OF ALASKA.

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ining News.) most of us have of our experience of stern and Middle g that the winter tude 46 to 48 deto conclude that itory all of which t of it north of 60 ssful development When to this the whole makes dding character, country as sim-of sight seers who t forms, or of adgold and ready to

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KERS.

14.000 strikers Monday by g trades. These higher wages, ind contractors demands. The aliests have commonstration on tillbe attended nee is feared, na on May I will universal sufCapture of Three Hundred Train Stealers Who are Held

INDUSTRIAL ARMY.

The Oakland and San Francisco Contingents Make Up Their Differ-

for Trial.

ences and Unite.

ST. PAUL, April 26.—Dispatches received here early this morning state that the Butte contingent of Coxey's army was captured at Forsythe, Mont., at 10:30 o'clock on Wednesday night. No blood was shed, the men submitting to arrest very quietly. The successful termination of the affair was due to a very clever manoeuvre on the part of Col. Page, who, on learning that the industrial train was delayed by lack of water, secured a special train and took them by surprise.

TACOMA, April 26.—A special to the Ledger from Allen C. Mason, who was at Billings Wednesday morning on the westbound train, says: About one o'clock this morning the Coxey contingent from Butte, 600 atrong, wearing tri-colored badges, rolled into Billings on sixteen freight care, loaded on top and inside, and with flags flying, followed closely by a train containing United States marshals. The west-bound passenger train was laid out thirteen hours, fearing to run up against them, and for safety went on a sidetrack half a mile below town, the Coxey train apparently having its own way. At Columbia the railway officials had obstructed the track at night, but the Coxeyites removed the obstructions, pulled through and replaced them. TACOMA, April 26 .- A special to the

had obstructed the track at night, but the Coxeyites removed the obstructions, pulled through and replaced them.

On arriving at Billings Leader Cunningham, from the top of a rear car, addressed a large crowd collected. About fifteen deputy marshals marched past under arms to capture the engine. The crowd surged forward and around the marshals, while the Coxeyites from their train guyed the marshals, warning them to commit no violence. shals, warning them to commit no violence.
The engineer, though under cover of rifes, refused to leave the cab, when ten or a dozen rifle shots rang out. The Coxeyites charged and wrested most of the guns from the marshals, who retreated under the pro-tection of their revolvers, firing occasion

ally. "Kill them," "hang them," shouted the "Kill them," "hang them," shouted the Coxeyites, who saw one of their crown on top of the train, with blood streaming from a wound in the forehead. Several deputies ran, followed by the crowd hurling stones and hitting several of the deputies, who were driven back to the train, narrowly escaping a violent death. The Coxeyites smashed the captured rifles in pieces over the railroad rails. The action of the marghals in shooting on the rescales. the railroad rails. The action of the marshals in shooting on the miscellaneous crowd
is severely condemned as foolhardy. One
citizen was shot through the lungs, but will
recover. One man was shot through the vest,
over the heart, having a narrow escape.

TERRE HAUTE, Ind., April 26.—The contingent of Coley's army under command of
"Gen." Louis C. Frye, spent last night near
here, using the railroad company's fences
and ties for fuel. One train was side-tracked
to prevent the Commonwealers securing it.

and ties for fuel. One train was side-tracked to prevent the Commonwealers securing it. When the trains were started in the afternoon the 300 soldiers made a rush for a freight and captured it. The engineer was told that the industrials had railroad men in their ranks and that if he refused to start this train, he would be put off and one of their men would take the throttle. The trainmen were unable to prevent them riding as the industrials were determined and any resistance would have resulted in bloodshed. Brazil being in the heart of the Indiana coal district, and, as hundreds of

The Greatest of the commonwealers were poorly armed only three revolvers being found. Three of the men were slightly wounded, their injuries having been received in the skirmish at Billings at noon yesterday. Seventy-five deputy U.S. marshals arrived here during the afternoon and the degan contingent of Coxey's army was turned over to them. The train in charge of the marshals, escorted by a detachment of the 22nd regiment, started for Helena this evening. The prisoners will be arraigned in the U.S. District court there without delay on the charge of theft of a train and disobedience of an injunction. The general belief is that only six or eight of the leaders will be hauled back to Butte and set at liberty.

Walls for plaintiff; Mr. Morphy for defendant.

The Reszette of yesterday announces that:

Sealed tenders will be received by the tondant.

The Asy for permission to a Monday, 21st May, for permission

# From THE DAILY COLONIST, April 87. THE TO CHEEN

The funeral of little Loi Yuen, who committed suicide because ahe feared a whipping, took place yesterday.

The annual general meeting of the Colubia and Kootenay Railway and Navigati Company will be held at Vancouver Wednesday, May 2.

Ir is reported that Rev. George W. Taylor, rector of St. Barnabas', has been appointed to the charge of the parish of St. Alban's, Nanaimo, being succeeded in St. Barnabas' by Rev. B. Haslam of Salt Spring For his theft of \$34 from the Central drug

store, George Garland was yesterday sen-tenced to one month's imprisonment by the city Police Magistrate, who had been asked to dispose of the matter summarily, Garland pleading guilty.

An application on behalf of Begg in the case of Monteith v. Kerr & Begg, to set aside an order for substituted service and to set aside the writ of summons, was granted by Mr. Justice Crease yesterday. Mr. Belyea for Begg; Mr. Morphy contra.

BEFORE Mr. Justice Drake yesterday

Before Mr. Justice Drake yesterday Edmund Hanns and Ada Grant, who were committed for trial for having stolen property in their possession, elected for speedy trial, which is fixed for Friday, May 4. Johnson, the lad, charged with attempting to commit suicide made a similar choice, his trial being fixed for the same day. Ar the adjourned vestry meeting of St

AT the adjourned vestry meeting of St. John's church last evening, the following officers were elected: Sidesmen, Messrs. R. Seabrook, A. C. Flumerfelt, D. R. Ker, E. Pearson, A. L. Belyes and E. White; church committee, Messrs. R. Seabrook, E. Pearson and D. R. Ker; rector's warden, Mr. Joshua Holland; people's warden, Mr. Henry Saunders.

In Chambers yesterday, before Mr. Jus-In Chambers yesterday, before Mr. Justice Walkem, application on behalf of the defendants in Foot and Carter v. Mason & Nicholles to strike out section 11 of plaintiff's amended statement, on the ground of embarrassment, was dismissed, with costs; defendant Nicholles to have till May 30 to present statement of claim. Mr. Dumbleton for plaintiff; Mr. Eberts, Q. C., for defend-

THE steamer Coquitlam, which last evening left for Haddington island for a stone cargo, carries up twelve men and some new machinery to put in operation the two additional derricks that were sent up on the last trip. A stock of provisions was also shipped yesterday, the proprietors being determined to have ample machinery upon the ground to make the quarry one of the finest north of San Francisco.

OAKLAND, April 26.—The two industrial armies, one originating in San Francisco and the one here, which pulled apart yesterday have united to-day. They elected Dr. Smith as their Lieut General and commander in chief. Provisions are running short and to-day about thirty solicitors with cards in their hats and gunny sacks in their hands went out to make a house to house canvass for food, meeting with some success.

\*\*Economy and Strength.\*\*

Valuable vegetable remedies are used in the preparation of Hood's Sarsaparilla in such a peculiar manner as to retain the full medicinal value of every ingredient. Thus Hood's Sarsaparilla combines economy and strength and is the only remedy of which "100 Does One Dolar" is true. Be sure to get Hood's.

Heod's Fills do not purge, pain or gripe, but act promptly, easily and efficiently.

at they were paid to look after. The by law will propose a certain scale of fees for lots, etc., the city to have entire charge of the cemetery, and people desiring their lots cared for in any particular way to order the work done at the City Hall and pay for it there. Another thing intended is to enable the city to give a proper title to lots.

In accordance with the provisions of the "Labor conciliation and arbitration act" of the recent session, the government have by order in council prescribed very complete regulations for the procedure in the settlement of disputes. These have been published in the official gazetie, in which they take up five pages, three being occupied by the schedules containing the drafts of the many official forms to be used in connection with the appointment of arbitrators and the acceptance of their awards. A scale of fees is also provided for.

A. D. WHITTER and wife, of Barkerville, are among the guests at the Dallas, having arrived last evening direct from Cariboo. The mercury when they left home registered "zero" and there was five feet of mow on the level. Of course until this has disappeared little can be done in the way of mining operations, which promise to be prosecuted with unexampled vigor this summer, at Williams creek (in which Mr. Whittier is more particularly interested), Slough creek, the lower Queenelle and Horse-fly oreek. Mr. Whittier is down on business at present, in connection with which he will go over the Sound this evening.

A DISPUTE over the possession of furni-ture purchased on the instalment plan is liable to be productive of interesting pro-ceedings in the Provincial police court this morning. Several instalments, it is ex-plained, were due and an agent of the firm interested was sent to collect the money or remove the furniture, under an agreement interested was sent to collect the money or remove the furniture, under an agreement signed at the time of the sale. The lady of the house stood at bay and refused to deliver either money or goods, emphasizing her decision with an axe and a shotgun—the latter in the hands of her son. The collector felt himself somewhat embarrassed and retired. The scene of the episode is on the Esquimalt road.

THE harbor thieves who a few months THE harbor thieves who a few months ago made themselves unpleasantly conspicuous by their depredations, are again at work, evidently having grown bolder during their brief retirement from public notice. During Wednesday night—sometime between 6 o'clock that evening and 10 yesterday morning—the well-known yacht Fawn disappeared from her moorings in the outer harbor, and Mr. William R. Marshall, her owner, reported to the police westerday her owner, reported to the police yesterday that she had been stolen. The Fawn is a sloop-rigged craft of several tons register, decked in, and with a comfortable cabin. She is at present painted black, with lead-colored water line and white cabin; her length is 25 feet or thereabouts, and her beam eight feet. Suspicion points to two well known characters who have previously "done time" and who were seen on board the Fawn Wednesday night.

cargo, carries up twelve men and some new machinery to put in operation the two additional derricks that were sent up on the last trip. A stock of provisions was also shipped yesterday, the proprietors being determined to have ample machinery upon the ground to make the quarry one of the finest north of San Francisco.

MR JOHN H. WARD, of Whatcom, who came here Tuesday in search of his stepson Willie Palmer, is now all but convinced that his previous fears were groundless and that the lad is still alive, the guest of the Kuper island Indians. The father left yesterday for Roche Harbor, whence he will proceed to Kuper island to effectively dispose of all doubts, and if his present expectations are realized, return the boy to his home and anxious mother.

In the County court yesterday the case of Hall v. Birkett was tried before Mr. Justice Drake sitting as a County court judge. POSTMASTER NOAH SHAKESPEARE OCCU-

of the country thinks the Carry's processed on the Carry was a special for the country of the co

HAMILTON, April 21.—It is stated on good anthority that J. W. Murton will receive the Wentworth shrievalty vacated by the death recently of Archibald McKellar.

# MUNICIPAL COUNCIL

Jubilee Hospital and Agricultural Association By-laws to Be Voted On May 15.

Tenders for Police Uniforms-License Fees for Peddlers and

A special meeting of the Board of Aldermen was held yesterday afternoon in the Mayor's parlor, His Worship presiding, and Ald. Styles, Keith-Wilson, Harris, Baker, Munn, Dwyer and Humphreys attending.

The first matter to receive consideration

was the supply of summer uniforms, caps and footwear for the city police. Tender were received for the manufacture of shoes from R. Maynard (who quoted \$6 per pair as his price), H. Mansell (who asked \$6 for French calf or \$5.25 for Canadian calf), and Seorge H. Maynard (whose figures ranged

George H. Maynard (whose figures ranged from \$4.50 to \$8 per pair).

For the clothing, made to order, George Roberts quoted \$17.50 per suit for constables, and \$18.50 each for the uniforms for the chief and sergeants: Thomas and Grant enclosed samples of fifteen qualities of cloth, at \$17 to \$24 for each suit; W. D. Kinnaird sabed \$10.50 a. each full. as \$17 to \$24 for each suit; W. D. Kinnaird asked \$19.50 to \$25 for various atyles and qualities; and M. H. Firth tendered at \$18 to \$25 for suits made to sample selected. There were no bids for the supply of police caps. After a critical examination of samples the several tenders were referred to Ald. Baker, Humphreys and Dwyer, as an expert committee, to award the contract to the most generally satisfactory tenderer. The majority of the cloth samples were, be-The majority of the cloth samples were, before being passed over to the committee, subjected to microscopic examination, the fire test, the water test, and numerous other trials, all of which they stood successfully. One tenderer addressed the Council as "Your Humble and Honorable Body," and the humility of the board was further amphasized at fraguent intervals all the emphasized at frequent intervals all the way through to the signature. This reminded the Mayor of a letter he had recently received, in which he was addressed as "Your Royal Highness," a title which the writer evidently thought would certainly please His Worship.

The suggestion to have the Police Commissioners and the Chief of Police award the necessary contracts did not meat writer.

missioners and the Chief of Police award the necessary contracts did not meet with favor, Mayor Teague pronouncing the adoption of such a course the establishment of an undesirable precedent. He favored the settlement of the question, and of all matters of the kind, by the members of the Council, and hoped that the committee named, while observing all due economy, would purchase good things for the police.

"A city should dress its police neatly and in taste," observed His Worship. "Visitors are quick to notice and draw their inferences from such things as the appearance of slovenly dressed officers about the streets."

On the motion of Ald. Keith-Wilson seconded by Ald. Humphreys, by laws were introduced to raise the sum of \$100,000 for sewerage purposes, to grant aid to the Provincial Royal Jubilee hospital, and to raise the sum of \$25,000 for the purpose of acquiring the grounds and improvements of the British Columbia agricultural association for agricultural and industrial exhibition purposes. tion purposes.

The Hawkers and Peddlers by-law was

next brought forward;
ALD. KEITH WILSON explaining that it

for the same of th

An un-named 24 foot sloop supposed to be owned in this city, drifted ashore at Lopez island a few days ago with all sails set, but with no one on board. A quantity of woman's clothing was found in the cabin, (and with the boat) has been taken possession of by Mr. C. G. Chadwick of Lopez island, from whom the owner can secure his property.

There were 42 Chinese passengers on board the steamship Mogul' who not being

### LEGAL INTELLIGENCE.

Interesting and Important Judgments in the Divisional Court—Doings in Chambers.

DIVISIONAL COURT

Before Crease and Walkem, JJ)
Baker v. Dalby, Ballantyne and Claxton—This was an appeal from an order of Mr. Justice Drake, refusing the application of the plaintiff to sign judgment under Order XIV. Argument was heard on the 16th instant; the court now delivered judgment dismissing the anneal with costs on the instant; the court now delivered judgment dismissing the appeal with costs on the ground that the writ was not specially endorsed and that the action, being on a covenant to indennity, could not be said to be to recover a liquidated demand in money, the very nature of the damage showing that it must be unbquidated. In addition to this the facts disclosed in the plaintiff's affidavit, which presumably set forth the true cause of the action, showed that the endorsement could not possibly be correct. Mr. A. E. McPhillips (McPhillips, Wootton & Barnard) for the plaintiff, appellant; Mr. F. B. Gregory (Belyea & Gregory) for the defendants, respondents.

The judgment of Walkem, J., was as follows:

"This is an appeal from a refusal by Mr. Justice Drake to allow the plaintiff to enter judgment under Order XIV. The endorsejudgment under Order XIV. The endorsement on the plaintiff's writ is as follows:

'The plaintiff's claim is for principal due under a covenant to pay the sum of \$1000 on the 20th of February, 1892, contained in an agreement under seal dated the 26th day of February, 1891, entered into between plaintiff and defendants.' The covenant reof February, 1891, entered into between plaintiff and defendants.' The covenant referred to is not a covenant to pay \$1,000, or any other specific sum of money, but one to indemnify and save harmless him'—the plaintiff—'against and from' the payment of certain moneys due by him to one Parker, which indebtedness the defendants agreed to personally assume and discharge. The remedy for the breach of such a covenant would obviously be unliquidated damages, and the mere circumstance that they are capable of being fixed at a definite sum cannot change their legal character, or, in other words, constitute them liquidated damages when they are not so. Now, a judgment under Order XIV can only be given where the plaintiff's writ of summons is specially endorsed, according to Rule 6 of Order III, for a 'aebt or liquidated demand.' The present claim, being neither one nor the other, is, therefore, not within the rule, and hence cannot be the subject of special endorsement. The endorsement in question is inaccurate, inasmuch as it mis-states the cause of action, and in that respect differs from the plaintiff's affidavit, which correctly sets forth his claim as being one for indemnity. The decision of the learned judge, though given upon other grounds than the above, must be upheld, and this appeal disallowed with c.s.s."

allowed to disembark here or on the Sound were deported Wednesday morning. It is not known yet how many of those taken to Portland on the Islander have gained admission to the United States, but it is thought that the majority were landed.

The steamer Quadra which left for Vancouver early in the week, on work in connection with the Fisheries, has gone to the Northern end of the Island where the half-but fishing grounds are situated. The exact nature of the work the Quadra is prosecution against any parties, shall mean the issuing of any such process against his person or property as under the preceding rule of this order shall be applicable to the oase.

An attempt was made to seize the steamer Lois at Vancouver, Wednesday. The Captain is said to have resisted the bailiff, and will be charged with that offence.

rule of this order shall be applicable to the case."

"The process referred to means the writs of possession, delivery, attachment, and sequestration, that are mentioned in Rules 4, 5, 6, and 7, of the Order. As observed by Cotton, L. J., in re Sheppard 43, Ch. D. 135, 'What a person gets by the appointment of the receiver, is not execution, but equitable relief which is granted on the ground that there is no remedy by execution at law."

at law.'

"Since writing the above, I find that the present question has been very recently before the Queen's Bench Division in England, and that the opinion I have expressed apon it is correct. (See Norburn v. Norburn, 1894, I Q B. 448) The application must be discussed with costs." be dismissed with costs."

J. A. Aikman, for applicants; D. M. Eberts, Q.C., for defendant,

# ROYALISTS IN HAWAII

SAN FRANCISCO, April 27.—Advices have just been received by the barkentine W. H. Dimond from the United Press correspondent at Honolulu, under date of April 11th, to the effect that the announced mass lith, to the effect that the announced mass meeting of the royalists took place on the evening of the 10th inst., at Palace square. There might have been one thousand present, possibly one half natives and the rest Chinese and whites. There were five speakers, one pure native, two half white, a Canadian, Ashford, and an Eoglishman, Philips. All the speakers urged quiet, peaceableness, moderation and a policy of inactivity, taking no part in the voting while waiting the action of the United States in the pending protest or appeal of while waiting the action of the United States in the pending protest or appeal of the Hawaiian people. Nothing was said of loyalty to the Queen or of the desire to return to the monarchy. Resolutions were adopted pledging the royalists to decline to take the cath of allegiance to the Provisional Government and to oppose the re-establishment of the monsrely as provided in the call for the constitutional convention. A copy of the resolutions was ordered to be presented to United States Minister Willis, with a request that the same be forwarded to Washington.

to Washington.

The following is the substance of a The following is the substance of a circular issued from the Holomus office. It appeals to the natives to join with those who conducted the mass meeting:

"About 3,000 people assembled at the mass meeting in spite of the resistance of the Hui-Aloha-Aina and the newspaper Kaleo, and Bush and Kaunamano.

"The country districts are all."

The only Pure Cream of Tartar Powder, -No Amonis; No Alum Used in Millions of Homes,-40 Years the Standard