Canada Mail.

n Pacific Railway.)

., Aug. 13.—Strame's royed by fire with the ber. Loss about $15,–

4.—Rev. Father Andre tter on the subject of ellion, vigorously cen- ect.

Like on his arrival at accorded a warm greet- of the district.

nass meeting in favor of Riel's sentence has been

. 12.—The iron manu- ere is improving. One er making is the princi- ders in hand for sixteen

12.—Burns Arnold, of the top to the bottom iver's hotel at Putnam- uries from which he ex- afterwards.

, Aug. 12.—The silver hops of Charlottetown place to-day at Char- ge number of Catholic resent from various parts a the grandest religious itnessed in Prince Ed-

, Aug 11.—The death peers of Bruce township Mr. (George Patterson, ust 6th, at his residence ion, Township of Bruce, age of 71 years, 10 ys.

, of Stillwater, Minn, f R. W. Keer, who re- d suicide on an Inter- train, are here for the ing an investigation into r a death. Forth thou- insurance is involved.

Aug. 13—H. J. Her- struck by lightning to- d with the contests. insurance.

14—Two children living near Pekenham- -day by eating the seeds s. One is dead and the

pper arrived this even- ented with an address of

. 15.—A cattle dealer Dormack, from Chesley, at $3,000 yesterday. He his stocking for safety train for the west, but s berth, having forgotten moved his stockings. On latet the money had dis-

13.—Colonel Otter will the new infantry school olonel Grassett takes his try school here.

was submitted some time ter of mill is for a holi- e troops from the provr rt in the Northwest cam- e exhibition here next swer was received this minister would do all in ive the request complied d not as yet guarantee ould take place.

Aug. 13—Information here of a peculiar acci- nship of Delaware. A Faulds jumped out of g her leg, and then fell roken bone, which pene- hen. causing her death.

aimo News.

Free Press.)

on Sunday, Mr. H. Croft, inner to the employés of mill, in honor of his re-

Dwyer, Episcopal minis- appointed to the charge of Salt Spring Island and ervice at Chemainus on

the main road near Mrs. e destroyed on Sunday by sh fires raging in that The railway contractors n watching the several atles in the neighborhood

ng and trestle work be- and Chemainus was com- , and it is expected that laid to Chemainus river he present week. during his recent visit along nainus, had no less than to attend to. Mr. King, Larkin & Patterson, in a boat at Chemainus, fell utting his face severely by the rocks. A workman s was badly injured by be- all into the mill, at Camp yer had his toes broken by

, one of the directors of Coal Company, left by the yesterday morning on his ion, England. Mr. Ten- essed himself as highly anaimo and its surround- souvenir of his visit do- nds the building fund of of Good Templars. His tion of the extensive works company will be of great is co-directors in deliberat- ness of the Vancouver Coal he Pacific slope.

ALL SOCIETIES, police, fire- es, presentation prizes er silver or metal, sold at at the agents of the Univer- nufacturing Co. Nathan 641 Clay St., San Fran- ia. Workmen, K. of P. other solid gold badges, sent by mail or C. O. D. 6mdw*

.—D. W. McNeil, govern- will leave for Comox valley next. Intending settlers themselves accordingly.

he Western Slope will re- emite on Monday morning estminster route.

INTELLIGENCE.

STORIA, BRITISH COLUMBIA.

ENTERED

mpian, Pt Townsend
E Starr, Pt Townsend
emite, New Westminster
nia, Nanaimo
en of the Pacific, Pt Townsend
E. Starr, Pt Townsend
W. Elder, San Francisco
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le, Roche Harbor
er, New Westminster

CLEARED.

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E. Starr, Pt Townsend
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a Anderson, Pt Townsend
le, Roche Harbor
er, New Westminster

BIRTHS.

treet, Montreal, on August 4th, Mrs. a daughter.

DEATHS.

the 20th inst, Edward R. Phelps, Bedford, Massachusetts, U. S. A., New Bedford and Philadelphia pa-

the 19th inst, Lavinia, the beloved Cates, a native of Ottawa, Canada,

on the 18th inst, Philip Pimbury, late Samuel Cosbourne Pimbury, of Stroud, Gloucestershire, Eng., aged

m the 17th inst., (suddenly, of heart Elizabeth, the beloved wife of Edgar e of Syracuse, New York, aged 8

Weekly Colonist.

FRIDAY, AUGUST 15, 1884.

TO PUBSCRIBERS AND INTENDING SUBscribers.

IN ORDERING DELIVERY, YOU SHOULD ENCLOSE THE AMOUNT OF SUBSCRIPTION IN POSTAGE STAMPS, MONEY ORDERS, COIN OR BANK BILLS. NO PAPERS LEAVE THIS OFFICE UNLESS THE SUBSCRIPTION HAS BEEN FIRST PAID, AND NO NOTICE IS TAKEN OF ANY ORDER THAT IS NOT ACCOMPANIED BY THE MONEY.

BIRTHS, MARRIAGES AND DEATHS:

Persons residing at a distance from Victoria, who may desire to insert a notice of Birth, Marriage or Death in *The Colonist*, must enclose with each notice TWO DOLLARS AND FIFTY CENTS in P. O. Stamps, money order, bills or coin, for one insertion.

THE WEEKLY COLONIST.

NOTICE.

A SPECIAL EDITION FOR SOUTH SAANICH, LAKE, METCHOSIN, SOOKE, OMEOX AND OTHER DISTRICTS NOT REACHED BY FRIDAY'S MAIL IS PRINTED EVERY TUESDAY MORNING AND DISPATCHED THROUGH THE POSTOFFICE.

THE WEEKLY COLONIST.

The attention of subscribers is directed to the announcement in another column. The weekly edition of this paper is now permanently enlarged to Eight Pages or 64 columns of solid reading matter. While making this announcement we are also enabled to state that the subscription rates are reduced to the following scale:

For one year	$2.50
For six months	1.50
For three months	75

Postage to any part of the Dominion, the United States and the United Kingdom will be FREE. Remittances may be made in money order, draft, postage stamps or cash.

Local and Provincial News.

From the Daily Colonist, August 16.

Personal.

Mr. Samuels, proprietor of the West Shore, has gone to Ottawa on business connected with the C.P.R. edition of his journal.

Miss Higgins was a passenger by the outgoing steamer for San Francisco.

Capt. Geo. E. Starr, Mrs. Starr and two children sailed yesterday for San Francisco.

Mr. D. W. Higgins, of *The Colonist*, and Miss M. Higgins attended the grand ball at Tacoma last evening.

Mr. McNaught, solicitor for the N. P. R., accompanied by Mrs. McNaught, arrived yesterday by the Geo. E. Starr on a short visit.

Messrs. W. E. Stevens and W. B Jones, of Seattle; J. H. Spaldone, Portland; G. G. Gimmell, St. Paul; C. T. Haley and sister, New York; Mr. and Mrs. Fix, Astoria, Or., were yesterday registered at the Driard.

Messrs. H. Cook, Madison, Wis.; J. Lidywick, Tacoma; E C. Cheadly and C. McIntyre, New Westminster; J. B. McKay, Yale, and S. Elliott, of Seattle, arrived yesterday and are staying at the Oriental.

Messrs. W. Stanley, H. Taylor, Alex. and Mrs. McPherson, of Portland; John Campbell, Detroit; G. K Bunder, St. Louis; J. Kennedy, St. Catherines, and C. Ocwan, Cowichan, were yesterday booked at the Occidental.

Miss Storey, who has been ill for the past ten days with severe sore throat, will assume charge of the James Bay school to-morrow morning, she having completely recovered.

Mr. W. H. Armstrong, division superintendent of the C. P. R., has sufficiently recovered from his illness to again attend to his duties.

Daring Burglaries.

A number of burglaries were committed and attempted on Friday night. Every once in a while these robberies occur in the city, but so far the thieves have not been captured. The first occurred early in the evening between 7 and 8, the butcher store of J. Parker being entered from the rear by means of a window. Four dollars and a half, chiefly in short bits, was the extent of the money taken. Several cheques were unmolested.

The next place, visited also in the early evening, was Hayward's undertaking rooms. Entrance was obtained from the rear, but the thieves evidently got scared at the appearance of so many coffins. Whether they saw ghosts lurking around or corpses staring them in the face, is not known; they departed without securing any cash.

An attempt was made to enter A. Ofner's grocery store between 12 and 1 o'clock. The thieves with a jimmy tried to force open the door, but it was too strongly fastened, and they gave the job up.

Waller's confectionery store was successfully entered from the rear, and $4 or $5 taken from the till.

The police were vigorously hunting the thieves during yesterday, but up to a late hour last night they had not been successful in obtaining trace of them.

Kamloops Notes.

(Sentinel.)

Mr. Wm. Sutherland, brother of the late Matthias Sutherland, recently killed by the falling of a tree at Eagle Pass, is up from Dorchester, below London, Ont., and is arranging to take the body of his brother to his old home for interment. He came by the N. P. Railway and intends returning the same way.

The rains of last week caused a continuation of the sliding-scale along the railway, and the boat last Friday had to wait for the mails coming to Van Horne. Passengers and mails were delayed five or six hours, but no serious damage done. At one place a large rock fell upon the track in front of the engine.

We can't say that Kamloops has made all the progress of late that could be desired. However, the hospital will soon be finished, and the new court house put under way; the neat residence of Mr. J. L. Smith is now occupied; the Cosmopolitan Hotel is creating a large billiard room in rear of the bar room; Mr. McKinnon has built extensive stabling and barn. Mr. Mara has placed a picket fence in front of his fine private residence, and our cemetery has the fence nearly done.

Antwerp Exhibition.

The undermentioned provincial exhibitors at the Antwerp exhibition are clipped from the Belgian News of 25th ult.:

W. H. Chittenden, Victoria, Indian goods.

Henry Saunders, Victoria, preserved goods.

Mathias Owen, Victoria, dried herring spawn.

Joseph Spratt, Victoria, fish guano.

William Dalby, Victoria, tan bark.

Wm. Jensen, Victoria, fire escape.

Windsor Canning Co., Aberdeen, B. C., canned goods.

LEGAL.—The case of Sayward vs. Dupont which is an action for recovery of $6000 for alleged misrepresentation in connection with the sale of an interest in the Hastings Saw Mill property at Burrard Inlet is set for trial by special jury for to-morrow at 11 a. m. Mr. Hett and Theodore Davie are counsel for the plaintiff, and the attorney general and Mr. Richards, Q. C., for the defendant.

THE Pacific Chop House last night had the Amateur Brass Band playing in front of their restaurant to induce trade.

What Some People Say.

That somewhat astonishing is the fact that the formerly notorious Victoria Clarin Woodhull is married in London to John Biddulph Martin, a wealthy banker whose cousin, George Biddulph, is married to the daughter of Lord Selborne, who is connected by marriage with Lord Salisbury.

That before a man settles down he should settle up.

That "sleeping out loud" is the child definition for snoring.

That the Dolphin should have been christened the Elephant.

That when a man has a telephone put in his office for the first time he is apt to get the yeller fever.

That a ship is called "she" because it always has the last word. The ship is bound to answer its helm every time.

That a book from the pen of John L. Sullivan ought to make a hit. It would certainly be taken up very frequently.

That girls with big hands make the most in St. Paul glove shops. The same is true of men at the poker-table.

That the flour mission—To make good bread. It does not always fulfill its mission, however, any more than the rest of us.

That the people of San Luis Potosi, Mexico, make war on the grasshoppers by shooting fireworks off. The method succeeds admirably in driving off the pests.

That it is a mighty healthy collar that can go through a Victoria laundry twice three times without looking like a scarecrow in distress.

That when a sensational daily wishes to give its readers something entirely fresh, it publishes a few columns of American history.

That the wires have been down almost continuously for several days; they should invent a pole that would keep up in hot weather.

That General Middleton is coming to British Columbia.

That Point Ellice bridge will be opened on Thursday.

That Bret Harte, according to a Boston paper, never wrote a poor story.

That Oscar Wilde wonders what makes his baby have such an unsethetic mouth.

That Mrs. Garfield is said to have a great aversion to newspaper men. For a long time no secular papers were allowed in her house.

That the condition of Gen. Putnam's grave in Brooklyn, Conn., is said to be a disgrace to the state. Weeds and tares of every kind grow over it unrestrained.

That the engagement is announced in New York of Grace Moulton, widow and daughter of Wm Seligman, the well known banker of that city, to Henri Michel, editor of Le Temps, Paris.

That the Bishop of Murcia, according to Spanish papers, has sold his Malaga estate and devoted the proceeds, amounting to 80,000 pesos, to the relief of sufferers from cholera in his diocese.

That Princess Beatrice, being a great walker, has had large provision made in her trousseau in the matter of boots and shoes, some stout enough to appall a few of our fine ladies, but all of them finished with exquisite neatness.

That a contemporary exhausts two entire columns to tell "how plays are produced," and the writer doesn't say a word about fixing over or stealing!

That a well known New York tailor recently attempted to kill his wife, and subsequently committed suicide. This is evidently not a case of the survival of the "fittest."

That when a man's friends are pushing him for office, if you watch carefully you will find said friends swinging on the tailboard of their friend's car of progress.

That fencing is the new craze among young ladies. Well, if they will occupy the fence occasionally it will give the gate a rest, and the whole business will wear out together.

That "a cow, properly labeled, was among the bridal presents received at a wedding in Sullivan county, N. Y.," says an exchange. "This is a cow" was the label probably.

Nanaimo News.

(Free Press.)

The Iroquois Indian who hewed the timber for the first houses in Nanaimo died at the Nanaimo camp a few days ago.

We are informed that Mr. J. W. Trutch, dominion agent, has received instructions to expend $600 in clearing the Cowichan river of obstructions.

Dutch Harry was brought from Cowichan yesterday, having been fined by Mr. Planta, S. M., $60 for having deer hides in his possession out of season. He declined to pay the fine, and takes a month in jail in default.

Extensive bush fires are still raging on this island. On the trail between Englishman's river and Qualicum the fires are so severe as to compel the mail carrier to make the trip on foot. In the neighborhood of Oyster Harbor a very large fire is raging and the road is blocked with fallen trees.

For some time past Mr. Frank Davis has conducted a barber-shop on Victoria Crescent, opposite the Provincial hotel. During that time he not only shaved his customers, but laid the foundation to "shave his creditors." On Wednesday morning the latter scheme was consumated by Frank Davis leaving with his family and baggage on the steamship Barnard Castle for a foreign land, leaving numerous "shaved" creditors to "lather" themselves for allowing this tonsorial artist to have balances on the wrong side of the ledger. Anxious creditors who visited Davis' late premises found them closed, but on looking through the window saw a reflection of their own countenances in the solitary looking glass left hanging on the wall. His indebtedness is not heavy, but is very generally distributed in small amounts.

From Comox.

Mr. D. H. McNeil, government guide, arrived yesterday from a trip in the Comox district, Fanny and Deep bays, and Denman and Hornby islands. In each of the places visited tracts of excellent agricultural land were found, and a party of three located in the Comox valley who will immediately begin the improvement of their claims.

It is the intention of the provincial government to extend the road from Comox valley to Oyster river, a distance of fourteen miles, and when completed will open up a large area of land suitable for settlement. A visit by intending settlers should be made to alder bottom and swamp lands north and south of Comox, where there is plenty of good land available for cultivation. General information about these can be obtained from the government guides while they are in Victoria.

A few days ago Mr. J. Pickett, a late settler on Denman island, who had just begun the clearing of his pre-emption, met with a very painful accident while chopping down a tree. The tree in its fall caught in the branches of another, which caused the butt of the falling tree to swing and strike Mr. Pickett, pinning him to the ground. He remained in this helpless and dangerous position until a neighbor came along and cut him out with an axe. His leg and knee received such severe injuries that he was taken to Comox for treatment, and when last heard from was slowly improving.

On Sunday last while exploring at the rear of Fanny Bay Mr. McNeil unfortunately sprained his ankle while jumping from a wind fall. It was some time before he could commence the return to camp. At camp he was visited by Mr. Alex. Cowie, who took him to his house and treated him with every kind attention, for which Mr. McNeil feels very grateful.

A U.S. GOVERNMENT party sent out presumably to prospect for a railway line in Washington Territory, came across a couple of townships of magnificent land 13 miles from Port Angelos, which is by this time all pre-empted by parties who immediately started for the place.

Wedding Bells at Chilliwhack.

CHILLIWHACK, August 11.—This morning the Methodist church at Chilliwhack was nicely filled by a festive gathering from all parts of the settlement to witness the celebration of the nuptials of Rev. R. B. Hemlaw, of Maple Bay, to Miss Wells, the lovely and accomplished daughter of A. C. Wells, Esq., J. P. The sacred edifice had been decorated by floral festoons, wreaths and bouquets, which, combined with the youth and beauty present and the auspicious weather, presented a joyous scene, the like of which had never before been witnessed in Chilliwhack. The universal esteem entertained for the bride, who has grown up from infancy in this settlement, was evidenced by the many friends of all classes and denominations who came together to do her honor and to offer their congratulations. Before the commencement of the marriage service, which was conducted by Rev. J. Hall, of Cranville, and the pastor, Rev. C. Bryant, the last named minister, on behalf of his congregation, came forward as the wedding party approached the communion rail and read an appropriate address to Miss Wells, recognizing her services as organist of the church, and presented her with an elegant gold watch and chain, the watch bearing an engraved inscription. Mr. Wells replied in suitable terms on behalf of his daughter, thanking the congregation for this proof of their kind regard. The bridegroom's best man was Mr. Chris. Spencer, of Victoria, and the bridesmaids were Miss Kirkland, of Moodyville, and Miss Evans, cousin of the bride. The bride, who was tastefully attired and wore over her veil a wreath of orange blossoms, was given away by her father. After the conclusion of the rite the wedding march was performed by Mrs. D. McGillivry. The bridal party, attended by a numerous company of invited guests, then returned to the residence of the bride's father, where a sumptuous wedding breakfast was spread, to which ample justice was done. The wedding presents were numerous and costly.—*Columbian.*

Temperance at Esquimalt.

The usual weekly meeting of the Esquimalt Blue Ribbon club was held on Thursday last, when a most enjoyable evening was spent by a large number of the residents of Esquimalt and district and a number of officers and men from H. M. war ships in the harbor. J. H. Innes, Esq., president, presided, and in his opening speech spoke of the flourishing condition of the temperance cause, and hoped it would continue so.

PROGRAMME.

Messrs. Remington, Bush and Lee gave an excellent quartette, which received a hearty encore; Mr. Chitty rendered a song which very much amused the audience; Mr. Chambers gave a recitation on the trip of the war-ship Satellite fetching the torpedo boats, which was excellent and received a hearty encore; Mr. Cocking also gave an excellent song and received loud applause; Mr. Elkington's recitation of "Mary Queen of Scots," was loudly applauded; Mr Putijoit gave a very comic song, and kept the audience in a roar; Mr Delsjoss gave a reading entitled "Rat-Trap Leph," which was very good and received hearty cheers; Miss E Innes played a piano solo, which received loud applause and an encore.

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The proceedings then terminated by singing "God Save the Queen."

Municipal Police Court.

(Before R. Johnson, Esq., P. M.)

SATURDAY, Aug. 14.

Several cases for infraction of the thistle bylaw were tried yesterday: W. H. Reay, of North Saanich, was fined $7 costs; Geo. Stephens contributed $5 costs to the city exchequer.

In the suits against J. Williams, Ah Ling, J. J. Russell, E. Burgess and Mrs. Francis, the summonses were withdrawn upon payment of costs.

Henry Burns charged with being in unlawful possession of a stolen watch, had his case enlarged until Monday so that he might obtain counsel.

Marine

The bark Hermoine, overdue here one month, is expected to arrive any day.

The Queen of the Pacific, Capt. Alexander, left the outer harbor at noon yesterday for San Francisco.

THE GAP CLOSED.—Managers Beede and Howe, the one for Seattle and the other for Portland, came to an amicable agreement this morning over the details of how, when and in what manner the Puget Sound circuit was to be henceforth played by first class troupes belonging to their management. It was a very sensible arrangement, and will be applauded by the theatre-going public, who were becoming just a trifle wearied with the quarrel inaugurated over the appearance of Madison Square company. Mr. Beede retains the active management of the Puget Sound circuit—king of his own household, as it were—while Mr. Howe takes care of the region to the south of us, and both pull together.—*Seattle Chronicle.*

PORTLAND EXCURSION.—The O. R. & N. Co. have made arrangements for an excursion to Portland and return on the 20th from Victoria, the fare being fixed at $10 for the round trip. The Amity base-ball club will accompany the excursion, for the purpose of contesting the championship with the Portland club. The steamer Olympian will convey the party to Tacoma, and extra train arrangements will be provided from that point to Portland. As this is the most pleasant time of the year for travel, a large number are expected to take advantage of the excursion.

ARTISTIC.—A clever piece of penwork is on exhibition in Messrs. Kurtz & Co.'s window, it being a copy of the resolutions of condolence passed by the American residents of Victoria and an account of the memorial service in Christ Church Cathedral on the death of General Grant. The engrossing is by the hand of Mr. Tudor Tiedeman, and is one of the many evidences of his artistic penmanship. The resolutions will be forwarded to the widow of the dead general in a few days.

JOHNSON STREET SCHOOL.—There are now 96 names on the roll of Johnson street ward school, a number which no one teacher could hope of successfully teaching. In consideration of this the provincial government have authorized the school board to employ a junior teacher at a salary of $20 per month to assist Miss Jackson. The trustees will meet in a day or two and make the appointment.

ANOTHER CHINESE FIGHT.—Yesterday afternoon Officer Hosmer arrested three Chinamen for fighting on Government street, Chinatown. The row evidently was the result of gambling and a couple of the combatants were severely punished. The officer marched the three to the barracks followed by a crowd of Celestials.

THE SMOKE arising from the bush fires along the Fraser river yesterday was very dense, insomuch that the Yosemite was compelled to stop for three hours between Ladner's landing and New Westminster.

ADVANCE IN SUGAR.—The California Refinery advanced the price of extra C to at San Francisco on August 14th.

THE steamer Amelia yesterday brought in a large passenger list, also a number of sheep, calves, horses and poultry.

Y. M. C. A.

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THE steamer Amelia yesterday brought in a large passenger list, also a number of sheep, calves, horses and poultry.

Supreme Court.

(Before Sir M. B. Begbie, C. J.)

MONDAY, Aug. 17.

Sayward vs. Dupont.—This was an action for the recovery of $6000 for alleged misrepresentation in connection with the sale of the Hastings Saw Mill property at Burrard Inlet.

The case was tried before a special jury. Mr. J. R. Hett and Mr. Theo. Davie appeared for the plaintiff. Attorney-General A. E. B. Davie and Hon. A. N. Richards, Q. C., for the defence.

Mr. Theo. Davie in opening the case stated the action was one in which the plaintiff, Mr. Sayward, who is a lumber merchant, sought to recover the sum of $6000 from Col. Dupont, who is a government official, who had of late years sought to better his fortunes by land speculations. Mr. Dupont and his co-adventurers had embarked in a large scheme, that of purchasing the Hastings Saw Mill Co. site, of which he Mr. Dupont had one-fifth interest. The proposal that Mr. Dupont made to Mr. Sayward was that the latter should advance the amount for the whole interest, Mr. Sayward being given one-half of the same. The total amount to be shouldered was the sum of fifty-five thousand dollars, a sum Mr. Dupont was not able to carry and one that Mr. Sayward would have to shoulder altogether. The change of terminus from Port Moody to Coal Harbor was a fact known only to a very few and Mr. Dupont being one took advantage of it. He had stated to Mr. Sayward that the terminus was to be located at Coal Harbor and that the railway syndicate had agreed to take over half the land, and that Mr. Van Horne was coming out for the purpose of taking one-half of the property at cost price. Mr. Sayward consulted with other friends who approved of the scheme, and Mr. Sayward concluded to go into the scheme of purchasing the land and paid Mr. Dupont the sum of $2000. Mr. Dupont and co-speculators had stated also that the government had agreed to continue the lease for ten years. It would be shown that no such thing was agreed to by the government. The agreement of Col. Dupont was here read by counsel agreeing to give Mr. Sayward the one-half interest. After the first payment Mr. Dupont met Mr. Sayward and stated that a change had been made in the payments; instead of the first being $10,000, it was changed to $20,000, and Mr. Sayward was induced to give the second $2000 making four on the payments. The other principal payments were stated to have been deferred. Mr. Sayward then went up north, not knowing that other payments were becoming due, and on so learning so, Mr. Dupont wrote at Mr. Sayward's office and induced the book-keeper to pay another $2000 making in all $6000. On Mr. Sayward's return he found out the state of the case, and seeing that it was a dangerous scheme and that Mr. Dupont's agreement not being carried up to he sought to retire from further payments and a correspondence passed between the plaintiff and defendant on the question. Counsel read letters in which Mr. Sayward stated that he would make no further advances, and on the 1st payment of $7000 would only pay $500, which would place both on an equal footing. Other correspondence that had passed was also read by counsel. Since this agreement Coal Harbor lands had become to a great extent unsalable. Property for which $500 an acre was paid was now offered at one-tenth, and very few buyers at that. The O. P. R. would not come down to Coal Harbor unless the still syndicate would give them half the property, which would actually make it cost one half more. The temporary collapse of the Coal Harbor scheme was known to all. Mr. Dupont now not only refused to pay back the $6000, $3000 of which was advanced to him, but made the ludicrous counter claim of $50,000 for damages on account of Mr. Sayward's refusing to enter into such a scheme as this now turned out to be. Mr. Dupont said he had lost large sums on land sold to meet payments. This was Coal Harbor property, and it was a God-send to the seller to have sold it at all, as he would not now get a tithe of the amount then received for it. It could be easily seen that Mr. Dupont had no money to enter into any such scheme, and that he left it to the last to go to Mr. Sayward and secure the payment of the money which the latter now sought to recover.

William P. Sayward, sworn, stated that he was a lumber dealer and manufacturer in Victoria; knew Mr. Dupont as collector of revenue for the dominion government; was acquainted with Mr. Dupont for some years previous to the transaction; Mr. Dupont called on him on the 21st of July, 1884, and said he had a proposition which he wished him to take an interest in; it was one, he said, that I would never regret, as there was a large profit in it; called up at his office at his request to talk over the matter; he then stated that Dr. Powell had purchased the Hastings' mill property, in which Mr. Dupont held a fifth interest, and that negotiations were then going on for the purchase of half by the railway syndicate, and that Mr. Van Horne was coming out in July, and in his opinion it would be a great pity if that he was not interested; witness asked what he was to take over for the syndicate one-half the property at cost price, the total of which was $275,000; the amount of money, as far as Dupont was concerned, would probably not amount to $13,000; after Van Horne arrived there would be no trouble in selling remainder of the property to meet the payments; he stated that he had seen a letter from Mr. Stephens to Mr. Ross, authorizing to make arrangements for land for the terminus; he proposed to me to advance the payment of the installments for him and he would allow me one-half of his one-fifth interest; at that time there was a payment of $10,000, and a short time afterwards there was a second payment of $20,000; the payments amounted altogether to $65,000—which periods he told me they came due; this was the amount that would be required; the balance would be paid out of the sale of land; $10,000 had to be paid that day, before 3 o'clock; told him at that time—12 o'clock—I would think the matter over.

Mr. Davie said he would here ask that friends whom Mr. Sayward had spoken to in reference to the matter, and who also went into the same transaction, should be examined in evidence, as it would prove that Mr. Sayward's memory in the case was correct. Counsel quoted "Taylor on Evidence" in support of this.

His Lordship ruled this as immaterial in the present case.

Witness continuing—After consulting with friends concluded to pay Mr. Dupont the money and take the interest; paid him by cheque produced; took no receipt for this; next day the agreement was drawn up and signed; saw him again on the 24th, when he stated the terms of payment had been changed, and the first payment was increased to $20,000, and payment deferred for thirty days; a second cheque for $2000 was given; a receipt was taken for this, written and signed by Mr. Dupont; about the middle of August witness went north; on return discovered that his bookkeeper had paid Mr. Dupont $2000, a receipt for which had been given; don't recollect how soon afterward I saw Dupont; wrote him a letter stating that we would not advance any more money since the speculation had become one of a hazardous kind, and would expect defendant to pay $6500 on the next payment and they would furnish $600; or if the defendant would return the $6000 witness would withdraw all interest; the letter was written on 23rd September; Mr. Van Horne had been in the province in the meantime; no arrangements that witness was aware of was made with Van Horne; it was in consequence of this that the letter was written; considered that the terms upon which I had entered the speculation had not been carried out; Dr. Powell and the defendant called on me about the 12th of August; they then proposed to take the mill, put in 24 acres of timber land of their own and form a sawmill company of $250,000; told them I did not want any stock in it; [letter from Mr. Dupont was here read informing Mr. Sayward that unless payments agreed upon were made the sum of $6000 already paid would be forfeited.] On the 20th Sept. Mr. Dupont called on witness and gave him a notification, stating that he had received $4000 for Coal Harbor lands and asking that Mr. Sayward furnish the $3000 to make up the payment, and stating that a serious loss was entailed on defendant by their sale; Mr. Sayward replied that on consultation with friends they had decided not to go any further with the payments on the Hastings sawmill purchase. It was on Mr. Dupont's representation that witness had entered the speculation; was informed by Mr. Dupont that a lease of the Hastings Mill Co., would be renewed for ten years by the government; this in subsequent interviews he said had been done.

Cross-examined by Mr. A. E. B. Davie—It was after the agreement of Mr. Dupont had been given him that this last statement was made; the exact language of Mr. Dupont cannot scarcely recall; it was that negotiations were in progress through Mr. Ross by Mr. Van Horne for the terminus to be located at Coal Harbor; he stated that there was no doubt in his mind that the negotiation by which the company were to acquire the land at cost price would be confirmed; the agreement was not at that time consummated; he expressed himself in that way both as to the terminus being taken to Coal Harbor and half the land taken over; there was no statement that this was a fact, but that Mr. Ross was to carry out this for the company, and that it would be settled on Mr. Van Horne's arrival; this was the essential part of the conversation; $600 an acre was not mentioned; understood that the railway were to become owners of half the whole purchase; Dupont was sanguine that this would be done; discovered that misrepresentation had been used when I heard that Van Horne had not taken over the property; saw it in the papers; recollect meeting Mr. Dupont at the foot of Bastion street about the 10th of August; he then stated that somebody had spoken about purchasing the land and mill; did not recollect that on that date the O.P.R. positively would not take the property; he did not complain to Mr. Dupont of the deception, as it was too late, his money was parted with.

The attorney-general cited two cases to His Lordship as specially bearing on this case, and the court adjourned for one hour.

AFTER RECESS.

Hon. A. E. B. Davie continued his examination of Mr. Sayward, who stated that about the 10th of August he was informed that Mr. Dupont had been unsuccessful in selling the mill, but he could not state positively as to date; he met Mr. Dupont at Davies' auction-rooms during the sale of Granville lots; he had some conversation with him about Hasting's mill property, but did not recollect the exact nature of it: did not take any steps to repudiate the arrangements; a period of two months elapsed before he endeavored to repudiate the document; did not know anything about sales of this property; was not aware that Mr. Dupont and his associates were as much disappointed about the sale of this property as he was; they all expected to sell the C. P. R. a half interest; purchase price, the 23d of September, 1884, an interview took place between himself and Mr. Dupont, but he could not say the exact purport of it; did not know if he said anything about the company taking over the property; he considered it a hazardous adventure when it