[FROM THE DAILY COLONIST, July 13.]

MINING JUDGMENTS.

Important Decisions Delivered by the Full Court Yesterday in Two Appeals.

New Trial Allowed in Aldous v. Hall—Conway v. Independent Mining Co. Reversed.

A judgment of particular interest to mining men was given by the Full court yesterday, allowing, with costs, the appeal of defendants in Conway v. Independent Mining Co. from the judgment of the County court judge of Kootenay. A written judgment was delivered by Mr. Justice McCreight, Mr. Justice Walkem and Mr. Justice McColl concurring. Mr. Justice McCreight in his judgment said:

This is an action on a contract by the plaintiff with the above company to sink a shaft, etc., for them (on a mine in the Trail Creek district) for a depth of 50 feet, at the price of $16 per foot. The agreement was in writing, and it was agreed that the company should have the right to stop the work, etc., when the depth attained or reached was 25 feet, and to pay the plaintiff the sum of $12.50 per foot for such 25 feet of sinking, but that in the event of the company deciding and allowing said work to proceed beyond the depth of 25 feet, then the price to be paid to the plaintiff was to be $16 per foot for the said 50 feet of sinking.

The payment for the said work was to be as follows: The sum of $100, to be payable upon completion of 10 feet of sinking; the sum of $160, upon the completion of 25 full feet of sinking; and in the event of a further continuance of sinking upon the said shaft, then the balance to be paid and payable upon the full completion of the work. The finding and judgment of the learned County court judge was as follows: "That a shaft 51.6 feet has been constructed, of which 5 feet is necessary timbering above ground, which is allowed for at half rate, so that the actual depth of shaft to be paid for is 49 feet; but as the plaintiff admits that it would cost $26 per foot to sink down I will deduct $26 from the amount sued for and give judgment for the balance with costs."

Now, taking it for granted that the learned judge's system of measurement is correct, a point I shall deal with presently, I think his judgment cannot stand. The contract was to sink a shaft for a depth of 50 feet. The two first instalments having been paid on account, no question arises so far; but I cannot say there has been "the full completion of the work," so that the balance is payable, or any part of it. * * * *

Adopting the finding of the learned judge that the actual depth of the shaft to be paid for is 49 feet, I cannot say that the balance or any sum is to be paid and payable as upon "the full completion of the work," and the objection is by no means obviated by deducting the sum of $26 for the remaining foot. But as contracts of this nature must be frequent, I think I may as well add that the learned judge's system of measurement seems to me to be subject to serious objections. It presupposes, as I understand his judgment, that one side of the shaft is over 51 feet deep and the other about 46 feet, and thus in round numbers, taking about half the difference that the depth to be paid for is about 49 feet.

This arbitrary rule has nothing to warrant it in my opinion. I think a shaft 50 feet deep means a shaft the bottom of which in every part of it is 50 feet from the surface, and not that as regards a part, and perhaps only a small part, of the bottom, there is to be the required depth of 50 feet. The proposed rule would lead to frequent disputes and perhaps litigation, especially in places where the surface of the ground is irregular, as a very little consideration will show, and one great object in the administration of justice is to lay down rules as far as possible which may be conducive to certainty, and avoid those which produce uncertainty and unnecessary litigation. Here, supposing one side five feet long abuts on high ground to the extent say of a couple of feet, then the shaft, as it approaches the opposite side, need only be 46 feet deep. If parties intend that 50 feet shall mean only 46 feet they had better say so in their written contracts.

Mr. L. P. Duff for appellants (defendants); Mr. Gordon Hunter for respondents (plaintiffs).

Another mining case upon which judgment was given by the Full court yesterday was the appeal in Aldous v. Hall Mines Co., of Nelson. This was an action for trespass brought by Mary Jane Aldous against the company for the purpose of enforcing an adverse claim under the Mineral Act, 1891, and subsequent acts. Mr. Justice Walkem in the County court held that as plaintiff had not shown that she had complied with the requirements of section 3 of the Mineral Act, 1893, in the matter of defining her main line by posts or the blazing of trees, she could not recover. It was contended by the respondents (defendants) that no proper claim had been made by plaintiff by reason of the fact that the only affidavit filed was made by plaintiff's husband.

The Full court yesterday granted a new trial, on the ground that the trial judge had not considered the question whether an adverse claim having been filed by plaintiff's husband within the proper time, it was sufficient compliance with the act, which provides that if an adverse claim has in the opinion of the presiding judge been made, although imperfectly, the same shall have equal recognition.

Mr. Justice McCreight read a written judgment, the Chief Justice and Mr. Justice McColl concurring.

Mr. Chas. Wilson, Q.C., for plaintiff (appellant); Mr. E. P. Davis, Q.C., for defendant (respondent).

When the color of the hair is not pleasing, it may be beautified by using Hall's Hair Renewer, a preparation invented to restore and improve the hair and its color.

If you once try Carter's Little Liver Pills for sick headache, biliousness or constipation, you will never be without them. They are purely vegetable, small and easy to take. Don't forget this.

George King, a business man, of Nelson, is a guest at the Dominion.

THE CITY.

SOME half dozen peaches, that are peaches in every sense of the word, and that are a speaking advertisement for the city's adaptibility for fruit growing, appear in the window of Wilson's clothing store. The fruit was grown at Ald. J. B. Harrison's residence, James Bay.

ONE effect of the assembling of Christian Endeavorers in San Francisco now stands to the advantage of the travelling public. Through the inducements thrown out by Southern railroad companies in their anxiety to secure the Endeavorers' patronage, the Northern lines have made a general reduction in rates that concerns all travellers.

YESTERDAY being the anniversary of the Orange order the members in and around Victoria turned out in large numbers for the provincial celebration, held this year in Nanaimo. The Victoria and Saanich lodges journeyed to the Coal City together by the morning train, making, with their brilliant banners and music, a decidedly impressive parade.

LANGFORD plains were invaded on Sunday afternoon by the associated hack drivers of Victoria and their friends. The day was spent in sports of various kinds and wore quickly away, the picnickers on returning home in the evening unanimously voting the affair the most successful reunion in which they have yet participated.

THE congregation of Emmanuel Baptist church have secured as their pastor, in succession to the Rev. Mr. McEwen, who has removed to the Mainland, Mr. O. E. Kendal, of New Westminster. The new pastor won brilliant recognition during his university career at McMaster's, being a forceful speaker and a profound theologian. He will preach his introductory sermon on Sunday next.

FRED JONES, who had already pleaded guilty to the forgery of the firm name of John Wilson & Co. on a check was tried yesterday on the second charge of breaking in the firm's premises. He was defended by Mr. Archer Martin, Mr. Herbert E. A. Robertson appearing for the Crown. Jones was acquitted on the last mentioned charge, but was sentenced to three years in the penitentiary for the forgery.

THE school children's contributions to the fund for the Victoria Order of Home Nurses now totals $298.50, the most recent contributions received by the hon. treasurer being: West Side school, $2; Mission City, $1; North Ward, Victoria, $8.05; Sapperton, $2.95; Upper Sumas, $3.10; Vesuvius Bay, .40; Kettle River, $4; East Vancouver, $6.70; Big Bar Creek, $2; Sumas, $1; and Cache Creek, $2.

THE principal business transacted at the meeting of the Local Council of Women, held in the city hall yesterday afternoon, was the reception of the report of Mrs. Dennis, who represented the Victoria branch at the convention of the National Council of Women held recently at Halifax. The several resolutions passed at Halifax were considered and talked over, these resolutions dealing with the protection of women and children, and educational subjects.

MR. H. L. SALMON, who has just returned from a trip North, says that the salmon of commerce have not yet begun to run in any large quantity. At Lowe Inlet, Rood had put up some 3,300 cases and other canneries on the inlet had from 2,000 to 3,000 cases. At Wadham's fine new cannery on Rivers Inlet Mr. Salmon saw the biggest pile of new cans he ever came across. It measured 90 feet long, 20 feet deep and 18 feet high, and contained 1,750,000 tins all in readiness for this season's pack.

MR. F. J. WALKER and his charming wife, of Erie, Pa., are in the city. They are travelling with friends and for pleasure. Mr. Walker is one of Erie's most distinguished business men, having been for some years, and is yet, the head and front of the immense plant known as the Erie Printing and Lithographing Company. It was his managerial skill, unbounded enterprise and unlimited means that brought the concern up from an almost unknown establishment to one of the greatest lithographing houses in the world. Both Mr. and Mrs. Walker express themselves as delighted with Victoria and its surroundings, and propose coming for a longer stay next season.

SPORTS AND PASTIMES.

VANCOUVER, July 10.—(Special.)—The dispute between the Grounds Association and the Lacrosse Club having been settled, the championship match was played in Vancouver to-day, between Westminster and Vancouver. The unsatisfactory state of the ground caused several accidents. The match resulted in a draw; the games being taken as follows: 1st, Vancouver, by Kelly, 23 minutes; 2nd, Vancouver, by Williams, 1½ minutes; 3rd, Westminster, by Gifford, 17 minutes; 4th, Westminster, by Lewis, 11 minutes; 5th, Vancouver, by Campbell, 13 minutes; 6th, Westminster, 30 minutes. An additional half hour was played out, after the two hour limit, but resulted in no alteration in the state of the match.

THE RIFLE.

BISLEY MEETING OPENS.

LONDON, July 12.—The shooting tournament at Bisley opened this morning. The Volunteers' contests will begin to-morrow. The Canadian riflemen who will compete are now all here. They found the bungalow which they will use incomplete and some dissatisfaction was expressed, but they set to work heartily to complete the arrangements for their accommodation and soon had the task finished.

THE TURF

Lovers of the trotting horse will be provided with a great treat on Saturday next, when the Vancouver trotter, Carrie S, will try conclusions with Conde and Willema in the free-for-all race. It will be remembered that Conde won at the last Vancouver meeting after a hard struggle with the mares, and it speaks well of the sporting instincts of Mr. R. Dixon, the owner of Carrie S, that he is willing to take the first opportunity that presents itself of giving his mare a chance to reverse the verdict. Carrie S, it is claimed, is in far better condition now than then, and it should be a battle royal between the three. Jim Murphy and Bright Eyes have been matched to run a half mile and repeat for $150 a side, and if Bright Eyes has made half the improvement that is claimed for her, she will win and win easily. But private trials and public performances are very different in their results as a general rule, and after Murphy's brilliant exploits in Vancouver he will probably be a hot favorite. Not the least interesting of the races will be the match between Confectioner and Black Beauty, owners to ride, and for a novelty the bicycle versus horse, half mile and repeat, will be very exciting.

CRICKET.

UNITED BANKS VS. VICTORIA.

This match was played at the Caledonia Park yesterday, and ended in favor of the V. C. C. by 22 runs. Victoria commenced with Mr. Pooley and Ashley to the bowling of Lobb and Paterson. The opening was disastrous, Mr. Pooley being bowled in Lobb's first over, Ashley being well caught by Parkes, with the score at 3. Morley and Gooch, however, improved matters, putting in 43 runs for the third wicket, Morley eventually being stumped for 42, Warden after making 10 by patient cricket, was out l. b. w. to Paterson, with the score at 80 for 9 wickets. Luxton and Thomas then took the score to 119, the former having made twelve, and Thomas being not out, 20.

On the Banks going to wickets Paterson was well taken by Morley off the first ball bowled by Gooch. Upon Lobb joining Holt runs were put on rapidly, Thomas missing Holt in the long field early in his innings and the mistake proving very expensive. Holt played good cricket for his 34 until beaten by a phenomenal break back from Barff. Haines and Parkes played patiently for their runs.

VICTORIA C.C.

C. E. Pooley b Lobb	0
J. B. Ashby c Parkes b Lobb	2
S. F. Morley st Trimen b Lobb	42
A. C. Anderson b Lobb	5
W. P. Gooch b Lobb	15
L. C. Barff b Lobb	0
Q. D. H. Warden l b w b Paterson	10
C. Ransford b Lobb	0
W. A. Ward b Paterson	1
F. W. Thomas not out	20
A. P. Luxton b Lobb	12
Extras	12
Total	119

UNITED BANKS.

Paterson, c Morley, b Gooch	0
W. A. Lobb, b Anderson	11
G. S. Holt, b Barff	34
H, B. Haines, b Morley	11
R. C. Trimen, c Ashley, b Barff	6
G. E. Parkes, l b w b Gooch	9
H. W. Windle, b Morley	4
C. R. Pooley, b Gooch	4
F. J. Naftel, not out	2
A. W. Taylor, b Gooch	4
A. E. Currie, b Anderson	0
Extras	12
Total	97

TO BE PLAYED AGAIN.

Owing to a dispute arising between the two competing teams, the match of the Albions vs. R.M.A. on for yesterday will be played over.

CLOVELLY COLLEGE.

The pupils of the Misses Kitto began their summer holidays on Wednesday last, when the prizes were presented and the examination list read by Rev. Dr. Wilson. The prize list was as follows:

Division I.—Scripture, Lidy King; class-work, Dorothy Green; examination, Lidy King; composition, Marion Fell; drawing, Winnie Wilson.

Division II.—Scripture, Edith Fell; class work, Ruby Fell; examination, Ruby Fell; French, Kathleen Hunter; arithmetic, Lily Cummins; conduct, Edith Fell.

Division III.—Scripture, Marjorie Pinder; conduct, Ena White; class work, Daisy Langley; arithmetic, (a) Ena White, (b) Beth Hall; writing, Lilian Greenfield; regular attendance, Edith John.

EXAMINATIONS.

Pupils who gained over 70 per cent. marks were:

Division I.—Scripture, L. King, 93; M. Fell and D. Green, 84; W. Wilson, 76. Arithmetic, L. King, 94. Bookkeeping, L. King, 80; W. Wilson, 71; M. Fell, 70. French, L. King, 72. English history, L. King, 92; W. Wilson, 85; M. Fell, 82. History of B.C., L. King, 84; M. Fell, 79; W. Wilson, 75. Literature, L. King, 80; W. Wilson, 78; M. Fell, 74. Grammar, L. King, 93; W. Wilson, 88; M. Fell, 76. Composition, M. Fell, 90; W. Wilson, 89; L. King, 86; D. Green, 83. Geography, W. Wilson, 92; L. King, 90; M. Fell, 85. Physiology, L. King, 80; W. Wilson, 77. Spelling, W. Wilson, 90; L. King, 80. Drawing, W. Wilson, 95; L. King, 90; M. Fell, 89.

Division II.—Scripture, E. Fell, 97; R. Fell, 96; K. Hunter; 85; L. Cummins, 84. Arithmetic, L. Cummins, 89; R. Fell, 87; E. Fell, 75. English History, R. Fell, 88; L. Cummins, 82; E. Fell, 78; K. Hunter, 71. Literature, R. Fell, 94; E. Fell, 94; L. Cummins, 90: K. Hunter, 88. Grammar, L. Cummins, 87; R. Fell, 86; K. Hunter, 81; E. Fell, 73. Composition, L. Cummins, 85; E. Fell, 85; R. Fell, 83; K. Hunter, 73; B. Irving, 70. Spelling, R. Fell, 84; K. Hunter, 84; L. Cummins, 84. Geography, E. Fell, 91; R. Fell, 88; K. Hunter, 77. Physiology, R. Fell, 99; E. Fell, 96; K. Hunter, 90. Drawing, E. Fell, 86; R. Fell, 84; K. Hunter, 79; B. Irving, 78. French, K. Hunter, 90; R. Fell, 89; E. Fell, and L. Cummins, 75.

D. Green and E. Harrison were absent from most of the examinations. The latter gained the highest marks for figure drawing (96).

MRS. MARION COLLYER, wife of T. R. Collyer, of 60 Fort street, died last night at St. Joseph's hospital, aged 49 years. She leaves one daughter besides her husband.

AT THE half yearly meeting of Court Northern Light, A. O. F., on Thursday, the officers elected were: P. C. R., C. Pointer; C. R., S. A. Bantley; S. C. R., J. Sherbourne; treasurer, J. Trace; secretary, W. F. Fullerton; S. W., J. F. Deans; J. W., H. Hodgson; S. B., C. F. Jenkins; J. B., R. Sellick; court surgeon, Dr. F. J. Hall. The balance sheet showed the lodge to be in a prosperous condition. The officers banqueted the members and friends after business was over.

Dr. Agnew's Ointment Cures

Salt Rheum, Eczema, Tetter, Barber's Itch, and all like skin diseases and eruptions. It gives relief in a day. Its cures are legion; its failures are few. Years of testing, and grows daily in favor of suffering humanity. Good for Baby's Skin, good for young, middle-aged or old folks. 35 cents.

For Sale by Dean & Hiscocks, and Hall & Co.

STEAMERS ARE SCARCE

The O. R. & N. Company Experiencing Difficulty in Getting Ships to Fill Engagements.

The "Empress of China" Calls but Does Not Berth—A Northern Arrival.

The Oregon-Asiatic Steamship Company, which gave the steamship Fan-Sang despatch from Portland on Saturday with 1,289,431 feet of lumber for Nagasaki and Tien-Tsin, have had very heavy offerings of freight from the Orient, but, owing to an unprecedented demand for steam tonnage for New York and European ports, causing a sharp advance in rates, have been unable to secure any more extra vessels at present, and a great deal of their tie contract will probably go forward on vessels picked up on this coast. The big demand for steam tonnage in the Orient has forced Samuel Samuels & Co. to place some of the steamers in the Oregon line into the New York trade, and, as a result, there will be no regular steamer due here from the Orient until the Monmouthshire gets back again, which will be early next month, as her freight cargo, as well as a big list of Chinese passengers, are waiting her arrival on the other side of the Pacific now.

THE MISSIONARY STEAMER.

The little Methodist missionary steamer Glad Tidings is down from the North, this time for the purpose of making Victoria her headquarters. Rev. Thomas Crosby accompanies her, and he has aboard his entire personal effects, with which to take up his residence in this city. For the past 23 years he has labored as a missionary in Northern fields and has made Port Simpson his home. Now the work he for so long covered has been divided and he has been assigned to the Southern division from Lowe Inlet to Cape Beale, wherein the Glad Tidings will be of greatest service, running to and from the mainland, among the islands, and touching at places not called at by regular mail boats. The division, including Queen Charlotte islands, the Naas and Upper and Lower Skeena, will be in charge of Rev. E. Robson, who had charge of the James Bay Methodist church. He has already gone North and will make his home at Port Simpson. On his way down to Victoria Mr. Crosby made several calls at places that will from now on be under his spiritual guidance, and he was surprised to find that at some of them no minister had been for ten or twelve years. Since leaving Port Simpson ten days ago, he says, he baptized thirteen white children. Having been so long on the trip Mr. Crosby brings little news from the North. He found at Bella Coola that nearly all the Scandinavian colonists had left home for Rivers Inlet to spend the summer fishing. Mr. Crosby's family arrived here two days ago on the Danube.

OPIUM ON THE "ROSALIE."

The Seattle P.-I. of yesterday says: "The Rosalie, which arrived yesterday morning from Victoria, brought as part of her cargo some freight which nobody knew anything about except two Chinese, until Inspector F. P. Loftus uncovered it and dragged it out to light. It was nothing more nor less than a quantity of opium which the Celestials were trying to smuggle in. When the Rosalie was about ready to leave Victoria, Inspector J. S. Latimer, on the steamer, noticed the Chinese cook alongside accompanied by another Chinaman. After the steamer had gotten underway he discovered that the cook had brought his countryman with him as a stowaway. On arriving at Port Townsend he had both the Chinese placed under arrest. When the steamer got to Seattle the matter was reported to Inspector Loftus, who, accompanied by Inspector F. M. Terry, went aboard and began a pretty thorough examination. He found a false floor in the galley, and under it snugly concealed were thirty five-tael tins of opium of the best quality. Needless to say the drug was promptly seized."

DOES NOT BERTH.

A new 14-foot flag floated above the C. P. R. office yesterday, as though the local agent of the road was a patriotic Orangeman or owned a circus of his own. It was the first appearance of the flag, and it was intended to signify yesterday—as it will in the future—the sailing of a C. P. R. steamship. The Empress of China left Vancouver at 6 o'clock last evening, and on her way out to the Orient called off the outer wharf. She did not berth for the reason announced, that she was late in getting away from the Terminal City, owing to the low tides, and consequently was anxious to make no further delays. No saloon passengers awaited her here, and the half dozen Chinamen who did made no protest about their special "delivery" on a less pretensious craft that acted as tender.

AN INTERTRIBAL DISPUTE.

Mr. A. W. Vowell, superintendent of Indian affairs, does not apprehend any further conflict between the Kitkatlas and the Nootkas, on the West Coast, over the killing of sea otter off the latter's reservation. He fully endorses Indian Agent Guillod's course in dealing with the affair, but as there is an important question to consider in connection with the trouble, to which no written law applies, the whole matter has been referred to the head officers of the Indian department at Ottawa. The question, too, has been propounded by the Indians themselves, who, seemingly aping Canadian-American controversy in the adjustment of sealing rights, have sprung a proposition which, morally speaking, is easy of solution, but legally is a difficult one to handle.

The whole matter lies in what right, if any, and if so to what extent, Indians of one tribe have to hunt in the waters bordering on another tribe's reservation. It is claimed by the Kitkatlas that they are not on the Nootkas' territory when hunting off their reservation.

On the other hand the Nootkas plead the danger of the extermination of the sea otter visiting their shores, and assert that the Kitkatlas killed off all the sea otter frequenting the Queen Charlotte Islands. They claim also that when they hunt they use a bow and arrow, while the Northern Indians use the shotgun, and that the water which fronts their reservation is practically theirs.

While Mr. Vowell gives heed to the Nootkas' side of the case he is struck with the force of the argument produced in the other tribe's contention. He says, however, that there is no danger of a tribal quarrel, as the Indians are willing to abide by the law.

VINE VS. RICHARDS.

In the action of Vine v. Richards, Mr. Justice Drake yesterday gave judgment for the defendant with costs, and dismissing the counter claim also with costs. The full text of the judgment is as follows:

The plaintiffs and the defendants, F. G. Richards, together with four other persons, purchased Section 50, Metchosin, at a government sale of lands, apparently with the object that their might be valuable mineral on the land. There is a dispute as to whether Vine first approached Richards, or Richards Vine on the subject; who is right I cannot say, and it is not of importance. At all events the property was purchased in 1883 in the name of W. R. Clarke, who subsequently conveyed to the others their undivided 1-7 interest. At the time of purchase there was a shaft sunk by some prospectors in the hopes of discovering copper, and this shaft was supposed to be on the section bought. After the purchase, namely in 1884, the co-owners expended nearly $700 on this shaft, and this money was paid in July or August of that year. This work was done on the supposition that the shaft was on the purchased land. In June or July, 1884, F. G. Richards went to visit the property and saw the shaft, but he says that he saw no section lines or survey posts. None of the parties seemed to have had the lines run in order to ascertain on the ground the boundaries of section 50. Section 49, adjoining this land, was laid out as an Indian reserve, with the exception of a small fraction on Beecher bay, which was possibly over-looked when the government sale of lands took place; at all events it was not put up for sale, and it certainly would be a very difficult matter for anyone to discover whether or not this fraction of an acre and a half had been included in the Indian reserve unless the whole of the maps and plans were carefully examined. Mr. Richards, in his position as draughtsman in the lands and works office, had special and particular means of information, and he discovered that this fraction was unsold, he thereon made application to purchase it in July, 1884, and obtained a crown grant therefor. He says his reason for buying it was, that it had a good water frontage. The probability is that he bought it in view of the chance of there being a discovery of mineral made in the shaft where he and the other owners were expending money. If such was the case this piece of land might become of value as being an extension of the vein or lode if any. There is no evidence to show that at the time Richards made this purchase he knew that the shaft was on section 49. Certainly there was no duty which he owed to his co-partners which would prevent him from acquiring land adjoining the property; they were jointly working on the chance of a mine being discovered by their joint exertions.

But, on the other hand, if Mr. Richards knew that the ground on which his co-partners had expended money was his property, and he carefully concealed this fact from them, he would not be allowed to set up his title as against them without compensation for the money thus lost. It was intimated in Neeson v. Clarkson, 4 Hare 97, that a person expending money by mistake on the property of another has no equity against the owner who was ignorant of and did not encourage him in his expenditure; yet if the true owner sought to enforce his title in court he would only be entitled to its assistance according to the rule of doing equity. In the case of Thornton v. Ransden, 1 L. R. H. of L., certain cases were laid down, 1st, if a stranger begins to build on land supposing it to be his own, and the real owner perceives this mistake, abstains from setting him right and leaves him to perserve in his error a court of equity will not allow the real owner afterwards to assert his title to the land. The second proposition is if a stranger build on land knowing it to be the property of another, equity will not prevent the real owner from claiming the lands with the benefit of the expenditure. And in Willmott v. Barber, 15 C. D., 96, the elements necessary to constitute a fraud in the possession of the legal right are thus defined. The plaintiff must have made a mistake as to his legal rights and have expended money on the faith of his mistaken belief. The defendant, the possessor of the legal right, must know of the mistaken belief of the plaintiff of his right, and have encouraged expenditure of money either directly or by abstaining from asserting his legal rights.

Here the persons who have expended money in mistake are seeking the assistance of the court to decree that this fraction of land was purchased in fraud of their rights by Richards, with a knowledge that in so doing he was obtaining a mining shaft. The evidence does not satisfy me that Mr. Richards knew that the mining shaft was on section 49; he swears that his first knowledge of it was obtained in January of this year when Ed. Vine obtained a survey of the lines, seven years after he had parted with the fee to his wife and thirteen years after the purchase. It is perfectly clear that none of the other parties knew of the mistake before that date, and the mere suspicion which it is apparent the plaintiffs entertained as to Mr. Richards' bona fides in the matter is not sufficient to establish their right to the interference of a Court of Equity. There has been no expenditure since Richards bought. No plan was adduced in evidence to show where this shaft was sunk; it is stated to be on the beach. If it is below high water mark, it would not pass under the ordinary terms of a Crown grant, and it may be that the defendants had not and never had any title to the shaft, and if so, no decree of this court could give them possession of that which belongs to the Crown by virtue of this prerogative.

Under these circumstances there must be judgment for the defendants, with costs of action. The counter claim will be dismissed with costs. There having been no evidence in supporting the alleged trespass, the filing of a lis pendens and non-prosecution of the suit with diligence are not of themselves any ground of damages.

H. Dallas Helmcken, Q.C., counsel for plaintiffs; J. P. Walls, counsel for defendants.

CARTER'S LITTLE LIVER PILLS.

CURE

Sick Headache and relieve all the troubles incident to a bilious state of the system, such as Dizziness, Nausea, Drowsiness, Distress after eating, Pain in the Side, &c. While their most remarkable success has been shown in curing

SICK

Headache, yet CARTER'S LITTLE LIVER PILLS are equally valuable in Constipation, curing and preventing this annoying complaint, while they also correct all disorders of the stomach, stimulate the liver and regulate the bowels. Even if they only cured

HEAD

Ache they would be almost priceless to those who suffer from this distressing complaint; but fortunately their goodness does not end here, and those who once try them will find these little pills valuable in so many ways that they will not be willing to do without them. But after all sick head

ACHE

is the bane of so many lives that here is where we make our great boast. Our pills cure it while others do not.

CARTER'S LITTLE LIVER PILLS are very small and very easy to take. One or two pills make a dose. They are strictly vegetable and do not gripe or purge, but by their gentle action please all who use them. In vials at 25 cents; five for $1. Sold everywhere, or sent by mail.

CARTER MEDICINE CO., New York.

Small Pill. Small Dose. Small Price.

CURES

COLIC, CHOLERA, CHOLERA-MORBUS, DIARRHOEA, DYSENTERY,

And all SUMMER COMPLAINTS of Children or Adults.

PRICE, 35c. Beware of Imitations.

TALKING BIMETALLISM.

LONDON, July 12.—An important conference was held at the foreign office today between Senator Wolcott, former Vice-President Stevenson and General Paine, the members of the United States bimetallic commission, and Ambassador Hay, and Lord Salisbury, Sir Michael Hicks-Beach, Chancellor of the Exchequer; Mr. Arthur Balfour, First Lord of the Treasury; and Lord George Hamilton, Secretary of State for India. The conference lasted an hour, and was preliminary to further negotiations on the subject of international bimetallism. The Americans did most of the talking.

Lord Salisbury inquired what were the powers of the American commissioners, and was informed that they stand authorized to make arrangements for the holding of an international conference or to negotiate a treaty of international bimetallism, which they might submit to their government for ratification. It was also stated that France was ready to co-operate with the United States, Great Britain and Germany in reaching an agreement for international bimetallism.

The British representatives made no statement indicating their intentions in the matter. Consultations of high British officials will be held before another meeting with the Americans, and in the meantime the latter will privately discuss the question with Baron de Rothschild and other financiers, and endeavor to secure their support.

BAIT FOR PORT ANGELES.

PORT ANGELES, July 12.—An important proposition has been submitted to the business men of this city by parties from Pittsburg, Pa. They propose erecting a machine shop, foundry and tin plate rolling mills here, employing from 400 to 600 men. A bonus of $50,000 in real estate and a building site are asked for, the company putting up a certified check of $2,000 to insure good faith.

The Only Perfect Dyestuffs In The World.

The scientific preparation of dyestuffs and putting them up in proper shape for family dyeing has been brought to perfection by Wells & Richardson Co., who are proprietors of the celebrated Diamond Dyes.

These popular dyes have banished from the homes of Canada, madder, fustic, logwood, cochineal and all other antiquated dyestuffs. The work of home dyeing is now done quickly and successfully by Diamond Dyes; the process is one that would astonish our grand parents.

To-day millions all over the world use the scientific Diamond Dyes in preference to all others. Diamond Dyes commend themselves to all who use them, because they are the strongest, brightest and fastest and the easiest to work with.

Diamond Dyes, like all other perfect and popular preparations, are largely imitated in style of package and the way they are put up. These imitations are worthless, and adulterated dyes, ruinous to all kinds of goods and dangerous to handle. Great caution is advised when buying dyes for home use. Ask only for the "Diamond," see that the name is on every packet.

Here Is the Way.

To cure all heart and Nerve troubles and that weak, weary, tired feeling, sleeplessness, nervousness, etc., do as Mr. Thos. Glover, Chatham, Ont., did. Says Mrs. Glover: "One box of Milburn's Heart and Nerve Pills cured me. I was so bad that I feared paralysis, but am now well and strong, thanks to these wonderful pills."