

REFUSED WITH COSTS.

The Judgment Rendered To-Day in the Water Works Contract Injunction Case.

Hon. Justice McCreight Holds that the Court Has no Power to Intervene.

The chamber court room was well filled this morning with citizens who were anxious to hear the proceedings before the court in reference to the filter beds contract. Shortly after eleven o'clock Mr. Justice McCreight, who was not engaged in the full court, said he was ready to go on. Mr. J. S. Yates appeared as counsel for Mr. Haggerty and Attorney-General Eberts for the corporation of Victoria. Mr. Haggerty and Messrs. King and Casey were present in court. Mr. Yates first read Mr. Haggerty's affidavit, which stated the fact of tendering and the awarding of the contract to Walkley, King & Casey. Mr. Yates said that there was power in the court to restrain an imprudent and unconscientious use of the citizens' money, of course he would admit that the city council had some discretion in the matter, but it must be exercised with prudence, and the onus now lay on the corporation to show a reasonable cause for their actions. It was in the interest of the ratepayers that the work be done at the cheapest possible figure.

Mr. Justice McCreight—There can be no doubt about that, other things being equal. Mr. Yates—All things so far as shown at present are equal. Haggerty has complied with all the requisites of a tender and specifications. It is a well known fact that engineers' estimates in many cases out of ten are higher than the tender, and in several cases such had been the case in city work. One term of the advertisement for tenders was that no non-resident could tender, which stipulation, he contended, was ultra vires of the corporation and had a tendency to the expenditure of more money than was absolutely necessary. By the terms of the proposed contract the city retained 25 per cent of the value of the work done, and all materials once brought on the ground belong to the city and all plant and machinery belong to the city after being once brought on the ground for the work. It was the duty of the corporation to ascertain if the work could be done for the amount of the tender. If Haggerty could not complete, and assume he fails after work is half done, what would be the city's position? They would have on hand which to complete the work the \$3500 deposit and 25 per cent of the value of the work done, \$8300, or in all \$11,800, besides the materials, plant and machinery.

Mr. Eberts, for the defendants, read no affidavit, but disputed the jurisdiction of the court to interfere in a matter of discretion on the part of the council unless fraud and collusion were proved. There was no law here that the lowest tender must be accepted. He objected to Mr. Storey's affidavit on the ground that it did not state the sources of his information; it was only street talk. Mr. Justice McCreight—You don't deny Mr. Storey's affidavit? Mr. Eberts—I am not called upon to answer affidavits which are defective. Rule 403 requires the source of information to be given. His Lordship would not decide without seeing some cases dealing with a similar matter. He said there must be something about corporations awarding contracts. There would be any amount of cases of this nature if any disappointed tenderer could bring action. Mr. Eberts asked for a judgment as soon as possible, as at present no work could be done, and as the work was of vital interest to the city he hoped to have the matter settled at an early date. His Lordship said he would decide as soon as possible.

In the water works case Mr. Justice McCreight delivered judgment this morning, refusing the plaintiff's motion with costs. The following is the judgment: "This is a motion for an injunction and for a declaration that the action of the city council, which resulted in awarding a contract to Messrs. Walkley, King & Casey, was unreasonable and improper and for an injunction to restrain the council from proceeding with such contract. It seems that the tender of Haggerty was the lowest, \$96,943; John Dean's, \$88,000, and Walkley, King & Casey's, \$83,500. There is no suggestion of improper motives on the part of the council. Awarded Highest Honors—World's Fair. DR. PRICES' CREAM BAKING POWDER MOST PERFECT MADE. A Pure Grape Cream of Tartar Powder. Free from Ammonia, Alum or any other adulterant. 40 YEARS THE STANDARD.

BRIEF LOCALS.

Cleanings of City and Provincial News in a Condensed Form.

From Monday's Daily. Tenders for the new lighthouse on Portlock Point, Prevost Island, must be in by the 11th inst. The contract will be awarded and the work proceeded with immediately.

Fred Johns, who eloped from Nanaimo with his cousin, Alice McGregor, is in the city. The young couple only got as far as Vancouver, where they were intercepted by the police, the girl returning home. The only relatives of John Kelly, the miner who was drowned from the excursion steamer Joan on Friday while on his way to Nanaimo, are in Victoria. The Seattle Post-Intelligencer, are two cousins, B. Conway and Michael Kelly. They own a fish market on the ocean dock, and Kelly came over to visit them, instead of his parents, as first reported. His parents were English people, and have been dead for some time.

The steamer Maude returned on Saturday evening from the West Coast. The passengers from the Victoria sealing schooners have left, having had no difficulty in getting crews. Officer McKenna, who took the police sloop Ariel down, returned after having handed the boat over to Officer Spain, who, with Constable Seeley, will use her as a police patrol. Several settlers came up from San Juan. Everything is flourishing there. Mr. Anderson, of Victoria, is looking for a site for a sawmill in the valley. The passengers from the Victoria were J. C. Anderson, W. F. Dowler, Rev. Father Brabant, Officer McKenna, Mrs. (Capt.) Seward, Mrs. (Capt.) Gould, Miss Dunkley, Frank Compton, and four others from Port San Juan.

FRIDAY'S CELEBRATION.

There Will be Two Thousand Visitors Here on the Twelfth.

Preparations for the grand Orange celebration on Friday are very well advanced, and it is expected that there will be over 2000 visitors in the city that day. There will be excursions from all over the province and Sound. The day's proceedings will open with a parade of the Orange and True Blue lodges. Dr. Campbell preached from the text, "Thou shalt love thy neighbor as thyself." He said that it was a high standard of love, and few could attain to it. His address was calculated to bring about the best possible feeling between parties of all shades of opinion, civil and religious. Whig and Tory, Catholic and Protestant, churchman and dissenter. The sermon was throughout one of love between man and man, rich and poor, noble and common. Such sermons, instead of fanning the flames of sectarianism and narrowness, pour the oil of peace on troubled waters, enlarge the heart, extend the horizon, and teach that all are brethren, pointing setting forth the fatherhood of God and the brotherhood of man.

- Grand Marshal: Finn's Brass Band. New Westminster L.O.L. No. 1150. Victoria L.O.L. No. 1426. British Columbia Band. Washington L.O.L. No. 277. Purple Star L.O.L. No. 305. Members of P.P.A. Sons of England. Chilliwack L.O.L. No. 1470. Surrey Centre L.O.L. No. 1471. Vancouver L.O.L. No. 1570. Silver Cornet Band. Nanaimo L.O.L. No. 1576. Vancouver L.O.L. No. 1589. Sapperton L.O.L. No. 1593. San Juan L.O.L. No. 1605. Langley L.O.L. No. 1605. Pitt and Drum Band. Victoria L.O.L. No. 1610. Ledner's Landing L.O.L. No. 1612. Mt. Pleasant (Vancouver) L.O.L. No. 1618. British Brass Band. Wellington L.O.L. No. 1619. Mission City L.O.L. No. 1621. Dewdney L.O.L. No. 1631. Chilliwack L.O.L. No. 1638. Salmon Arm L.O.L. No. 1642. Daughters of England. Ladies Orange Lodges. L.O.L. No. 1643. Grand Officers and Speakers.

The line of march is as follows: Yates street to Douglas, thence to Johnson, Government and along Birdcage Walk to Michigan, thence to Park road and Simcoe street, thence to Galedonia grounds. At the grounds dinner will be partaken of, after which Grand Master Sparling will take the chair and there will be addresses by Rev. Dr. Campbell, Judge Van Posen, Rev. McRae of Nanaimo, Rev. Heid, Rev. Fleeson, Mr. Donaldson, Mr. Netherby and others. The events in the field sports, which commence immediately after the speaking, are as follows: Best marching lodge in procession, one mile professional race, half mile open one hundred yard race for Orangemen only, fifty yard race for single ladies, fifty yard fat man's race (minimum weight 200 pounds), 200 yard open race, 100 yard boys' race, 50 yard girls' (under 15) race, 50 yard old men's (over 50) race, 50 yard mixed ladies' race, 50 yard monkey race, 50 yard race for ladies of Orange and True Blue Association, quarter of a mile farmers' race, one mile race open, bag-of-war contest between Island and Mainland Orangemen for championship cup, and grassy pig race. The day's celebration will conclude with the grand ball at A. O. U. W. hall. The members of the A. P. A. of Seattle, Tacoma and Port Townsend, who are to participate in the celebration, will come here on the steamer Schome, special arrangements having been made for transporting them. They will leave their respective cities on the evening of Thursday, July 11, and will arrive here on the morning of the 12th.

ENTICED FROM HOME.

Charles Blythe to be Charged With Taking a Girl from Her Home. Charles Blythe, an employee of the Half-Way House, on the Esquimalt road, will be charged in the provincial police court to-morrow with taking a girl, Belle Rockwood, away from her home without her parents' consent. The girl is under 16 years of age and until yesterday resided with her parents at Port Hadlock, a little town near Port Townsend, Wash. Blythe had been corresponding with her and it was alleged that he induced her to come to Victoria and join him, which she did last evening. She arrived here on the steamer City of Kingston last evening and was met by Blythe, who took her to a private house on the Esquimalt road, where he had engaged a room. It is said that he had promised to marry her.

This morning Officer Brothe of Port Townsend appeared on the scene and informed Superintendent Hussey of the provincial police of the facts of the case. Superintendent Hussey sent for the girl and, after hearing her statement, had Blythe arrested. The girl would not admit anything, and consequently only a lesser charge could be laid against him. It is thought that if the girl will tell all the truth a more serious charge will be laid against Blythe.

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



Following letter from John Simpson, whose extra term for thanking Judge Grease was taken off by the minister of justice: "Just a few lines to ask if you would be so kind as to thank for me that young lady who attends church at the prison every Sunday for the interest she and others took in getting up the petition by which I got the three years taken off that I got for thanking the judge. Tell her that I am doing my best to follow the advice she gave me. I have been here (Manitoba penitentiary) over two months. I like this place better than I did New Westminster. The confinement was hard on me at first, but I don't mind it so much now. My mind is set to it. Thank you for the kindness you showed me. Please excuse the liberty I take in writing to you, but I wanted to thank that young lady and I did not know her name." The lady to whom he refers is Mrs. Young, who has been unremitting in her labors among the prisoners.

The announcement that Sergeant H. A. Levin, of the city police force, was seriously ill, made public in the Times last night, only preceded his death a few hours. Shortly after 6 o'clock a telegram was received from Kamloops by Peerless lodge, I. O. O. F., announcing that the sergeant had passed away at 5 o'clock. The officers of Peerless lodge conferred with some of the intimate friends of the deceased, and late last evening it was decided to have the lodge assume charge of the funeral. A telegram was sent to Kamloops directing that the body be embalmed and shipped here by the first train. It will likely leave Kamloops at 6 o'clock to-night and reach here to-morrow night. It will be met at Vancouver by delegations of the Odd Fellows, Foresters, Knights of Pythias and police department. The funeral will take place on Thursday, Sergeant Levin was a native of Birmingham, England, and slightly over thirty years of age. He entered the navy, was discharged here and seven years ago last September was employed in the police department. He had no relatives here, but has two uncles in San Francisco, the Messrs. Joseph.

From Wednesday's Daily. Dan McDougall, of the Victoria fire department, and Miss Teresa Conlin, of North Park street, were married last evening at the Roman Catholic cathedral by Rev. Father Van Nevel. Miss Annie Conlin attended her sister, the bride, and the groom was supported by Mr. H. O'Leary. The bride wore a very pretty costume of white silk and the bridesmaid was attired in a cream costume of the same material. After the ceremony a large number of friends were entertained at the residence of the bride's parents.

The authorities are at present dealing with a sad case of insanity. Miss Florence Fox, a young English girl living with friends on Cook street, has lost her reason and on Friday will be taken to Westminister by a member of the city police force. She came out from England three years ago and was always a more than ordinarily bright girl. She contracted a grippe, however, which left her insane. She was examined by Drs. Fraser and Helmecken and the necessary papers were made out.

Robert Waring, formerly a waiter at the Telegraph hotel, was sent up for two months this morning for having stolen property in his possession. It seems Waring got permission from Mr. Dudgeon to take an old trunk that had remained unclaimed for and it was later discovered that with it a coat and vest, razor, and horse clipper were missed from a trunk belonging to Alexander Minto. The articles were yesterday recovered at Arromans' and Booth's by Sergeant Walker, and it was learned that Waring had pawned them. Waring claimed it was all a mistake, but Magistrate Macrae did not believe him.

From Thursday's Daily. A number of shillings presented at the Bank of Montreal were sent to England and were found to be counterfeit. There is an agricultural phenomenon at Mount Tolmie that is attracting a lot of attention in the district and from people interested in agriculture. John Winnett purchased a sufficient quantity of seed potatoes to plant two and a half acres of ground. The entire lot simply failed to germinate and Mr. Winnett's crop amounted to nil. There was no end of speculation on the occurrence and the matter was as carefully gone into as possible. It was discovered that the potatoes had at one time been in cold storage and were evidently submitted to a sufficient degree of frost to destroy the power of reproduction.

A late London paper says: "A fashionably dressed young man named Marmande Wood surrendered to his bail at the London sessions at Clerkenwell yesterday, charged with having obtained by means of false pretences from Barnett Weigel a ring, value £13 10s, the setting of a pin, value 30s, and a pin, value 2s, in each case with intent to defraud. Mr. Mosses, appearing for the prosecution, said that, having read the depositions, he had come to the conclusion that there was very considerable doubt in this case and therefore he would not offer any evidence against the accused. Str-P. Edlin concurred, and the jury acquitted Wood, he being at once liberated. Mr. Charles Mathews appeared for the defence." The directors of the Agricultural Soc-

city met again last night, President G. L. Milne presiding, and transacted considerable business. A letter was read from Lord Aberdeen's secretary, acknowledging the invitation to their excellencies to open the Victoria exhibition, and stating that while they would visit Victoria that their arrangements were such that they would be compelled to leave before the 18th of September, the date set for the opening. The resignation of T. J. Partridge was read and accepted. Miss Cameron and Duncan Ross appeared in the cause of children's day, but the directors laid the final decision over for a time, the expense of this and other attractions requiring careful consideration. The E. & N. railway company's proposal to give the same rates as last year—a return of \$2 from Wellington and from nearer points in proportion—was read. Mr. Williams thought it was not liberal enough to ensure a large attendance. The sports committee was authorized to increase their number to 25, and other minor matters were attended to.

The Perthshire People's Journal of June 8 has the following paragraph: "A romantic little story comes from Blairgowrie. Some 28 or 29 years ago a little lad had appeared in the town, hungry and ragged. He had no friends, and his pitiful case awoke the sympathy of an old soldier named Smith, and of Mrs. Bisset, Wellmesdow. It was found out that he had run away from school in Strathmore. Mrs. Bisset nursed him for a week or more, rigged him out in some of her own children's clothes, and paid his fare back to Surrey. The young lad has since developed into the present Chief Justice of British Columbia, Mr. Theodore Davis, who was premier of that colony in 1892 and onwards. That Chief Justice Davis has not forgotten his early adventure in Blair is shown by a letter which Mrs. Bisset's daughter has just received from him referring to the kindness which her mother showed him, inquiring about the family and the old pensioner Smith, and enclosing a sum of money in repayment of Mrs. Bisset's outlay in his behalf. He also speaks of a probable visit to Blair."

A COLD BLOODED MURDER. A Pardoned Criminal Kills a Young Girl and Wounds an Old Man. Watertown, N. Y., July 11.—One of the most shocking and cold blooded murders ever committed north of New York occurred last night at Chapel Hill, West Louisville, 30 miles from this city. The victims of the cowardly assault were a 16-year-old girl named Minnie Ingersoll, who lived with her brother, Eugene Ingersoll, and Nicholas P. Strife, an old man from Indian River, who was a farm hand in Ingersoll's employ. The murderer is John Hoch, aged 30 years, who was convicted of attempting to murder a young man in Denmark, Lewis county, several years ago, and who was sentenced to seven years at Alburtus. Two years ago he received an absolute pardon from Governor Flower and since then he has lived in various parts of Lewis county. He met Miss Ingersoll this spring and became infatuated with her, but his attentions were not encouraged by the girl. On Wednesday morning he drove from Louisville to Chapel Hill, but the girl's brother, Eugene, ordered him away, and he drove to his half sister's home. Driving back to Louisville he bought a Winchester rifle and some 45 calibre cartridges. Late in the evening he went into Ingersoll's barn, and when Miss Ingersoll passed with a pail of milk, he fired, the ball lodging in her heart. She fell dead. Strife ran in terror and alarmed the household and Hoch shot him. He then made for the woods and escaped. At 3 o'clock in the morning the sheriff found him hiding at a farm house. He told Geo. Graves, the owner, the story of the crime, threatening death if he said a word. He showed fight to the officers, but finding resistance useless, he put a revolver in his hand and fired, fracturing his skull. Strife may die. It is expected that Hoch will recover.

FIRE AT CHILLIWACK. Livery Stable Destroyed and Hotel Narrowly Escapes. New Westminster, July 9.—The fine livery stable attached to Mrs. Harrison's hotel at Chilliwack was burned at 2:30 this morning. The fire had made great progress when discovered and there was only time to save the horses and rigs. The other contents were destroyed. The loss amounted to \$1200 and insurance to \$800, in the North American Insurance Co. The origin of the fire is unknown. The hotel had a narrow escape from destruction. These lines do not refer to Vancouver aldermen. "I can lick you," he roared, "with one hand tied behind me." "You can fight better with one hand behind you," vociferated the high-minded alderman from the empty-second ward, "than you can any other way. It's your customary position, 'bosh.' "I wonder what makes those buttons burst off as?" Dora petulantly exclaimed. "He looked a bit tight-fitting dress. 'Force of habit, probably,' he said after a thoughtful pause. POST—A bay mare, from Jordan Meadows, on 2nd last, answers to name of "Lizsie." Finder will be rewarded by returning same to Speed Bros., 89 Fort street. J11-3t