years ; to the Bible eir rooms for the A Smith, of Glas-Boys' Bigade, for he has held since the interest he has on on the practical the conference was lev. T. M. Winfield. lency the Governor-

execu ive committee k s eps to roise a instructed the secrecon mining the con the conference, and h will be sent to all

NEEDHAM.

tice of Vancouver

urist-A Few In-

of His

ed from England of ge, Surrey, of Sir eighty-third year. s death recalls the he held the posi-Vancouver Island ncouver Island land. Friday, 1864, and the came from England Chief Justice. Mr. r in London, and his ay he made un hie ealth. At this time stice of Vancouver rough the decision erannuate Chief Inc sk that a competent gland to fill his place. reupon appointed. well versed in law inently qualified to bench, and his terse ommanded respect and Vancouver Isited in 1866, there Mr. Begbie on the advisable that there

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of the chief justiced a serious trouble ispute between two and for a time the us. The difficulty of mining claims on was called " the eir contention was had not fulfilled tion. The Governby his son, then a xer (and who after a for many years), o Cariboo. He had ade himself agreeto hear the case. e decided that al large amount-that he Canadian Comcourt. This was y having been paid inst the company. and good judgment

etween the oppos cident is related of lictoria. A colored e bankrupt and it that he had hidden Questioned by the very much confused ry question address.

ur money?" asked

the yard to be force of men but , for the very good n nothing buried was a shrewd man d, as may be seen the 1st of April rter of a dellar to tched with delight pick it up. Along and when he found proceeded to kick ill he loosened it. action put it in his

LEADS.

vichan-Alberni dia in the provincial he appeintment of Chief Justice, took didates being Mr. michan, farmer; erni, aborekeepe on. Mr. Turner's

nd scattered one odd voters and six , and upwards of ree polling booths polling places are from the railway will therefore ete returns before at earliest. largest and most strict. Mr. Wood there being 121

nese spoilt. The

TEED.

CISGO GAL.

Highest of all in Leavening Power. Latest U.S. Gov't Report

ABSOLUTELY PURE

THE CITY.

date for the formal opening of the Salvation Army food and shelter home.

It has been arranged that the 1.0.0 F church parade on April 28 shall be to the Pandora avenue Methodist church, Rev. Solomon Cleaver preaching a special sermon

THE funeral of Arthur Orr, eldest child of Mr. Orr of Powderly avenue, Victoria West, took place on Wednesday afternoon. Services at the house and grave were conducted by Rev. D. MacRae.

VERY crude experiment with the "Fader gold dredging bucket," which is a simple rope and bucket appliance, having been made on the south fork of Quesnelle river, has resulted in \$4 from a yard of dirt.

THE Council of Public Instruction have caused a new school district to be created, to be known as Goldstream, and have redefined the boundaries of Metchosin and Colwood school districts to meet the change.

Courr Robin Hood, after their regular meeting last evening in Semple's hall, Vic-toria West, gave a pleasant social and dance, in the pleasures of which friends of the court participated. The Bantly orchestra

INCORPORATION was granted on the 11th instant to the Nanaimo Electric Light, Power and Heating Company, Limited, which is capitalized at \$100,000 in \$20 shares, and of which Messrs. T. J. Jones, Albert Lindsay and Joseph Hunter, all of Victoria, are the trustees.

A NOVEL entertainment will be given in St. John's schoolroom on Tuesday evening. There will be a concert; the gypsy dance from "Il Trovatore" will be presented by permission of Mrs. Lang; and the enterainment will conclude with a laughable farce entitled "Rum'ns from Rome."

AT Mr. Algernon Aspland's grand concer in Institute hell next Tuesday evening he will be assisted by such recognized favorites as Mr. Clement Rowlands, who has now fully recovered from his attack of the "grippe," Mrs. Rowlands, Mrs. A. C. Sheldon, Mrs. Helmoken, Mr. W. Edgar Buck

THE ladies of the Centennial church intend to give one of their enjoyable "At Homes" in the school room this evening. An excellent programme has been arranged Mrs. Miffin and Mr. Dooley being among those who will contribute to the evening. entertainment. In the absence of the past of the church the chair will be taken by Rev. James Turner.

THE funeral of Mrs. Martha J. Simpson took place yesterday afternoon, Rev. Solomon Cleaver, M.A., assisted by Rev. Joseph Hall and Rev. W. C. Bryant, conducting impressive services at the residence, e of a large number of friends. Rev. Mr. Cleaver officiated at the graveside, and the pallbearers

The constantly increasing popularity of Munsey's Magazine is amply demonstrated by Robert Jamieson's success in its sale. In September last his sales totalled 100 copies; by December 1,000 copies were required to satisfy the monthly demand, and this large number has been needed every month since. Besides the profits from the sales, Mr. Jamieson has been fortunate in by their chief spokesman, Mr. J. Grant, drawing the eighth place cash prize for the rust needs kick holes in that wonderful dealers' quarterly sweepetakes, arranged to stimulate the "pushing" of Munsey's, and has received a check for \$110 from the en. Just a day or two ago Mr. Grant was not

has received a check for \$110 from the enterprising publishers of the great ten cent magazine.

A VERY pleasant "At Home" was given by Mrs. Dempster, Fernwood road, yesterday afternoon and was largely attended by members and friends of the W. C. T. U. Mrs. William Grant contributed a paper on the causes which developed the character of Mrs. Cady Stanton; it was instructive, inthe causes which developed the character of Mrs. Cady Stanton; it was instructive, interesting and inspiring. Several of the departments of work taken up by the union were also discussed and plans of work adopted. It was decided to defer the collecting of money for the erection of more lecting of money for the Rafuge Home. commodious quarters for the Refuge Home nutil later in the year. The W. C. T. U. but because they have done it before missionary day was arranged for the first an election. Heretofore they have always Thursday in May, to be taken charge of by swapped their horses when they had proved

THE tramway company have over one hundred men at work cleaning, draining and the wind. fencing the eleven acres of ground to be used for the new Oak Bay recreation park. The work is well under way and is being pushed as rapidly as possible, the plan being to have everything complete by the middle of May. It is the intention to make the park complete in every detail so that it will afford first-class facilities for all kinds of out-of-door sports. A commodious grand stand seating 2,000 people will be erected. The admission to both grounds and grand stand will be put at a popular figure. The tramway company have completed a new switch, which will allow them to give a ten. minute service to the grounds. Among the special attractions contemplated will be the Royal Arthur band, arrangements for securing which are now in progress.

THE following notice, bearing the signature of Mr. F. S. Roper, inspector under the contagious diseases of animals' act, ap pears in the BC. Gazette of yesterday: I have given clean bills of health to the following ranchers during the month of March— Peter Merriman, Cedar Hill road; William Wales, Colwood; John Irvine, Cedar Hill road; William Holmes, Cedar Hill road; Henry Mycock, Glandford avenue; Thomas Smith, Beacon Hill; Charles King, Cedar Hill; J. Sehls, Swan Lake; H. Caselton, Saanich road; William Hicks, Saanich road; Hobbs & Evans, Burnside road; George Rogers, Gorge road; Mrs. Muirhead, Vic-toria West; W. H. Short, Ross Bay road;

Monday, May 6, has been fixed as the serve great credit for the clean and tidy manner in which they keep their dairies, as well as for the care which they exercise in seeing that the milk is carefully strained and fit for market."

officers and men of the Royal Marine Artillery and Royal Engineers. The floor was perfection; the decorations of the ballroom n excellent taste; and the music delightful. Among those who were present as honored guests were: Col. and Mrs. Rawstorne Captain Barnes, B. M.A.; Surgeon Bell, R. E ; and Lieutenant Gordon, R. E.

MR. W. H. WHEELER, of 13 St. Louis breet, died suddenly at 5 o'clock last evenog while at work in his garden. One of his neighbors saw him fall and ran to his side, but the old gentleman d.d not speak and oon expired. Dr. Duncan was summoned and pronounced death to be the result of natural causes. Mr. Wheeler came to the province in 1858 and was well and favorably known in the city. He returned from California at the beginning of this month. Mrs. Wheeler, who is at present in Marysville, Cal., was communicated with last

SPORTS AND PASTIMES.

ported to be already training hard. The first annual meeting of the B.C.B.G.

Capital Lacrosse Club were framed at a meeting of the executive last night. This business occupied the greater part of the evening, but other matters were also considered. Playing suits will be secured as soon as pessible, and it has been decided

the end of last night's play was as follows were Mesers. Noah Shakespeare, John Kinsman, David Spencer, Henry Jewell, M. Humber and J. Bullen.

The constantly increasing popularity of Played, Won, L'

THE LIBERAL POLICY.

To THE EDITOR:-Poor old Liberal party Poor Wilfy Laurier! Poor genial Cart-wright! Has it come to this, that even the Liberals of British Columbia as represented

the superintendent of that department, Mrs. by experiment with the electors in the way of an election that the present fake would

not work. Now they veer around before an election. There must be something in Perhaps Mr. J. Grant's letter to the Times gives us a clue to what the new policy" will be. He suggests that the Liberals, when perchance they get into power, will raise the price of wheat in Canada. lnasmuch as wheat in the United States, in England, in the Argentine republic and everywhere else that I know of, is cheaper to-day than it is in Canada, the Liberals must intend to raise the tariff and give the

farmer more protection.
Small wonder that the young Liberals. not yet case hardened like their chiefs, deem this an opportune time to disband until the date of the election is announced. Small wonder, too, that the Liberals are saying little or nothing, for how can they know what to say until they are further instructed as to the new departure? And small wonder that the electors of Canada think it a mighty

poor policy that can't stand a single cam-And the National policy of 1878, 1882, 1887, 1891, and of 1895, is still the same, that he who runs may read.

CARLOS. Victoria, April 18, 1895.

Dr. Price's Cream Baking Powder World's Pair Highest Medal and Diploma.

None But Ayer's at the World's Fair. Rogers, Gorge road; Mrs. Muirhead, Victoria West; W. H. Short, Ross Bay road; Michael Anderson, Garbally road; Frederick Pemberton, Victoria; Thomas Alexander, North Pembroke street; George Coverdale, Wilkinson road; Mrs. Hooper, Ross Bay road; Samuel Suthern, Ross Bay road; A. J. Woodward, Ross Bay road; James Nicholl, Foul Bay; Alfred Few, Old Esquimalt road; Captain McCallum, Admiralty road; and James Barker, Straw-

WHITE AND BLUE

Third Annual Ball of the James Bays H.M.S. "Nymphe" Completes an Event- Judgment Given by Mr. Justice Last Night in A.O.U.W. Hall.

Well Planned Arrangements, Delight. Loss of the "Bering Sea" With All Action Against Mr. Wilmot Dismissed ful Music. and Altogether a Brilliant Affair.

Last night the James Bays proved them-Those desirous of enjoying a good enter-tainment should not fail to attend the one Chinese lanterns and bunting artistically the ship's stay in the South there was conto be given in Temperance hall, Pandora avenue, by the united I O G.T. lodges. Besides a good programme of vocal and instrumental music, there will be a farce by the Victoria west Amateur Dramatic Ciub, entitled "From Punkin Ridge; or, Belinda club's initials upon it. The floor was in strong gale parted the hawser and the signal came for the Nymphe to get up steam and music of Finn's orchestra was too enticing to allow people to sit still. There were not as trouble is considered serious and future was a langure, as a strong gale parted the hawser and the signal came for the Nymphe to get up steam and proceed in the usual way. The Nicaraguan trouble is considered serious and future Upwards of seventy-five couples graced the ball given at the Work Point barracks many people present as might have been expected at an affair given by such a popular interest. The Nymphe came from San affair given by such a popular interest. organization; but as compensation the floor, though well covered with dancers, was never so crowded as to make it uncom fortable in walzing. In consequence the panion without having to crane his head backwards to avoid a collision with another couple. There was a pleasing absence of waliflowers, too. Most of the ladies danced, and the young man who prefers to stand round the door and curl his moustache was evidently at home or out of town. Everyone was there to have a jolly time and suc-

Of course after so much exercise the dancers had accumulated good, healthy appetites by midnight, and the supper room ecame the centre of attraction. While the James Bay boys had displayed their talents in the decorations of the ball room, they wisely left the arrangement of night and instructions from her will be friends. The tables certainly appeared very tempting, and everything looked as it should -good enough to be enjoyed Salads, jellies, creams and all the other The Craven stakes, run for at Newmarket seterday, was won by The Owl: Villers yesterday, was won by The Owl; Villiers flowers. Even sliced cold beef lost its man ter of fact, everyday look, and appeared to The general meeting of the Victoria Golf club is called for Wednesday evening next roundings. In fact that supper was a complete answer to the gruff Anglo Saxon who For the tug of-war tournament at Cale-donia park in May three-city teams are re-called a "bill of fare" and why good plain English is not used instead of French. To speak of last night's supper in common English would not do it half jus-A. R fle Association is to be held at the drill hall this evening. Important and interesting matters of business are listed for look as if it were proud of its raising, and the jelly felt so good it fairly trembled with

ceeded admirably.

The energetic secretary of the club, Mr. Dallain, and the committees did their best to make their guests feel at home and succeeded admirably. The floor and reception committees, consisting of Messrs. W. A. Cornwall, J. E. Wilson, J. H. Henderson, soon as possible, and in the beam at the that Mr. L. Tait represent the team at the intermediate convention to be held in Vancouver on the 27th list.

Cornwall, J. E. Wilson, J. H. Henderson, W. H. Wilkinson, J. S. Yates, W. R. Higgins, H. D. Hellumcken, Ven. Archdeacon Scriven, A. C. Flumerfelt, T. N. Hibben, E. of Far West lournament under the auspices of Far West lodge, K. of P., is getting more interesting and gradually narrowed down to six teams last night. Play will be continued

A. Gowan and E. A. Jacob.

> A Homemade Camera Obscura. A simple little device to aid in sketching, such as any reader handy with gluepot, saw and plane can make with very little outlay of money, is described by a correspondent of Art Amateur.

> It is called the 'camera obscura.' With its assistance the young sketcher out of doors can get his perspective correctly, and not only that—it is a help for drawing the interior of a room. The most beautiful cloud forms, too, can be traced on the ground glass before they can change, and the picture or sketch

thus obtained can be enlarged. Have a box made about 12 inches in

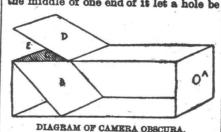


DIAGRAM OF CAMERA OBSCURA. bored-as at A in the diagram-in which insert a doubly convex lens, and at the other end, inside the box, place a piece of looking glass—as at B—inclining it at an angle of 45 degrees, or midway between horizontal and perpendicular, so as to reflect objects upward. Part of the top of the box must be made to act as a lid or cover upon hinges—as at D-and the space beneath filled up by a piece of ground glass-C-upon which the objects or scenes are reflected with the greatest beauty and exactness. The line E indicates sides of thin leather or cloth tacked on the cover and a sliding tube with a lens at the extremshould be painted over with lampblack, or if that is not handy it may be stained with ink.

Fabries and Odors Dress materials vary greatly in their capacity for retaining odors. Silk allows almost all odors to pass through without leaving any smell behind. Linen holds them fast. Wool, though it lets many smells pass through, retains the odors of decay.

THE "Primrose Ball" given by the Com panions of the Forest, B C. Circle No 118, at A O U.W. hall last night, was thoroughlist included just the right number of dances and the floor was well filled for each. The supper was all that could be desired, and reflected credit upon those who had this important detail in charge. Two prizes were offered; the first, for the most graceful set of lancers, was taken by M. S. I was advise to try B.B.B. I now redice that I did so, for two bottles have completely cared me. I now eat well, and my offered; the first, for the most graceful set of lancers, was taken by M. S. I was advise to try B.B.B., and I recommend it to all sufferers. nions of the Forest, B C. Circle No 118, portant detail in charge. Two prizes were offered; the first, for the most graceful set of lancers, was taken by Mr. Boler and Miss Lellevre, Mr. J. Dodd and Miss M. Cessford, Mr. M. Flaherty and Miss N. Backen, and Mr. M. Dodd and Mrs. Lessing. The second, for the most graceful waltzers, was awarded to Master W. Cragie and little Miss Emma Casod.

SHIPS AND SHIPPING.

ful Cruise-The Central

Aboard -The Flagship Home-

After a sixteen months' cruise H.M.S. end of the hall was a huge banner with the ing the Nymphe, but it was a failure, as a Francisco under easy steam, and soon after reaching the harbor went alongside the naval wharf, where preparation will at once be made for needed repairs; she will dock young man flying round with his best girl in a few days and probably remain in port had plenty of time to talk to his fair com for some time. THE "BERING SEA" LOST.

A Port Townsend special to the P. I. apnounces that another vessel has been lost off Cape Flattery, and it is believed that at least a dozen persons were drowned. Indian sealers went into Neah Bay Tuesday and reported seeing a capsized schooner of about fifty tons burden off Cape Flattery last Saturday. The sea was so high and weather so rough that a close examination could not be made. The derelict had a copper painted keel, and answered the description of the Bering Sea, a newly built schooner of Tacoma, which was engaged in sealing. She went out past the Cape last week, and the masters of other vessels who observed her commented generally upon her cranky appearance. When skimming over the sea she lay almost on her beam end and looked as though she would be a dangerous craft out at sea. The consensus of opinion among the sealing captains at the Cape is that all of the crew have been drowned. The Bering Sea was owned by Edward Johnson and John Strand, ship carpenters of Old Tacoma. Five of the crew were white men shipped as Seattle; fourteen indians were shipped at Neah Bay. Capt. Larson, who was in command, is from Seattle. The Bering Sea was a new and well built craft, 73 feet long, 19 feet beam and 7 feet deep. She left Seattle about February 13, intending to cruise along the coast in the vicinity of Cape Flattery until July, when she would leave for Behring

from the schooner had about forty five skins on board. MARINE NOTES. The ship City of Florence, which arrived from Liverpool on Wednesday night, has been brought alongside the outer wharf, where she will probably commence dis-charging cargo to day. Her freight for Victoria consists chiefly of tin and liquor. She did not bring the new yacht for Mr. Kirk that was expected to arrive by her.

Steamer Willapa sails direct from the Sound for Alaska to morrow.

cargo. Mail for the Royal Arthur is now held here, as the flagship has left Central America for Esquimait. This is good news, as it makes it all but certain that the flagship will be here for the Queen's Birthday festi-

The Empress of Japan has twenty-three cabin passengers booked to date and a fair amount of cargo. She will sail Monday. In about a month a large steamship will leave England for this port to enter the coal length, 4 in depth and 6 in width. In carrying trade. The vessel, which will be the middle of one end of it let a hole be brought out by the Mesers. Dunemuir, is of the turret type, and will upon her arrival be the only vessel of her class on the Coast.

THE NEW LIBRARIAN.

will recommend to the council the following resolution: "Whereas, at a meeting of the tract put in before the action had comcity council held on the 15th inst., some position of city librarian; and whereas a ballot paper containing the names of all the applicants was supplied to each member of the council then present, and ballots cast four times for the purpose of electing one.

They were specimed in the drawings, for the sum-cient reason that the engineer, or any other person, could not possibly say beforehand where they should be commenced.

They were, however, provided for in the of the applicants to the position in accordance with the provisions of section 101 of the Municipal act, 1892, and amendments thereto; and whereas upon the counting of the fourth ballot it was announced that the was only 950 feet. name of Henry Goward had received five votes, being a majority vote of the members votes, being a majority vote of the members of the council then present, and that the said Henry Goward was therefore a late the connections, and these connections, and these connections. said Henry Goward was therefore elected to the position; and whereas it has since been ascertained by reference to the said ballot er or cloth tacked on the cover and papers that the said name of Henry Goward sides of the box to keep off as much of did not receive a majority of the votes of the circumambient light as possible. In the members of the council then present, some cameras, instead of a fixed lens, to the position was consequently made in ity is employed. The inside of the box error contrary to the provisions of section 62 of the council procedure by law, 1894; therefore be it resolved that said declaration is hereby nullified, and that the council proceed to ballot anew for the election librarian from the said applicants. llot anew for the election of city

JOY IN QUEBEC. A LADY SAVED.

Life Was a Burden and all Remedies Failed till B.S.B. was Tried, now Digestion is Perfect, and Health Has Returned.

DAME ADJUTOR LACHANCE. Charlesbourg, Q

Rheumatism Cured in a Day. South American Rheumatic Cure, for Rheumatism and Neuralgia, radically cures in 1 to 3 days. Its action upon the system is remarkable and mysterious. The first dose greatly benefits. Sold in Victoria by D. E. Campbell.

COUGHLAN & MAYO.

Drake Set Aside by the

Full Court.

Appeal Costs.

American Trouble.

ward Bound.

berry Vale. Those of the above-mentioned selves as able entertainers as they are suc. Nymphe dropped anchor in Esquimalt har- and Walkem sitting as a Full court gave cessful in carrying out every enterprise they | bor at 10:30 yesterday morning. Since | judgment in the celebrated case of Coughundertake. It was the third annual ball of leaving here she has covered over 15,000 lan & Mayo v. the City of Victoria, and the club, and people who went expecting to miles, touching at Callao, Acapulco, Nicar- Wilmot. The judgment of Mr. Justice enjoy a delightful evening were not disap- agua, Honolulu and San Francisco. Her Drake in the court below was set aside and pointed. The A. O. U. W. hall looked very budget of news is rather small, most of it the action as against Mr. Wilmot, city enhandsome, gaily decked with bright colored having already been told by wire. During gineer, dismissed. Mr. Justice Crease's decision in part is as This was an appeal by the defendants against an order of a judge of the Supreme court after a trial without a jury, directing

judgment to be entered for the plaintiffs on the 26 h February, 1895. The action was brought by the plaintiffs, who are contractors, against the defendant corporation, and their engineer, under a contract for the making of certain sewers in the city. By the contract the plaintiff; engaged to construct and execute all the works described in the annexed specifications, bills

of quantities and form of tender, which were thereby made integral parts of the contract, and were to be read and construed there with, in strict accordance with all the conditions and stipulations therein set forth in the best and most workmanlike manner. for the sum of \$7.032, to be paid to the contractors by the corporation in such manner as is "described in the said specifications" and to complete the same in a time certain, therein particularly specified. All the work required by the corporation to be done by the contractors was done when ordered satisfactorily, and under the contract the conwere paid by the defendants \$3. tractors 274 80 in all, on account of the work so done by them. On the spplication by the defendants for a final certificate a dispute arose as the amount of the balance which hey were to receive.

Plaintiffs claimed to receive from the defendant corporation the sum of \$7,032 less the \$3,274 39 already received, and less the sum of \$366 29, being the sum retained under the contract for maintenance, that is to

to receive under the contract extras for the could not be given for the plaintiffs. extension of the sewer according to the schedule rates a further sum of \$1,896 20. tual measurements.

The engineer, Wilmot, contended that according to the proper understanding of the contract and specifications the plaintiffs were only entitled for work done under the contract to \$3,662 96; less amount paid on count, \$3,274 39; also less 10 per cent, resea on a regular cruise. When last heard bained ior six months, \$366 29 -\$3,640 68: to the contractors of, \$22 28.

> The trial went off upon an issue which had not been raised by the pleadings. For the contract, instead of being one of schedu'e and prices, was declared by the learned trial she was asked if she was about to marry judge to be a lump sum contract, and the pleadings were constructed on the theory

of a lump sum.

If the \$7,032 had been agreed to be paid Kirk that was expected to arrive by her.

The steamer Queen sailed last evening for San Francisco with the following cabin pass sengers from Victoria: J. Munro, R. Smith, wife and child, J. Robinson, M. Lenz, W. C. Ames, Mrs. S. O'Brien, W. P. Bissett, Miss Cersi, A. L. Bell, J. Smith, J. Smith, J. Lohn Johns John Medcalf and Mrs. Circilo. contract, an ascertained sum.

The learned Judge gave judgment for the plaintiffs for \$3,392; being the difference be. An Almost Miraculous Oute by The collier Peter Jebson passed up yesterday from San Diego to Nanaimo for \$3 640.68 paid to the contractors on ac-

The learned Judge's view of the contract pre-supposes that no changes or deductions could be made, if any of the estimated work was not executed, or if there were such the contractors must have payment for it, as if it had been done.

Such view ignores also altogether section 44 providing that the contract could be terminated at any time, -e.g., from failure of the municipal appropriations for the work, and the provision that in such case the work would have to be measured and paid for under the scheduled prices accord-

ng to the terms of the contract. That is fatal to the idea of a lump sur contract. The conclusion could not well have been arrived at by consulting the His Worship Mayor Teague yesterday posted on the city hall bulletin board a formal notice, that at their next meeting he will recommend to the city hall bulletin beard a lintegral part of the contract.

I gather from the evidence that there vas no claim in writing for a lump sum con-

sixty applications were received for the position of city librarian; and whereas a were specified in the drawings, for the sufficient reason that the engineer, or any other

They were, however, provided for in the estimated amount, and in clause 8. The contract estimated the length of the excavations altogether, as 2,647 lineal feet : whereas, manifestly, the length of the sewer The suplus, the engineer tells us, and the

tions were therefore well within the contract and not extras. There is no doubt in my mind, after careful examination of documents and the evilless freely. I felt stronger and had a terrible dence, that the contract was one where a specific. Previous to this I had given up to die. gross sum and gross quantities in lineal feet, 2,647 are named, liable to addition or sub-traction as the proper execution of the work

might require, at the prices named in the schedule.

That construction would include the construction (without which the contractor must)

Traction as the proper execution of the work in the land of the work in the land of the schedule.

Now I have taken six bottles and the abscess has entirely healed. I am well and go every where. My friends think it is a miracle to have me restored to them again so healthy and even younger in looks than before my sickness. have known a general sewer would be next to useless) and additional works; until the total, 2.647 feet, was reached; after which any additional work, either inside or outside of the contract, would, as the word implies, be extra—that is outside of the contract but to be paid for at the schedule prices.

The prices are constant quantities varying, though not with regularity, with the depth of the work. The price of excavating or trenching and refilling one lines! foot by 27 inches (the width of the trench), in a trench "more than five and not less than six feet deep," would be 34 cents for all the way down. be 34 cents for all the way down. It could not be cumulative. It would not be il cents for the first lineal foot of that width

put for 9, 8, 7, etc., to 1, feet respectfully-

the cost for 8 feet of this 1 247 lineal feet would have been \$561 15, adding only these two together \$623 50 and \$561 15, would have made \$1,184 65 If 7 feet deep and so on up to 2 feet had been added to the \$623 . 50 is would have amounted to the sum of \$2,444 12 for 1,247 feet of earth excavated to 9 feet deep. A proposition which answers itself. It must therefore mean one price set in the schedule for all the excava-With Costs - Plaintiffs Bear Their

tion down to the given point. But the contractor wants to construe the bill of particulars as to rock in such a manner that if they had excavated down to 11 feet of earth, and from the 11th to the 12th foot (i.e., only one foot) of rock, that he should charge the whole ll feet of earth as rock, \$8 12 per lineal foot. This is utterly

unreasonable.

10 is clear from the evidence and what has preceded that this, being a contract whereby the contractors are to be paid by schedule and prices, while the pleadings were all drawn on the basis of a lump sum contract, the decision of the learned Judge cannot stand and must therefore be set

But as it appears from the evidence that some money is due to the contractors; moreover, there was no specific price in the estimated bills of quantities and specifications whereby the cost of mixed strata of earth, hardpan and rock could be calculated. That being left for experts to determine should have been proved at the trial.
But no custom was pleaded, or shown, or even attempted; but merely what would be the engineer's and Mr. Mohun's practice on

There is also a difference of opinion beween the parties as to the quantity of work actually done.

These reasons seem to afford sufficient grounds, with the question of alleged extras served, for a new trial. I also observe that the judgment appealed

from does not touch the question of the joinder of the engineer Wilmot as a defendart. According to Hudson's Law of Building

Contracts p. 63 et. seq., and the cases there cited, the engineer so far as he acts under the authority of the employer is in no way liable to the contractor, for acting or not acting, unless he acts fraudulently; because there is no privity of contract between the engineer and the contractor. Wilmot therefore must be dismissed from the action with

As the pleadings were for a lump sum contract, and the trial therefore abortive, the plaintiff must pay the costs of the trial. The appeal was successful on one part of be motion, and not successful on the other; the contractors claimed also to be entitled the judgment is set aside, but judgment

If the court had been certain that the certificate was right judgment could have been There was no dispute at first about the given for the plaintiffs, but it could not be certain of that.

(I am of opinion therefore that no costs

should be given of the appeal. In case the plaintiffs should go to a new trial liberty must be given to amend the pleadings on both sides, but as the necessity for amendment would have been caused by the mode in which the pleadings were leaving a balance due presently payable drawn, the costs of all amendments must be defendants' costs in any event.

Mr. W. J. Taylor for the city; Mr. E.

V. Bodwell for Coughlan & Maye.

Mrs. Vanderbilt, the divorced wife of W. K. Vanderbilt, expressed no surprise when Belmont, and declined to answer.

Saved Her Life

Surgical Operations and **Best Medical Treatment** Falled



"C. I. Hood & Co., Lowell, Mass.: "Beginning in February, '92, I was very sick for two months. Slowly I got better but was confined to my bed. A physician said I had a

Pelvic Abscess in My Side. After an operation I did not improve, the abscess continuing to discharge even more freely than before. In two months time three operations were performed and tubes inserted to carry off the impurities, but all in vain. Finally it was decided that my life depended upon another operation and that I must be removed to the hospital. About three weeks previous to this I had noticed an advertisement in the Daily News of a case where Hood's Sarsaparilla' had cured a boy somewhat similarly afflicted in Trenton, N. J., and I decided to give it a trial. When the time decided upon for me to go to the hospital arrived I had been taking Hood's Sar-saparilla about two weeks.

I Was Getting Better and the abscess had already began to discharge When I had taken the second bottle I was able to sit up and accordingly I was not taken to the hospital and the final operation was deferred.

I Feel Better Than Ever I did in my life and weigh over 130 pounds, the heaviest in my life. I do a big day's work and am gaining in strength every day. My mother worried and worked herself almost sick in car-ing for me. She has since taken Hood's Sarsa-parilla and it has done her much good. We praise Hood's Sarsaparilla to everybody, for

I Know It Saved My Life. I am 27 years old, and a stranger to look at me

Hood's Sarsailla Cures cine regularly and we earnestly recommend

cents for the first lineal foot of that width to two feet down, and 17 cents for the second foot between two and three feet deep, and 22 cents for the third foot between 3 and 4 feet deep, and so on to the 6th cumulative. So that the price must necessarily be 34c., not 11+17+22+28+34=1020, for excavating that 1 foot by 27 inches column of earth 6 feet down.

If the prices above 9 feet had been intended to be cumulative—that is added at the same number of lineal feet, at the rates put for 9, 8, 7, etc., to 1, feet respectfully—

Hood's Sarsaparilla." MRS. MOLLIE WENDT, 568 West Eighteenth Street, Chicago, Illinois.

Corroborates the Above.

"C. I. Hood & Co., Lowell, Mass.:

"Dear Sirs:—I am a drug clerk and have sold Mrs. Mollie Wendt many bottles of Hood's Sarsaparilla and can sertify that she was cured by the use of it." F. C. BILLERBECK, 530 West Eighteenth Street, Chicago.

Hood's Pills cure liver ills, jaundice, billousness, sick headache and constipation. 26c.

lousness, sick headache and constin