the street that day and at his request went to Adams; had never been there before; this was somewhere between 10 and 12. I left before

Adams was taken away.

Re-direct by Mr. Davie—After we left the house, Kirsop and I went down to Dr. Milne's; have lived there since 1859. To the court—Kirsop asked McBesth how the old man was; McBeath said he was asleep; then it was suggested that the old man be taken over to Mc-Beath's house, after which the conversation about the will came in. Kirsop

and I left at the same time.

Duncan McBeath's direct examination was continued by Mr. Bodwell—Not a word was said about a will in my presence; Macdonald and Kirsop were there; all that was said about a will was the all that was said about a will was the night before in conversation with George Barrett, when I asked him if the old man had made a will. Barrett re-plied that he did not know whether he had or not, or whether he had one dol-lar or \$5,000.

Cross-examined by Mr. Davie—The conversation with Macdonald and Kirsop clusion of all others. But this was an extraordinary will, where a man had up to the monht of his death made repeated declarations of his into press.

presence; it might have been said by Kirsop to Macdonald; Kirsop went for the doctor, but the doctor did root come, so I went after him a second time; this was about 12 o'clock; they were both present when the doctor came; Barrett came a little after 12, perhaps I o'clock. Have known Adams since June, 1879; he was an Irishman; had a great deal of conversation with him and thus found out he was an Irishmam; he never told me where he was born, but said he left Liverpool when young. He had told me he was in Australia, China, Japan, Honolulu, Valparaiso and in the old country; told me he was a year older or younger than Sir John A. Macdonald; visited him every two weeks or every week in 1891, and he was about four times at my house and three times at the shop during the fide transaction.

At the request of the attorney-general the witnesses were ordered out of court, wherenpon Mr.H.G.Hall, 'he first witness for the defence, was called.

He testified that he was the solicitor in this action; became acquainted with the solicitor in this action; became acquainted with the solicitor in this action; became acquainted with the solicitor in the solicitor in this action; became acquainted with the solicitor in the solicitor in this action; became acquainted with the solicitor in this action; became acquainted with the solicitor in the was not because I got married but because he was in better health that I did not visit him so frequently; I cannot swear the notice in the Colonist is the notice I gave; I did not advertise in the Colonist; I did in the Times; I did not take him for an Irishman; deceased never told me his event ago. deceased never told me his exact age or the place of his birth; he told me his age only by reference to that ef Sir John A. Macdonald; in 1881 he told me he was 80 or 51; the last two or three years he never told me his age. I thought he was 85 or 86 when le died;

our acquaintance sprang up from our having been beth in Hamilton, Toronto and Dundas; at that time foronto was called Muddy York. I took a box he had, a clothes trunk; his bank book was not among the trings in the trunk: found it afterward in the box which had been removed to my house; by this found out he had money in the savings bank. Here the attorney-general read wit-

ness' letter to Thomas Adams, informing him of the death of Samuel Adams, and of the fact that he (witness) was in possession of "what little was left" by will, which the lawyers had made in his favor "some time ago." Witness stated that by "some time ago" he meant "short time ago." The nurses attending the old man were witness and his wife and Mr. Modeland and his wife; gave Mr. Modeland instructions to go up to the house and remove stuff out of the house; I did not go up to get papers until afterwards; did not think I had a right to go until probate was obtained; went up about the middle of December; got instructions from Mr. Hall that I might go; can't remember

when I got the probate. Adams for the last five, six or seven years promised to come and live with us in his last days; he said it often; the first time he mentioned it he said he was getting lonesome and wanted some one to cook for him; he said if he went anywhere he would come to live with me and leave me all his property; he said this some ten years ago; always found him a truthful man; he never mentioned any relatives except his sisters in Australia and Ireland; I did not suggest any provision for his sister in case of his (Adams') death; his sister died about a year before he did; did not read the letter July 25th, 1884, where he says that he intended to leave his property to Thomas Adams and if he (deceased) outlived him the property might be sold and the money sent to his children; was a little astonished when I heard it read; never doubted his truthfulness; the letter is at variance with everything he promised me; does not say in the ter that he promised to leave all his property to his relatives; in the face of the letter I say he never told me about his relatives; shortly before he got news of his sister's death he told me he had passing the window; he went out and saw no one there; he told me it was an

intimation of his sister's death.

Did some chores for him often never offered payment; but said would pay me well some time; he me Williams had drawn out a will for him; did not enquire in whose favor it was drawn and did not pay much attention to the assurances given me; did not tell Mr. Hall that he was deaf, but Mr. Hall discovered it himself; could not say the old man made use of the word "heir" in making the will; Adams was fully in his senses at the time and was so for at least four days afterwards; he was not insensible at any time, so far as I know; he was groaning and complaining of his pains; could get no sense out of what he was saying from Sunday evening to Wednesday; could not say he was in his senses Monday evening; he said very little that night; I could not say whether he was ever sensible after Sunday night, but he was quite sensible on Sunday; he was all right Saturday night but did not say a great deal; the doctor told me that thought he would not get over it and

expected his death at any time. At this stage, it being 1 o'clock, the court adjourned until 2:30. After recess the attorney-general continued his examination of the defendant. Witness said the statement of claim had been read to him and that he gave Mr. Hall his version of the affair, so as to prepare his defence. Mr. Bodwell objected to the examination of the witness on what was contained in the statement of defence. The attorney-general stated that was following the course pursued his learned friend yesterday, and asked the witness to explain the discrepancy between his evidence and the instructions given for the preparation of paragraph 6 of the statement of de-

To the court-It never occurred to me to ask for information respecting his nephews and the children; I wrote to Thomas Adams after the death of Samuel Adams, not because I thought he was a relative, but because I found the name in a book; I did not write with the idea that I was giving informawith the idea that I was giving infolmation to a relation.

By the court—If you did not think he was a relation why did you enter into particulars as to the disposition of the

Witness—I would have given the same to ascertain what was passing in your mind when you wrote that letter. Dr. Milne, sworn-Knew Samuel Adams for a few months before his death; he came to my office once or twice in July of 1891; I prescribed for him; was called to see him on Nov. 9th, 1891; did not see McBeath on that day; deceased was in a very weak condition; his skin was cold, his pulse weak; he understood what we were saying to him; he was very deaf; I prescribed for him and left. On Tuesday morning Mr. Kirsop came to my office and talked about the old man; he advised him to take him to the hospital or Mr. McBeath's; when I got to the house McBeath and others were there; Adams was improved then in his physical condition; he had made up his mind to go to McBeath's, so that it required no persuasion on my part; saw him next day at McBeath's in the af-ternoon; his condition was improved; he was quite clear mentally; he appeared to be quite intelligent. He was quite capable of transacting any business on that day. On Thursday he was much the same, as also on Friday and Saturday. On Sunday he was not clear; on Monday he was partly unconscious. On

the Saturday preceding he complained of considerable pains in the head. Within 48 hours of his death he appeared to understand what I said to him; he then fell into a state of stupor; I would say he was capable of making a will at any time within 48 or 60 hours before his death.

The direct examination of Dr. Milne

The direct examination of Dr. Milne was not concluded as the Times went

The hearing of witnesses for the defence was continued yesterday after the Times had gone to press.

Dr. Milne, cross-examined by the Attorney-General—Believe that it was Mr. Barrett who called for me; and may have told him on Monday before he was removed that the clock was well-nigh run down. The old man was very ftble and very deaf. I judge he was in his fair senses through talking with him on his ailments. Mr. Kirsop came to the office and told me that they wanted him removed to the hospital or Mc-Roeth's and wished me to the and nor Beath's, and wished me to try and persuade him to go. When I went to Adams' house on Tuesday he had made up his mind to go. I told him that it was the best thing to do and then he at once assented. Kept no memorandum of his condition from day to day, and there is nothing in my book to indicate his bodily or mental condition. Deceased was not allowed to sit up owing to the condition of his heart; I could readily persuade him to do what I wanted done. Remember R. T. Williams and Kirsop coming to my office to inquire whether Adams was capable of making a will. In evidence given to-day I have spoken entiry from memory. Do not remember telling them that the most important thing about the will was that if Adams did not read it it had to be read over to him. Do not remember asking them if Adams knew the will when he signed it. Do not remember asking them who signed it. The first I heard of a will was the day after Adams died when McBath told me a will had been made by Mr. Hall. If I had been con-sulted at the time as to his testamentary capacity, I would have entered into conversation with him to remove doubts, and would have ascertained fur-ther than I did. A man might be incapable of making a will even if he was perfectly sane. It sometimes happens

that a man's condition physically may make him so weak that he can be easily persuaded to do anything.

Q.—If you had been told that he was going to make a will and had been consulted as to his testamentary capacity, would you have made a further examinationt? A.—As to his physical condition

would not as I believe he was, as far as that was concerned, quite capable. I would have inquired into his mental capacity of course. Redirect by Mr. Bodwell-Did not think there was anything in his physical capacity to call for inquiry as to his mental condition. The same general inquiry might be instituted by me, if requested to do so, with respect to any

person in this court. Mrs. McBeath, sworn, said she was the wife of the defendant. Witness then corresponded the evidence of her husband as to their relations with the old man, the making of the will, and his physical : d mental condition. Admitted the conversation with Mrs. Noble on the Sunday before the death of Adams; said she told Mrs. Noble there was no will because she did not think it any of her business to ask. six different times to see the old man in 1891.

Isaac Modeland, being sworn, gave evidence almost identical with that of Mr. and Mrs. McBeath and Mr. Hell. His direct examination was concluded at 6 o'clock, when the court adjourned until 11 o'clock to-day.

TO-DAY'S PROCEEDINGS. The court room was crowded with in-

terested spectators long before the true appointed for the opening. Isaac Modeland, cross-examined by the Attorney-General—Am living at present at Mr. McBeath's; my wife is there too; am a brother-in-law of de-fendant; came here in 1883 after Mr. McBeath married my sister; lived then with Mr. McBeath; was then acquaint ed with Samuel Adams and visited him whenever I found it convenient; this lasted till I returned next year; he used to come down to see them often I again returned to Victoria in 1886; he was glad to see me every time I called never saw any person else ar Adams on any occasion: i prought my sister out, but can't remember the date; I know I stayed at Seaforth for two years; I went back east in 1891 before Adams died; got married and started right back to Victoria; do not know exactly when I got married, but it was in March; remained in Victoria till March 1892; and again returned about two weeks ago; know that McBeath visited Adams because I went with him, but I do not know how often; never heard Adams says he intended to come and live with McBeath; heard Mrs Mc-Beath say so a short time before took sick; it was not said by her 1883, but will not swear that she did not say it in 1886, as I kept no track of the time; heard Adams was coming to live at McBeath's a short time before he took sick; they made no preparation for him; heard Adams say he intended to leave whatever he had to McBeath; he used to say this once in a while, but don't recollect the first occasion; if Mc-Beath says he promised it in 1883 he is right: Adams said this nearly every time he visited, but never said much he was to leave; I have heard Mr. McBeath talk about the promise in his own house; and it was generally understood that he was to get all; of this from the way the old man talk ed; I heard him mention his sister; heard him promise McBeath after his sister died; don't know when she died or whether he spoke of her before or after she died.

When we went to see Adams he used to talk about different things, his travls, etc. He wanted to go to Mc Beath's because he was getting old: he had been talking this way for years never heard him mencio Sir John Macdonald as to his age; he did not come to live till the last because I supposed property and state that you were the he pleased himself; I did not know ams was at McBeath's till I saw him there on November 10th; I knew this information to any other person.

The court—That is no answer. I wish came home; he ate heartily and was in because I was working on the boat and good spirits; did not hear the doctor had pronounced it a serious case; next day (Wednesday) came home after 6 o'clock; found Adams in bed and the rest of the folks in the house; the doctor was not there; Mr. Hall and McBeath came after I got home; Mr. Hall went into the bed-room; I was in the kitchen with Mrs. McBeath and Mrs. Modeland; the door was open; heard Mr. Hall read a document over; I was in the bed-room when he was reading; I was called in by Mr. McBeath. Mr. Hall said to Adams, "Do you hear me read?" The old man was a little deaf. On the evening of the 10th Adams recognized me and

of the 10th Adams recognized the and called me by name and said. "I am very sick;" he was then in bed.
Q.—Did Mr. Hall say to Adams, "Are you well satisfied with the will?"
A.—No, Mr. Hall had nothing to do with it it was Adams who said he was satisfied after the will was read; he al so said, "This should have been done long ago," "There is money in the drawer, pay that gendeman."
Q.—"Was anything disc said?"

Q.—"Was anything "lse said?"
A.—After a long pause—"I don't remember exactly what did occur."

of the sick man?"

A.—"No, he merely read the will, signed it and handed it to me to sign.

He asked, "Are you satisfied?" During this time the old man looked very well; he ate freely and took all the nourishment I offered him; I observed a change within a short time of his death, about 36 hours before. He seemed to be very well up to that; and only complained of being stiff and sore; the doctor did not, so far as I know, say he was liable to go off at any moment; when he made his will I was very be would got better; I honed so ment; when he made his will I was sure he would get better; I hoped so, for he was a fine old man; when I sat up with him we used to sleep occasionally; he always recognized people; he did not complain of a headache all the time; I was with him when he

Q.—When did you make up your mind that he was going to die?
A.—I told him on the Sunday previous that he was going to die; it was about midnight; he was an old man and I did not want to tell him a lie. I went up to the property on View street some time after the old man died: I found the books and papers produced. At the funeral I was in the same carriage with Mr. Moffat and another man other man.

Q.—Do you remember if Mr. Moffat asked if Adams made a will?

A.—I do not. I swear he did not.

Q.—Do you remember Mr. Moffat sking when he made the will?

A -No. sir. Q.—Do you remember Mr. Moffat asking, "Was he capabe of making a A.—No, sir.
Mrs. Modeland gave evidence and

the court adjourned until 3:30. HABITS OF ALASKA INDIANS.

How the Aborigines of the North Earn

a Livelihood. HUNTING AND FISHING CONTINUALLY

Hundreds of Them Have Never Seen a White Face-Curious Method of Preserving Their Food-Furs Nearly All

Find Their Way to the Victoria Market. The name of Stick Indians is loosety these great valleys, hunters signal to hunters, and guided by these one party applied to all those natives of interior Alaska living near the coast range of

mountains. They are people but little known to the whites for but few trav-ellers have ever visited them, and hun-dreds of them to-day have never seen a white face. Living within two cr three hundred miles of the coast settlement, yet separated from them by lofty mountains, they pass their existence without meeting any white people save when some curious explorer like Glave or Schwatka, or some intrepid hunter like Dalton goes among them, or when a few of their leading men make an

Their industry most interesting to the outside world is hunting, and the quantity of furs sent out by them is not in-considerable. They consist principally of martin, mink, beaver, otter fox and bear skins. These find their way to the trading posts along the coast from Tongas to the mouth of Copper river or Tongas to the mouth of Copper river or to the traders along the Yukon.

The furs brought out by the Stickeen river find their way to Wrangel; those from the Takou and a good many Chileat reach the Junean market; all those brought over the Chilcoot pass are sold at Wilson's on the Dyea. The stores at Yakutat and around the mouth of Copper river buy a good many and every year the Simpsean Indians pay Chileat a visit and carry away a good portion. Most of these furs find their portion. Most of these fur way to the Victoria market.

The fur trade on the Yukon valley has been controlled by the Alaska Commercial Company, but the North American Transportation and Trading Company

expects to come in this year for a fair expects to come in this year for a fair share of it.

Early in the spring the Indians from the village of I-shi-ik and neighboring villages bring their furs down to the village of Wes-kut-i-heen, which is situated on one of the streams among the head waters of the Alseck river. They come here because they are short of food, and here are their catches of fish, but up the preceding year. After reput up the preceding year. After remaining for a few weeks some of them go back for a few weeks' hunting, while others remain until the salmon begin to run, which is about the 1st of June. By the time these silvery beauties have come up the rapid waters of the river, guided by an unerring instinct which come up the rapid waters of the river, guided by an unerring instinct which teaches them to swim up the swift glacial stream to reach the live feeders of the Alseck to there deposit their eggs, the hunters have all returned, and two or three hundred Indians are ready. or three hundred Indians are ready to commence putting up their supply of fish. The salmon are very plentiful and of fine quality, being the kind known as king salmon. These are taken in large numbers sun-dried and smoked. The numbers, sun-dried and smoked.

weather is warm and they dry quickly. They are then smoked. To do this the Indians build a frame work some seven or eight feet high and roof it over tight with cottonwood and quaking asp; ly with cottonwood and quaking the sides are left open; close under roof the salmon are hung, and fires built on the ground. The process of smoking is simple but effective. After a sufficient quantity has been cured a cache is built for them. In the building of this considerable ingenuity is exercised to keep the store safe from the bears and other wild animals. The timber throughout this section is thick and the Indian cuts off four or five trees standing near together, some twenty-five feet from the ground; from these the bark is carefully peeled, and upon them he builds a little log-house and roofs it over with bark. In this he stores away his smoked fish, takes away the the ladder, hewn from a log, and there remains safe and secure until the next spring's migration brings him back once more. The bears will not climb the smooth timbers, and if the wolverines do get up they are not strong enough to

From the time the salmon commence runing it usually takes about six weeks to put up the stock of fish, and it is then time to begin laying in a stock of provisions for the winter, for the salmon is only used in the spring, and when they leave their fishing grounds they take no fish away with them more than a few days' supply. The hunters start off for the hunting grounds by themselves, and the women follow with the camping outfit. The country of the II-shi-ik Indians is quite open, and game can often be seen when several miles away. The game consists of bears, caribou, moose, mountain sheep and ibex, and wherever the game is found there a camp is built and the meat cured. The softer parts of the animals, such as the liver and the intestines, are eaten at once, but the flesh is dried and smoked for winter use. The atmosphere is so clear and dry in these high lati-Q.—Was anything else said?"

Smoked for winter use. The atmosphere is so clear and dry in these high latitudes that only a few days are required

Approved.

HENRY P. PELLEW CREASE, ap20-4twk

J.

will."
Q.—"Was anything else said?"
A.—"Yes, I want the will drawn in McBeath's favor."

for the curing, and the game so plentiful that often as many as sixty carcasses will be found in the camp at once. The meat is nice and sweet of the curing and the game so plentiful that often as many as sixty carcasses will be found in the camp at once. A.—"Yes, I want the will drawn in McBeath's favor."

I am sure it was Adams who asked me to witness it; am positive that it was not Mr. Hall.

Q.—"Did Mr. Hall ask any questions of the sick man?"

A.—"No, he merely read the will, signed it and handed it to me to sign. He asked, "Are you satisfied?"

During this time the old man looked very well; he ate freely and took all the nourishment I offered him; I observed a change within a short time of into moccasins;

casses will be found in the camp at once. The meat is nice and sweet after it is dried, and is pronounced good by those who have eaten of it. This is more than can be said of their salmon, for along the rivers and lowlands the flies are so thick that it is almost impossible to put the fish up in good shape, and the Indians take no pains to do so. The pelts are used for bedding and clothing, and many of the moose skins find their way down by the Simpson Indians to Victoria, where they are manufactured into moccasins.

varied and abundant that one unacquainted with our country would expect to find in Alaska. Wild onions of good quality are plentiful, and among the roots there is one which greatly resembles a carrot. A kind of wild rhubarb is abundant and the bark from the is abundant is abundant and the bark from the young black birch and that from a kind of hemlock are also used. These supplies are cached in the same manner as the fish if the Indians are in a timber country, if not they build a cache from poles set in a circle and their tops drawn together and firmly bound with a rope of twisted willow. More poles are laid on until there are several layers of them, then the earth is thrown up around them on the outside and the meat is safe until the hunter comes for

A family may have several of these caches of meat, as they build them wherever they find any quantity of game. There are great numbers of rabbits which can be caught at all seasons. There is very little suffering from hunger among these natives and they have comfortable clothing of furs and skins. When winter comes and the hunting season begins, the Indian hunters busy themselves hunting the valuable fur-bearing animals. The flesh of these with the supply of dried meats and roots keeps them in food until the win-ter is over and they go to their trading

and fishing grounds again.

The return of the hunters to the villages is a season of rejoicing and their coming is signaled when many miles The method of signaling is by fires built on prominent hills. As soon as a party of returning hunters halt for the night two or three of the young bucks start to climb the nearest hill There is abundant of dead timber still standing and they select a tall hackmatack tree, place a bunch of lighted moss or twigs at its base and it takes fire almost instantly and a huge column of flame shoots up to the heavens an-nouncing their coming. Fire answers fire and for many miles up and down

joins another on the return until they enter the village together. Some of these valleys contain acres upon acres covered with thick growths of greasewood, which grows to the in Arizona it is rarely found four feet tall. Everywhere throughout the timber sections of the Stick country are to be seen traces of forest fires, huge blackened stumps alone mark where heavy growths of timber have stood.

They have many curious customs, one of which is leaving the bodies of occasional visit to the coast under the guardianship and strict surveillance of their Chilcat managers. those dying, when upon the hunt or villages are always burned. of those dying in the woods are some-times burned after they have been picked clean by the will animals and bleached by the elements.

These Indian villages never contain much property, neither food, clothing nor blankets; but the people all cached in various places for letter

Nickle Steel.

Nickle Steel.

A Washington telegram states that nickel steel forgings for an experimental 8-inch breech-loading rifle have arrived at the naval gun foundry there, and the manufacture of the gun will begin at once. Great interest will attend the construction and subsequent experiments with this gun. "Nickel steel has never been used in the manufacture of guns, and it is thought the non-corrodible quality of the alloy, coupled with other physical characteristics, such as increased elasticity and extraordinary elongation, render it specially adapted for guns subjected to high pressures with nitro-powders. The forgings for this particular gun have 3.15 per cent. of nickel. The gun will be 304 1-2 inches long and will weigh 31,300 pounds. The minimum physical characteristics of the gun will be, for the tube, tensile strength, 90,000 pounds; elastic limit, 42,000 pounds; elongation, 20 per cent. The gun will be of special design. It will be composed of only three parts—a tube, jacket and hoop—and will be assembled by means proposed by William Sellers of Philadelphia. It is claimed for this class of guns that they can be dismounted after considerable revice, the corroded or damaged tube really removed and a new tube substituted, he cold jacket and hoop being used on the low tube. Should the experiment be foun! a practical success, not only will the original cost of the gun be considerably reduced, but it will be possible after extensive use to make virtually a new gun by merely supplying a new tube, the wear and tear on the jacket and hoop being of no particular account in firing. Mr. Sellers contends that the jacket and hoop being of no particular account in firing. Mr. Sellers contends that the jacket and hoop can readily be removed by a process of artificial contraction and expansion similar to that recently applied to the 13-inch gun."

Mrs. Carrie E. Welch, about 25 years of age, entered station 2, Cambridgeport, late Tuesday night and dropped a note on the captain's desk. It was an announcement that the writer intended to take her life rather than testify in the divorce case of her parents, which was to be called the following day. "You will find my body," said the note, "in the Charles river near the Western avenue bridge." A policeman was sent after the woman, who had hurried away, and in a short time he overtook her and carried her back. When they reached the station physicians were sent for and it was discovered that she had taken poison. She was finally pronounced out of danger and was placed in charge of the matron of station I for the night, and the next day was taken to her home.—Boston Transcript. Would Die Rather than Testify

In the Supreme Court of British Columbia

In the matter of the "Quieting Titles Act;" And in the matter of the Title to Lot Twenty-five (25), Subdivision of Block "N," Victoria West.

NOTICE is hereby given that Robert Semple of the City of Victoria. B. C., has made an application under the "Quieting Titles Act" in the Supreme Court of British Columbia, for a Heclaration of Title to the land above described, and has produced evidence before the Honorable Mr. Justice Crease whereby he appears to be the owner thereof in fee simple free from all encumbrances. Therefore any person having or pretending to have any title or interest in the said land, or any part thereof, is required on or before the 1st day of June, now mext ensuing, to file a statement of his claim, verified by affidavit, with the Registrar of the Supreme Court, at the Supreme Court fiouse, Bastion Square, Victoria, B.C., and to serve a copy on Mr. H. G. Hall, of 12 Bas'ion Square, of the same p'ace, Solicitor for the said Robert Semple, and in default of doing so every such claim will be barred and the said Robert Semple will be entitled to be registered as owner in fee simple in possession registered as owner in fee simple in possession of the said land above described, subject only to the reservations contained in the 23 d section of the above mentioned Act.

Dated this 17th day of April, 1893. H. G. HALL, Solicitor for the Petition 12 Bastion Square, Victoria, B. C.