

The Weekly Times

Victoria, Friday, February 22.

CHIEF JUSTICE DAVIE.

Now that the session of the legislature has closed, the public will very soon have open confirmation of the report that the Hon. Theodore Davie is to be the new chief justice. His appointment will shortly be officially announced and he will take his seat on the bench—it may be within the next few days. The Times has strongly opposed Mr. Davie and condemned his methods as a politician, and we see not the slightest reason to change our opinions in that regard. We could wish to have seen a more promising appointment to the very important position which he has been called to fill. The appointment is made, however, and the public will have to accept whatever ill or good it may mean to them. Among those who do not admire Mr. Davie's political career and admire those who are some who confidently aver that he will show a decided improvement on the bench, and let us hope that their opinion will prove to be well founded.

BUTTER.

The latest piece of paternalism attempted by the Ottawa government is to undertake the encouragement of butter-making in winter by "advancing" 20 cents a pound to the creamery men for their winter's product. Dealers in butter will understand the sarcasm implied in the word "advance," when this used, with butter at the present eastern prices. If the elections were not so close at hand there would be some difficulty in conceiving the government's motive in this benevolent action. As the minister of agriculture knows the motive quite well, he will doubtless rejoice in the fact that others know it too, as shown by the following communication sent him by a well known Winnipeg firm:

"Winnipeg, Feb. 15, 1895.
"Minister of Agriculture, Ottawa:
"Dear Sir: In the Free Press of this morning appears your telegraphic communication re winter made butter. I beg to advise you we have in stock some 30,000 lb of this class, which we will gladly have you relieve us of. Kindly forward shipping instructions at your first convenience, and say against whom we may draw bill of lading attached.
"We have also a car of 'Sixteenth Century' which we will part with at a reasonable figure. Could you handle a car of 1892 lined eggs?
"We have always been good, staunch supporters of the government, and will expect liberal treatment. A prompt reply will oblige us.
"Yours truly,
"PARSONS PRODUCE CO."

EDITORIAL NOTES.

Dr. J. P. Pennefather, of Winnipeg, not long since known as one of the staunchest Conservatives in the Northwest. It is therefore rather significant to find him writing in the following strain to a Winnipeg paper:

"The Manitoba farmers have been long suffering, but a worm will turn, and at last they are awakening up to a sense of the injustice surrounding them. They are now turning to themselves, firmly united, with neither division of aim nor sentiment, we will see realized these hopes and desires which led myself and many others to leave the luxuries of the old country and cast our lot in the new. We will preserve of the Hudson Bay company, Dominion and local elections are drawing nigh. Sophistry, soft soap, fallacious and illusory promises will be rampant, and the farmers, who in times of political quiescence are regarded as 'hay seeds,' will be flattered and caajoled by those seeking their votes, to be ignored, sneered at and laughed at as soon as the polls are closed. Bear the past well in mind, act promptly and vigorously. Now is your time to take advantage of it; vote for no man as your representative in any house who has not above all and every other consideration the welfare of the agricultural interests, the lifting of the load so patiently and so long borne. Though a professional man I speak as a farmer. I came to this country with the single intention of embarking my all in farming, but the tariff, transit and combines worsted me, as they have done many a better man. There is, however, a break in the clouds; better times may soon dawn, and that bright sun, which now helps so largely to lighten our troubles, will shine on a happy, contented and prosperous people. The Almighty helps those who help themselves; let us do our share."

The Dominion ministers are going into the election fight with the serious disadvantage of being at variance among themselves. An Ottawa dispatch thus pictures the situation: "The arguments most commonly heard against the session are the school question and that fearful state of the finances, that, in addition to the leadership of the house of commons and the undisciplined condition of the ministerial forces are strong factors weighing heavily on the mind of the minister of finance, Premier Bowell is so weak in authority that he cannot settle quarrels or differences. In fact the premier has several colleagues who will scarcely speak to him. This is deplorable because it is childish in public men occupying the highest positions. Messrs. Haggart and Patterson and

Montagne are all hostile to Mr. Bowell, and the former two will only speak to him on official business. The controller of customs and the premier have a mutual dislike for each other, in illustration of which, incidents could be related, but it is well known here. Mr. Haggart does not conceal his dislike for Sir Frank Smith, and a more unhappy family never met around the council board than will gather there to-morrow."

"The Times says its political economy lesson very nicely," quoth our neighbor. As a return compliment we may say we believe that our neighbor does not fail to profit intellectually by the lessons in political economy which it receives from us, but unfortunately it feels impelled by organic exigencies to sin against light and knowledge. It seems necessary, however, to explain to the organ that restriction and decrease are not synonymous terms. By erroneously supposing that they are it was led to make a rather sad exhibition of itself this morning. We shall have to vary our political economy course by giving the organ a few lessons in the proper use of words.

The Rosebery government had a majority of fourteen on Mr. Chamberlain's amendment and a majority of eight on the adoption of the address. That's pretty close sailing, and there will be no great cause for surprise if the government meet with a defeat in the course of the session. They will probably be defeated, too, in the elections, chiefly for the reason that they have not been firm enough in standing by the cause of Liberalism. But the check can only be temporary; the British people have progressed too far to feel contented for any length of time under a mossback rule.

Our amiable neighbor has again taken to the reckless use of hard names, which is its way of showing that it feels itself to be on the losing side. Of course an opponent can be hopelessly demolished by calling him an idiot or a liar, but the method has its objections. Chief among these is that it indicates loss of temper, as that is generally taken to mean a weak cause. The Colonist would do well to bring itself into a more philosophical frame of mind.

NANAIMO.

Nanaimo, Jan. 20.—A summons has been issued against the firm of McInnis & McInnis, solicitors, charging them with compounding a felony. The case arose out of the quit tam action of J. P. Planta. It will be remembered that in the evidence of Ross it was stated that the sum of \$500 had been paid by J. P. Planta to Messrs. McInnis & McInnis to settle the case. It is not thought that the case will amount to anything.

A mass meeting of miners will take place on Saturday next, when important business is to be brought before the men. Alderman Baker's rock crusher is now to be cleaned up and utilized for the purpose for which it was originally intended. Alderman Baker is to be commended for his business-like action in the matter.

The Water Works Company have strenuously pleaded all over the city in order to lay as soon as the weather is favorable for the undertaking. The work means a large outlay of capital.

Nanaimo, B. C., Feb. 21.—Judge Harrison to-day committed J. P. Planta to stand his trial at the next assizes.

Nanaimo, Feb. 21.—Alexander Wilson pleaded guilty under the speedy trials act yesterday, and was sentenced to two years' imprisonment with hard labor. The sum of \$41 was found on his person and prisoner admitted this was part of the sum obtained by fraud from the New Vancouver Coal Company. Judge Harrison ordered the sum to be returned to the company.

The Liberal convention will be held in the Y. M. C. A. hall on Friday evening. Every Liberal residing in the constituency will be entitled to a vote at the nomination.

T. H. E. McInnis contributed the following letter to the Free Press: "Would you allow me to correct an error that crept into your paper last evening under the heading of Reg. vs. McInnis. Your own legal knowledge may doubtless inform you that settling a 'quit tam' action is not a felony, nor was the offence alleged to have been compounding a felony. As the matter is now sub judice I will only ask those of my friends who are acquainted with the real motive underlying these proceedings to suspend their judgment until the final outcome, promising them that the man who found it easy to begin these proceedings will not find it as easy to get rid of the responsibility for them."

COULD NOT AGREE.

New Westminster Clergy and Laymen Cannot Agree on a Bishop.

New Westminster, B. C., Feb. 21.—The Anglican synod of the New Westminster diocese failed to elect a bishop to succeed the late Bishop Sillitoe and adjourned to-day after deciding to leave the election in the hands of five bishops. The favorite of the clergy was the Rev. Mr. Stone, president of the Dorchester missionary college, Oxford, England, and they gave him the necessary two-thirds majority. The house of delegates, however, favored the Rev. Canon Thornloe, Sherbrooke, Que., and as neither gentleman could secure two-thirds majority in the joint session, it was decided to delegate the election to a board of bishops as stated above.

Toronto, Feb. 21.—The students' boycott of Toronto University has been declared off.

Winnipeg, Feb. 21.—The annual meeting of the Manitoba Dairy Association is being held here.

ST. VITUS' DANCE.

A New Treatment Always Attended With Success.

There are perhaps not many readers of this paper who have St. Vitus' dance, or who have seen many cases of it. However, to some who may be interested on account of some friend, and to the physicians of this county, we commend the method of treatment given below, and a further investigation of the case herewith described. The patient was Mabel Dorey, the eight year old daughter of the Doreys, living on Ontario avenue, this town. The child was perfectly helpless, could not sit alone an instant, could not use her limbs, and could not take food or drink without assistance. Three of our best physicians treated her and gave up the case as hopeless. Mrs. Dorey finally gave her the celebrated nerve building preparation called Dr. Williams' Pink Pills, and she tells the result in her own words: "It was not long before I noticed a good effect, in less than three months she was so much better that the dread disease almost entirely disappeared, and the pills were discontinued. In a few months, however, she showed that the symptoms had been entirely eradicated from her system, so I had her again commence the use of the Pink Pills. I feel certain that all traces of the awful malady will be swept away, for she goes to school now and we have not the slightest anxiety in leaving her alone. Dr. Williams' Pink Pills in little girl's case have accomplished what physicians could not, and I am only too glad to let others know of this miraculous cure." Dr. Williams' Pink Pills contain all the elements necessary to give new life and richness to the blood and restore shattered nerves. They are for sale by all druggists, or may be had by mail from Dr. Williams' Medicine Company, Brockville, Ont., for 50 cents per box, or six boxes for \$2.50. Refuse imitations and substitutes.

FREDERICK DOUGLAS DEAD.

A Colored Man of Celebrity Finishes His Useful Career.

Washington, Feb. 20.—Frederick Douglass dropped dead in the hall way of his residence on Anastasia Heights this evening at seven o'clock. He had been in the highest spirits and apparently in the best of health, despite his 78 years, and this morning was driven to Washington, accompanied by his wife. At Metzerott hall he attended the sessions of the Women's Council in the forenoon and afternoon, returning to his residence between 5 and 6 o'clock. After dining he had a chat in the hall way with his wife as to the doings of the day, growing very enthusiastic in his explanation of one of the events of the day, when he fell upon his knees with his hands clasped. Mrs. Douglass, thinking this was part of his description, was alarmed, but when she looked down he was lower and lower and finally lay stretched upon the floor breathing his last. Realizing that he was ill, she rushed to the front door crying for help. Dr. J. S. Harrison, who was called in, was injecting a stimulant when Mr. Douglass passed away seemingly without pain. Mr. Douglass has two sons and a daughter, the children of his first wife, living here. They are Louis H. and Charles Douglas and Mrs. Sprague. Mr. Douglass was to deliver a lecture to-night at Hillside African church near his home, and was waiting for a carriage when he fell. The carriage arrived just as he died. Mr. Douglass had apparently been in the best of health lately and had shown unusual vigor for his years. It is singular that the very last hours of his life were given to the principles to which he has devoted his energies since his escape from slavery. Mr. Douglass was a regularly enrolled member of the National Woman's Suffrage Association and has attended its conventions. It is probably with a view to consistency in this respect that he appeared at Metzerott hall. Although it was a secret session of the council Mr. Douglass was allowed to attend, and when the meeting was called to order Mrs. May Richmond, president of the council, appointed Miss Susan B. Anthony and Rev. Anna B. Shaw a committee to escort him to the platform where most of the delegates, not more than 50 in number, were sitting. Mrs. Sewell presented Mr. Douglass to the council, and he continued himself with a bow in response to the applause which greeted the announcement and took a seat beside Miss Anthony, his life-long friend.

There was nothing to indicate that he was not in his usual health, and to-day after his death was made known nobody could recall anything in his appearance or action which was out of the ordinary except according to the statement of a lady present, that he rubbed his left hand constantly with the right as though they were benumbed. The morning session lasted until after 2 o'clock, and just before that hour an informal discussion was started on the proposition that had been mooted for some time, to divide the national council into an upper and lower house. Mr. Douglass became much interested in this discussion, so much so in fact that when the council reconvened at four o'clock to give further consideration to the matter he was again present, although it had been his intention to return to his home early in the day. He left the hall on the adjournment of the session, about five o'clock, and had been at his home but a short time when his death occurred.

Legislating Hairs.

Dover, Feb. 21.—In the legislature yesterday Representative Ball gave notice of an act to authorize J. Edwards Addicks to adopt Misses Margaret Hall Wilson and Rosalie Wilson, of Chymont and make them his heirs at law. They are the children of Mrs. Ida Carr Wilson, who is named by Mrs. Addicks as co-respondent in her application for divorce from Addicks.

THE APPEAL SUSTAINED.

Mr. C. C. McKenzie Wins His Case Against the Attorney-General.

Judgment of Mr. Justice Drake, in Which Mr. Justice Walkem Concurs.

The divisional court (Mr. Justice Walkem and Mr. Justice Drake) sat this morning to deliver judgment in the appeal in the case of the attorney-general of British Columbia against Joseph Phyllis Planta, T. R. E. McInnes, W. W. B. McInnes and Colin Campbell Mackenzie. The facts are sufficiently set out in the reasons for judgment of Mr. Justice Drake given below, and in which Mr. Justice Walkem concurred. The result is that the order by which Marshall Bray was appointed receiver is rescinded and the assignee, Mr. C. C. McKenzie, has now his rights under the deed of assignment affirmed.

Mr. A. L. Belyea for the appellant, E. J. Bodwell for the respondent.

The reasons for judgment are as follows:

Appeal by C. C. McKenzie, assignee of Planta estate, against an order of Mr. Justice Crease appointing Mr. Bray receiver, and granting an injunction to restrain any intermeddling with Planta's estate.

Planta was appointed official administrator, under the official administrator's act, for Nanaimo district. Under that act he has to take charge of all intestate estates and to pay proceeds into the treasury. It is stated that he has received various moneys in such capacity and that there is a shortage in the accounts. It is further alleged that a warrant has been issued for his apprehension on a charge of misappropriating public funds.

On the 15th of December, while the investigation into his conduct was in progress he executed an assignment of all his property to C. C. McKenzie upon trust for his creditors, and then he absconded.

On the 25th of January this action was commenced for an account and for an injunction and for a receiver. On that day an injunction was granted and a receiver appointed upon an ex parte application. On the 31st of January a motion was made on behalf of all defendants that Planta do dissolve the injunction and to rescind the appointment of a receiver, which was heard on the fourth of February and refused.

The affidavits produced in the application to dissolve the injunction were chiefly directed to the solvency of McKenzie and his fitness for the position of assignee. The only affidavit which had reference to McKenzie's act was that of Mr. Bodwell, which indicated an intention on the part of the assignee to force a speedy realization of the assets. With respect to this I fail to see the necessity of the undue haste. The estate should be realized to the best advantage and not sacrificed, and Planta as well as the creditors has a right to interfere if an assignee acts improperly.

A receiver appointed before the creditor has substantiated his claim requires very strong evidence of improper conduct on the part of the person holding the legal estate and is hardly ever appointed except upon motion unless the delay would cause almost irretrievable injury which is not apparent in the present case. The crown has a priority in payment of the debts due by subject but I do not think the crown is entitled to prevent the realization of the estate pending an ascertainment of the amount actually due. In my opinion the assignment by Planta as soon as the requirements of the act of Cap. 8, 1894, have been complied with, is irrevocable, whether or not Planta is solvent. The act is not limited to deeds executed by persons in insolvent circumstances. In my opinion the order of the learned judge should be discharged, but the assignee is not to sell or dispose of the property until after the meeting of creditors as provided by section 6 of the act. Costs of the appeal to be the defendant McKenzie's costs in any event; the other defendants are not parties to this appeal, and therefore they have no costs.

GEORGE A. WALKEM, J.
M. W. TYRWHITT DRAKE, J.

WILL BE SENT HOME.

Two Boy Burglars Held by the Police To Be Let Go.

The cases of Emil Espelson and George Morris, the boys in custody of the city police for burglary, were called in the police court this morning and remanded until the 22nd. It is very improbable that anything will be done to the boys, as Chief Sheppard feels that they were driven to theft by the pinch of poverty. Espelson is from Port Angeles, where he has heretofore borne a very good reputation, and he will probably be sent there in a day or so. Chief Sheppard had a call from a gentleman from there who knows of the boy. George Morris belongs to Salt Spring island, where his home resides, and he will be sent home. He is a mere boy, and the police feel that the end of justice will be served and good accomplished by sending the boy to his people.

The two take imprisonment very hard, readily acknowledge their wrong, and seem very sincere in their promises to do better.

ROW IN THE REICHSTAG.

Phlegmatic Germans Get Excited in a Lively Debate.

Berlin, Feb. 20.—The reichstag was sitting up to-day by a debate on Dr. Pachtick's bill for the introduction of popular representation in all the federal states. The bill was aimed mainly at Mecklenburg, where the same medieval

conditions prevail as before 1848. Eugen Richter, the radical leader made a scathing speech concerning the Grand Duke and his methods of government. He said that Mecklenburg would have been extinct long ago but for the great number of illegitimate births. The Social Democrats and Socialists cheered loudly. Herr von Oertzen, Mecklenburg's member of the federal council, sitting by his feet, and trembling with indignation, denounced "Herr Richter's indecent language." A deafening tumult followed the word "indecent." From the left of the chamber came a chorus of shouts for "Order," and from the right repeated cheers for Oertzen. After ringing the bell two minutes of relative quiet and then gravely reproved Oertzen for his language, which he said was entirely contrary to the traditions of the house. The cheering from the left was followed by the vote. The bill, although supported by the Socialists, Radicals, and the majority of the National Liberals, was rejected.

THE EASTERN WAR.

Count Ito's Speech on the War Expenses Amplified by All Japanese.

London, Feb. 20.—The Central News correspondent in Tokio says: "Premier Count Ito made a speech in the chamber to-day on the supplementary budget for the expenses of the war with China. He received the undivided attention of the members and was loudly applauded by all when he resumed his seat."

A dispatch dated at Kaiping on the 17th, says that about one thousand Chinese troops attacked the Japanese outposts of Kumo Chong in the morning and were repulsed promptly. The Chinese retreated precipitately leaving 30 dead on the field. The number of wounded has not been ascertained. The Japanese suffered no losses whatever.

London, Feb. 20.—A society called Teitai, numbering fifty thousand members, recently planned an outbreak at Peking, but the plot became known to the authorities and was nipped in the bud. A Manchou official, Ting Kung has been appointed tatal of New Chwang, with the powers of a provincial judge.

A dispatch from Shanghai to the Central News says that Japan refused to negotiate with China at Port Arthur or anywhere except in Japan.

General Mo Ming, who is now at Kan Chow, has been ordered to join Liu Kun Yis' army. He is reputed to be a very brave soldier.

Tientsin, Feb. 20.—The Chinese foreign office has requested Denby, the United States minister, to suggest to Japan that the peace envoys appointed by the two countries meet at Port Arthur, some place near Tientsin, in order to settle the convenience of Li Hung Chang, one of the Chinese envoys. The Chinese government has requested John W. Foster, selected to assist the Chinese envoys in the peace negotiations, to meet Li Hung Chang at Tientsin.

The Morning Post says that a dispatch from Tokio saying that the supplementary war budget calls for one hundred million yen instead of ten million, the sum reported yesterday. This grant will make Japan's total war expenditure two hundred and fifty million yen.

ALMOST BURIED ALIVE.

Re-Animated by an Injection of a Heart Restorative.

New York, Feb. 20.—Mrs. Bowdoin, 75 years old, who lives with her daughter, Mrs. Harvey Hallcock, in Bridgehampton, seemed to be stricken with heart failure on Sunday. The family physician did all he could but she sank rapidly. Old friends were called in and the sorrowing family waited for the end. Her breathing became weaker and weaker until it ceased. The doctors listened vainly for the heart beats and pronounced the woman dead. The undertaker was about to measure the body for a casket when one of the family insisted that the woman might yet be saved. The physician, to satisfy him, injected a heart restorative. There was a perceptible movement of the eyelids and the woman's breast moved up and down faintly. Soon she began to breathe and finally opened her eyes. Those about the bedside watched in amazement. The woman soon got up and in less than an hour was walking about the room. Mrs. Bowdoin says the attack seemed like a fainting spell.

THE PRAIRIE PROVINCE.

The Roarin' Game Not Yet Concluded—An Exciting Contest.

Winnipeg, Feb. 20.—The grand lodge of Odd Fellows met this morning. Mayor Gilroy formally welcomed the visiting delegates.

A slight shower of rain fell last night. Winnipeg, Feb. 20.—Hood still leads by two games in the championship checker contest. There are four games to play. The record is Hood 6, Norman 3, drawn 7.

The bonspiel drags along owing to the same rinks remaining in the different competitions. Yesterday morning Koch of Port William defeated Dunbar of the Thistles in the final game of the international, but in the afternoon he lost to R. G. McDonald in the Walkerville contest. This leaves one Thistle and three Granite rinks to play off for the prizes. The Royal Canadian contest is narrowed down to eight rinks, four Thistles, three Granites and one Assiniboine. The finals will not be reached for several days. The points competition closed to-day. Dunbar of the Thistles is now the highest with the splendid score of 82. Whalen of Port William tied with McCulloch of Stonewall for second place with 44.

Wife at midnight to her returning husband—How can a perfectly sober man get drunk like that?—Fugitive Brieter.

BRIEF LOCALS.

Gleanings of City and Province in a Condensed Form.

From Wednesday's Daily News:
—The members of the union K. of P., had a banquet at Castle hall. An enjoyable spent.

—The diamond drill working is embedded small pieces of thought coal will soon be spent.

—The ladies auxiliary of Hospital held a meeting on the 17th to settle up the business of the year with their "At Home." They reported the sale of tickets expenses, \$37.35; balance, \$ ladies feel very pleased at their "at home," and intend other after Easter.

—The Conservative association last night in the Adelphi block Baker in the chair. Mr. Earle, Senator Macdonald, "leaders" were present.

—A convention was debated, arrangements were left in the hands of the executive committee for next week's meeting. The it was understood, would first or second week of March.

—The steamship Portland Holmes, which was nearly a year ago, was a considerable time ago, has been chartered by the Steamship company, and will run between Mazatlan ports. She will enter on the 1st. The Portland, from the Republic, is very well these waters, where she has about seven years.

—Perseverance lodge, No. 7, held their weekly meeting at Pandora street, when a goodly number of members were present from Ridge lodge. The meeting was attended. Then there were Mudie and Russell, reading Acheson and Deobald and by Sister Scovill. At the King's concert all will be free and a good program.

—Yesterday's Post-Intelligencer a fleet of fourteen ships, barks have passed in through the strait the past two days. Sound points and the been kept on the jump in the vessels have been de the heads by the south coast revealed during last week's ports received they all in condition. The majority of Port Blakeley to load lumber.

—Captain E. S. Hellens Helen Kimball, brings in sighting a mail boat below wrecked vessel in the Cape Flattery, says the It was such a long distance even with the aid of p he was unable to tell what longed to. It was made the nature of its natural have been rumors of a escape in circulation here past, but it has been impossible information on the s.

—Superintendent Johnson's Const Steamship company announced a rather startling trip for the Walla leaves Seattle for San March 2. For that trip gers will be carried for \$1 for \$3. The opposition to the plan is scheduled to leave San Francisco on the 15th. The plan is to take her to trip. The opposition is for Victoria business, and to handle it by way of the which is a port of call for the ladies' aid society.

—The ladies' aid society, Presbyterian church, Victoria, its annual social last evening. MacRae presided and the attendance of members of tion and others. Abundant were served during the programme was as follows: Mrs. J. H. Milne, Mrs. Rev. W. L. Clay, Russell, violin duo, Mrs. Ralph Fisher, recitation, solo (Swedish), Miss Lill Miss Amy McKenzie; Agnew; accompanist, M.

—The affairs of the Poultry and Pet Stock wound up last night. A cent money in hand to bilities. The association elision of the judges in Robertson's "Hillside of the first prize, as given of Fred Weldon. The association at its general ing the prize for the be pair of dogs was susta fanciers will form a k amalgamate with the A club.

—After quite a lengthy lice court this morning robbing Parker's butcher against John Baumstoe. Beyond some suspicion there was absolutely no the accused with the police were unable to lo men who could have po evidence on several poi with the case. Magis dismissing the case sa evidence upon which to bu justified the action of Purdue and Palmer in der arrest.

—Herbert Reynolds, Royal Marine Artillery, naval hospital on Monday's illness, was a national England, and was in year. He was just on was to have returned ber. His mother and survive him, and for sympathy is felt by the of this command. Lie stone has written to o who resides in London, brother's death, and kindly manner the sym