Weekly British Colonist.

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WEEKLY, OCTOBER 9, 1885.

ISSUED EVERY FRIDAY MORNING IN TIME FOR THE MAIL.

BY D. W. HIGGINS.

THE COLONIST BUILDING, BETWEEN BAY STREETS.

TERMS—INVARIABLY IN ADVANCE.

THE WEEKLY COLONIST.

NOTICE.

THE WEEKLY COLONIST.

The attention of subscribers is directed to the announcement in another column. The weekly edition of this paper is now positively changed to eight pages.

THE PROVINCIAL EXHIBITION.

Sir Charles Tendered an Address of Welcome.

The Party Now En Route for the East.

(Exclusive to The Colonist.)

NEW WESTMINSTER, Oct. 2.—Sir Chas. Tupper and party reached Coal Harbor at 11 o'clock Thursday night, and came over here this morning, and were presented with a complimentary address on the fair grounds. Sir Charles replied, complimenting the exhibitors on the show and the people on their energy. He spoke of the climate and varied resources, and urged those present to see their best articles to the Colonial exhibition next year, to advertise the province abroad.

The train left New Westminster at 11 o'clock for Fort Moody, and from that point at 12 for the east. Premier Abbott, Hon. Mr. Tupper will meet the governor general at Farwell and return with him.

The fair closed this afternoon. There will be a dinner to-night at the Colonial.

Divisional Court.

(Before Mr. Justice Crease and Mr. Justice Gray.)

Prevost vs. Hoy Jai Yen and Tum Kwong Yen.—This was an action brought by Mr. Prevost as receiver of the estate of Kwong Lee & Co., against the defendants for an account of their dealings with the estate.

Immediately after issuing the writ Mr. Wilson (Davie & Wilson) applied to the chief justice for a writ of *ne exeat regno* regarding in support an affidavit of the plaintiff setting forth that the defendants had been managing the business of Kwong Lee & Co. at Yale, and after Mr. Prevost's appointment as receiver had still continued to carry on the business up to the time when the stock and premises were sold by the sheriff. That they had failed to account to him for the business done, goods sold, and money received or paid, and had not delivered up the books and were about to depart beyond the jurisdiction of the court.

The chief justice granted the writ and one of the defendants from Kwong Yen was arrested and held to bail in the sum of $2000. The other defendant has not yet been found.

Mr. Richards, Q. C., and Mr. Belyea, on the 24th Sept. moved before the chief justice to quash the writ and discharge the prisoner upon his affidavit denying that he was about to leave the country, and stating that he had been employed by Kwong Lee & Co. as a porter and had had nothing to do with the books or the money.

The chief justice adjourned the motion for one day for the plaintiff to file affidavits in reply, and on the further hearing affidavits were read showing that the prisoner had been the real manager of the business at Yale and had charge of the cash; that he had been accompanied by the other defendant taking the books with them.

The chief justice discharged the motion the following day. Richards, Q. C., moved in the divisional court for his discharge on the ground that the receiver could not bring an action without the leave of the court. That the affidavit in support of the writ was defective in that the plaintiff had not sworn that any sum of money was due and that there was no positive statement that the prisoner intended to leave the province.

The learned counsel cited numerous authorities in support of his argument as to the insufficiency of the affidavit strongly arging that notwithstanding that the writ was one that formerly only issued out of the court of chancery, the plaintiff must shew that he at least believed that there was some certain sum payable by the defendant. Shortly after the conclusion of learned counsel's argument the court adjourned, and on Sat. last Wilson, for the plaintiff was heard in reply. For contended that the affidavit was sufficient, and that the conduct of the defendants was such that it was not necessary to have shown that the plaintiff had any cause of complaint. The court was not concerned, there was not necessarily any fraud, but it was inequitable, and did not lie in the mouth of a defendant to take advantage of his own wrong. He had been placed, or rather continued by the receiver, in a fiduciary position, and abused his trust and until he cleared himself of his contempt the court would not listen to his pleas. He was righteously in prison, and a defect in procedure concerned, by himself should not be the means of releasing him.

The hearing which occupied the whole of yesterday and part of to-day, was held in Mr. Justice Gray's chambers the county court before the Chief Justice being held in court room.

Judgment was reserved.

New Music Store.

Mr. C. A. Lombard, whose management, since the death of Mr. John Bagnall, of Bagnall & Co.'s music store, and with the general satisfaction to the executors of the estate, and the public in general, will open on Monday a new music store, adjoining Messrs. T. N. Hibben & Co. Mr. Lombard is well known in the musical circles of the city.

LARKHOME HOUSE.—The new dry goods establishment of Mr. John Partridge on Yates street will be opened this morning at nine o'clock for inspection. A splendid assortment of general dry goods has been imported and the proprietor's well known judgment is guarantee that they have been bought in a way that will enable him to successfully compete. The store has been handsomely fitted up and will repay a visit.

County Court.

(Before Mr. R. E. Begbie, C. J.)

McTavishbold & Co. vs. Eisher.—This action was to recover $307 33 balance of account for half delivered. The defendant admitted plaintiff's claim, but contended that he had been damaged by the plaintiffs to the extent of $150; the balance of $157 33 had been paid into court. The jury found for the defendant, and that the plaintiffs were guilty of negligence; second, that the amount of the damage sustained by the defendant was $150; third, that he had failed to prove any one of the three. Judgment must be for the plaintiff, but as he believed the defendant had acted in good faith, each party must bear his own costs. J. F. Walls for the plaintiff. E. M. Yarwood, Drake, Jackson & Gillanders for the defendant.

What Some People Say

That an habitually dirty individual by some means or other reformed sufficiently as to encase himself in a clean shirt. "Poor fellow," remarked one who knew him. "How uncomfortable he must feel."

That "my dear fellow, why on earth don't you shave?" remarked a citizen to an acquaintance, instead of going around torn, with a chin like the cylinder of a musical box.

That Mr. Justice Maule, of London, has astonished both Church and State in England by a decidedly new departure. A small girl witness, when asked if she knew where she would go to if she told a lie, said she didn't. Not do it, said the judge, and had the small girl sworn at once.

That of all the United States South Carolina is the only one where no duelling is allowed.

That a parrot, said to belong to Jay Gould, died in Chicago a few days ago.

That London, England, has a regularly incorporated association, the object of which is the protection of the butterfly.

That a little girl suffering with the mumps declared that she felt as though a hatchet had slipped down into her neck.

That Norway is a paradise for female travellers. An American travelling there with his wife found that the better half could ride for half fare, as children do here.

That a clergyman at Mount Desert is said to have recently closed his prayer by saying: "O Lord, now that our summer visitors have departed, will thou take their places in our beaches."

That the California papers report that a new species of toad has been discovered on Mount Shasta which is found in no other part of the world.

That a Jimmy does not have brains and I get up the paper," said a country editor, in explaining to a subscriber how he worked things. "It is a pity Jimmy has been sick abed so long," said the subscriber, as he counted out the last cabbage on his year's subscription.

That in Canterbury, England, the other day, a curious bone was dug up. Its use and purpose was a mystery until bone opened, there were found inside three buttons, a piece of tin and a scrap of paper. Then they knew that it was an ancient contribution box.

That circumstances alter cases, said an accomplished lawyer, "and I wish I could get hold of some cases that would alter my circumstances."

That the Common has been owned by Boston 250 years.

That the very nearest note-paper and envelopes are yellow.

That forty women are employed as newspaper reporters in the city courts of Chicago.

That the British admiralty having decided not to continue the charters of the fast vessels secured for cruising purposes during the Anglo-Russian dispute, foreign governments are acquiring titles to many of them. Italy has bought the Stirling Castle, the fastest steamer in the China trade.

That the Morning Post says in Boycotting is practised in Ireland to a degree of which we never heard. The Post claims that it