

PLAINTIFF'S CASE ALMOST COMPLETE

FURTHER EVIDENCE GIVEN BY RELATIVES

Mrs. Joan Dunsuir Owing to Ill Health Will Give Testimony at Home.

(From Friday's Daily.) The interest at the Hopper vs. Dunsuir trial yesterday afternoon was increased by the fact that Sir Charles Hibbert Tupper had intimated that he would call some of the Dunsuir family as witnesses.

Before this, however, the defence had one witness called, who was anxious to get away to San Francisco.

Harry D. W. Norton, of San Francisco, contractor and builder, had been the carpenter contractor for building the house at San Leandro. He was there in June, 1899, and for nearly a year afterwards. He saw Alexander Dunsuir there nearly daily for some time. Alexander seemed very nervous, peculiarly but he appeared a keen, shrewd man, who knew what he wanted. Alexander took a great deal of interest in the building. The stables were built without reference to an architect. His total cost \$9,000, and witness took his instructions from Mr. Dunsuir. They discussed the question of cost, and Mr. Dunsuir showed he knew what he wanted. Witness had no trouble in understanding Dunsuir, and detailed other conversations with him on business subjects. Alexander was very decided when he had made up his mind. His remarks at all times in dealing with witness were those of an intelligent, observing man. On the 8th or 9th of December, 1899, a few days before Alexander Dunsuir went east for the last time, witness had a business transaction with him. He did not find it true that Dunsuir was disconnected or mumbled in his talk.

In cross-examination witness said he saw Alexander the worst for liquor about once a week.

Also, in answer to questions by Mr. Duff, said Alexander Dunsuir was somewhat abrupt in his ways, and his business conversations were short.

Mrs. Snowdell, daughter of Mrs. Joan Olivio Dunsuir, and sister of the late Alexander Dunsuir, stated that in 1893 she went to San Francisco because her brother was in a dangerous condition there from drink. From this time she knew he did not discontinue drinking. In September, 1898, Alexander was at his mother's house in this city. He had become very bent and shaky, and was not improved in his habits. She described one instance in particular. It was very difficult to carry on a conversation with him at that period, whether he was sober or intoxicated. He had become worse and worse from year to year. It was impossible almost to speak with him. She had spoken to her brother James about it, and suggested that it was dangerous having Alexander Dunsuir after the business in San Francisco.

Cross-examined by Mr. Davis, witness repeated her statements regarding Alexander's condition.

In answer to a question, witness said she and James Dunsuir were not on speaking terms.

Sir C. H. Tupper wanted the witness to state why she and James Dunsuir did not speak, but as the court thought it perhaps needless to go into this subject, Sir Hibbert did not press for an answer.

Mrs. Chaplin, another sister, said that in 1890 she observed Alexander's peculiar habits, and noted this through different years. In 1898 she noticed a great change in him from the last time she saw him. James Dunsuir and the rest of the family knew of the trouble. She found it impossible to carry on a conversation with Alexander at that time. She had never noticed him so bad before as in 1898.

Mr. Davis put the same question to her regarding the relations with Dunsuir that he had put to the previous witness. The witness remained silent, and Mr. Davis did not press the question.

Sir Hibbert Tupper, however, insisted then on asking the reason why James Dunsuir and his sisters were not on speaking terms, and recalled Mrs. Snowdell, who stated that James Dunsuir had coerced his mother into giving him the property, and then led her such a life that the sisters would not speak to him.

The court then adjourned till this morning.

This Morning's Proceedings.

The evidence for the plaintiff was completed this morning with the exception of one or two witnesses, who may possibly yet be examined. It was also decided to have Mrs. Joan Dunsuir examined at her home, owing to her ill health.

Reginald Chaplin, son-in-law of Mrs. Joan Dunsuir, saw Alex. Dunsuir at Mrs. Joan Dunsuir's residence in 1898, when introduced to him by Alexander only muttering. Witness left the room, thinking it very odd his brother-in-law did not speak to him. He met Alexander once a little later on the street, and said good-bye to him, but could get no answer. He believed Alexander was sober on both occasions.

In cross-examination witness said she did not remember the date when she and present are quarrelling. "Our side of the family are not quarrelling," he said, but he considered James Dunsuir's family in "the other camp."

Mrs. Henry Cote, the next witness, in 1892 saw Alexander Dunsuir in San Francisco for a fortnight, at least once a day. She thought him very peculiar then. She next saw him some time between then and 1895 several times, but not long at a time. She considered on these occasions that his brain was not as clear as it used to be.

In this last question Mr. Davis objected. She had conversations that made her

turn Alexander was not in his right mind. Here there were more objections by Mr. Davis, and Mr. Duff, on the other hand, maintained that they were the same line of questions as Mr. Davis put yesterday.

In 1895 witness saw Alexander for about a week. On one occasion Alexander said "Jim is trying to kill me." His temper was very violent, and it was difficult to carry on conversation with him. He had said something cracked in his head and talked about it for some time. In 1898 witness saw Alexander again in Victoria. He was not connected in his talk, and had hallucinations. He thought once that a drink she was giving him was poisoned, and asked her to taste it, and as a secret told her that he had hundreds of thousands of dollars in boxes unknown to James, who would try and take it from him. He was not delirious when he made these remarks. His condition was worse in 1898 than in 1895. He would talk quite intelligently, and then would say something very stupid or silly. James had told her mother that Alexander was not in a condition to manage the San Francisco business, as liquor was affecting his brain, and that was what she asked to be taken home. So far as her opinion went she found in 1898 that he could not carry on an intelligent conversation, as after a few minutes the hallucinations in his brain would seize themselves. James Dunsuir had told her several times that Alexander was unfit to look after the business in San Francisco.

Capt. Edward Palmer, formerly secretary of the Union Club, saw Alex. Dunsuir at the club several years ago. He drank very freely. Alexander's muddled condition witness did not know whether to attribute to liquor or not.

Henry R. Burroughes met Alexander Dunsuir once in the summer of 1893 at the Union Club. Witness then was a agent for champagne. His object in meeting Alexander was to ask him to assist in starting this brand of champagne in California. Alexander apparently did not pay any attention to the subject which was broached. It was impossible to talk to over with him. His speech was very involved and fuddled.

Plaintiff's counsel then put in portions of defendant's examination before the registrar, showing that the will had been executed by Alexander Dunsuir at San Leandro, and that defendant had paid Wilson & Wilson for probating it. The court then rose for lunch.

(From Saturday's Daily.)

The evidence for plaintiff being all in with the exception of that of Mrs. Joan Dunsuir, and possibly a couple more witnesses, the case for the defence in Hopper vs. Dunsuir was opened, when the court resumed yesterday afternoon.

Mr. Fritch, wholesale coal and shipping merchant in San Francisco, saw Alexander intimately and had very extensive business relations with him. Dealing with the period prior to 1898, he found him a shrewd business man. His knowledge of the business was not improved in his habits. He never saw him intoxicated. In April, 1898, witness had business dealings with Alexander, and found him as any business man would find another in his talk. Later in that year he saw him ill at his room at the Grand hotel, and visited him possibly half-a-dozen times. He was weak, but witness found nothing wrong with his conversation. In 1899 he saw him from three to five times a month. Alexander seemed perfectly strong, physically, and he did not require an escort to help him. His business capacity was as good as his health.

In cross-examination witness said he purchased from 25,000 to 30,000 tons a year from the Dunsuir for the past 15 years. He was interested with Mr. Taylor in reselling chartered to carry coal from the Dunsuir collieries. Taylor dealt in Dunsuir coal at Oakland.

Mr. Duff put witness through a severe questioning, testing his memory regarding his business transactions, and a great deal of amusement was caused by the somewhat annoyed answers of witness when pressed for details of business that he had forgotten. His firm and one other were the only ones that sold Wellington coal at wholesale in San Francisco. He did not know what was the cause of

Mr. Bodwell closely pressed the witness as to why he had signed the Dunsuir document and refused to sign the document, and several little fits between witness and counsel ensued. Witness insisted that he had been dealing with Mr. Dunsuir for a considerable time, and had much difficulty in getting him to sign the agreement. He did not insist that Mr. Dunsuir was dishonest in any way.

Witness could see no reason for postponing the signing of the document. Mrs. Dunsuir considered witness and as brother as firm personal friends, but would not necessarily follow any suggestion made by them. He never attempted to influence her.

Q.—Was she as hard to deal with as James Dunsuir? A.—Mr. Dunsuir was a hard man to deal with—the hardest I believe I ever did business with. Mrs. Dunsuir was always willing to sign the agreement.

In response to the question whether or not he advised Mrs. Dunsuir to accept this agreement, the witness said he could not answer in that way.

Mr. Bodwell insisted, and Mr. Davis objected, claiming that the witness had stated under oath that he would not answer the question as it was propounded.

Asked if he advised Mrs. Dunsuir to accept the best that he could get for her, witness said she instructed him to bring about a settlement. He did not advise Mrs. Dunsuir not to accept \$24,000 a year, or to accept \$25,000. Mrs. Dunsuir accepted it herself. Witness gave her the fullest possible information as to her status.

Mr. Bodwell subjected the witness to a very stiff gantlet of cross-examination as to whether he advised Mrs. Dunsuir to sign that agreement. The witness, however, continued to insist that he had not done so. He denied that he told Mrs. Dunsuir that James Dunsuir was the King's representative in this province, that he controlled the legisla-

ture, and that she wouldn't be able to beat him. He did not remember definitely whether he had told her he could possibly or probably upset the will. His probably did when the subject first came up for discussion between him and Mrs. Dunsuir.

The witness was cross-examined at length during this hour by Mr. Bodwell, after which an adjournment was taken until Monday.

(From Monday's Daily.)

The cross-examination of Montford Wilson, the California attorney, by E. V. Bodwell, K. C., was resumed when the Hopper-Dunsuir will case was called in the Supreme court this morning. The room was crowded with spectators.

In his cross-examination witness said that during the negotiations with Mrs. Dunsuir after the death of her husband, he believed she would live four or five years. Mrs. Hopper didn't believe that the doctors had said that she wouldn't live more than two years. James Dunsuir voluntarily gave Mrs. Dunsuir \$24,000 a year, of which she was assured for four or five years in his will. He was given \$40,000 or \$50,000, which they sought was in addition to this allowance. James Dunsuir increased the allowance to \$25,000 per year, but would give nothing else except the assurance that after the death of Mrs. Dunsuir she should have half the profits of the California business. If Mr. Dunsuir thought Mrs. Dunsuir would only live two years this class would be less.

Witness advised Mrs. Dunsuir not to sign anything when she came north, in probating the will he acted for James Dunsuir in the latter's capacity as executor. Had the will been contested, witness would have appeared in the case for Mrs. Dunsuir, because he had represented Mr. Dunsuir in having the will probated.

Counsel wanted to know if witness's discussion with Mrs. Dunsuir, when he considered the advisability of attacking the will, was not calculated to dissuade her from contesting it. Witness replied that they were generally discussing the various phases of the matter. The will was not his firm for probate by James Dunsuir at Mrs. Dunsuir's request. James Dunsuir knew that witness's firm would give their best services for Mrs. Dunsuir, whose rights they were protecting.

"Yes, but you accepted a retainer from Mr. Dunsuir," pursued counsel. "We only acted for him in his official capacity," replied the witness.

Counsel: "And yet you advised Mrs. Dunsuir as to her rights in regard to that your idea of professional conduct?" Continuing, the witness said that he was satisfied from conversations with Mrs. Dunsuir that Alexander Dunsuir could not be set aside as insane in California. The subject was thoroughly discussed, and Mrs. Hopper instructed witness to make the best settlement he could. Mrs. Dunsuir was receiving \$2,000 a month. They this firm induced James Dunsuir to increase this amount to \$25,000 a year. They also attempted to get him to give her a lump sum of \$40,000 or \$50,000, but Mr. Dunsuir refused. They also sought to obtain for their client the profits of the California business, and James Dunsuir said he would give her this after two or three years, when the debt would be paid. Mrs. Dunsuir was anxious to have the agreement in writing. It was ultimately signed by Mr. Dunsuir. Mrs. Dunsuir understood that she was to receive none of the principal of Alexander Dunsuir's estate.

Witness read the agreement over, and not hurriedly. James Dunsuir would never have permitted her to sign the document that way as he never saw it until then. Mrs. Dunsuir, however, had had a copy and thoroughly understood it.

Cross-examined by Mr. Bodwell, witness said that James Dunsuir had permitted him to read the agreement hurriedly because he wanted to understand it—it was an important document. Witness was glad to get James Dunsuir to sign the agreement as he was afraid he might go back on the will he would take the business away from California. He did not know whether Mr. Dunsuir told him that he couldn't resist.

In reply to further questions, witness said he tried to get all the information he could in regard to the matter from James Dunsuir. "Then as counsel for James Dunsuir in his official capacity you were pumping him for information which you could use, in an attack on the will?" Is that another of your ideas of professional conduct? Witness: "I didn't pump him, I tried to get information from everybody. I was protecting the interests of my client, as I always do." Witness admitted that when he referred to the possibility of the will of Alex. Dunsuir being attacked that he meant more than that which ordinarily was understood in a will being open to attack.

He first heard of the will in February, after the funeral of Alex. Dunsuir. Mrs. Dunsuir said then that she did not know the contents of it. He knew of the will in June. It was after full consideration with his firm that Mrs. Dunsuir decided not to contest the will, taking into account her own good name, the memory of her husband, his health, and the financial circumstances. Mrs. Dunsuir came to this conclusion after considering all these. She made the final decision, but he could not say just what she was. It was during the conversations that she had with his firm that she came to this consideration. She always showed an aversion to contesting the will and keeping out of litigation.

Mrs. Dunsuir did not come to San Francisco to the best of his knowledge determined to contest the will. With reference to the books composing the estate of Alexander Dunsuir, he is the son of the witness. Mr. Wilson said that the books were valued at \$6,000. They were supposed to be worth \$10,000. She bought these books because she fell into the hands of the most celebrated book agent in the world. Witness volunteered the statements that one reason why Mrs. Dunsuir was short of money was because she said she had to pay Mrs. Hopper's debts.

Mr. Bodwell was not slow to take advantage of this and called attention to the fact that witness was anxious to say anything being crossed-examined as to the relations between the Robert Dunsuir & Sons Company, in which Mrs. Dunsuir was interested, and the Victoria firm, the witness said he could not remember the year 1898 was sued by the Victoria firm to the California business. He was given to understand that this would be wiped out in about two years. He did not insert a clause to that effect in the will as Mrs. Dunsuir considered the business relations well. He had understood that the business would yield about \$1,000 a month.

In December, 1900, when the agreement was entered into, Mrs. Dunsuir, he thought, told him that she was going back to New York to undergo a further operation. He did not get an idea from anyone that Mrs. Dunsuir's life was destined to be a short one. Mrs. Hopper never at any time told him that her mother's life was despaired of. He had never got an impression that she would not live five or six years.

He was surprised that she died so soon—about six months after the agreement was signed. James Dunsuir was a hard man to get to sign the document. He agreed to do so, and did it in December without any legal adviser. He did not know that Mr. Dunsuir's principal business in San Francisco was to sign this document. James Dunsuir had repeatedly refused to sign the document. Witness drew up the document and was sure Mrs. Dunsuir understood it. It is considered likely that the departure of the other ministers may be based upon the alleged intention of Serbia to interfere in Macedonian affairs.

ADVENT RECITAL.

Artistically Rendered Programme at St. John's Church Sunday Night.

At St. John's church Sunday night on the conclusion of the service, at which Ven. Archdeacon Scriven (in the absence of the bishop) was the preacher, the third of the series of Advent recitals was given. The organist played Guilmant's chorus in D for the opening number and a Hymn or Adoration for his second, and taking part in an organ duet with his son as the concluding number, being the first organ duet that has ever been played in this church. In the hands of two such capable organists it is needless to say that the effect was grand, although it appeared to tax the wind supply of the organ to the utmost. Vocal numbers were given by Miss McKenzie, who sang "Angels Ever Bright and Fair" in a very effective manner. Miss E. Sehl's pure soprano voice was heard to great advantage in Gounod's "Song of Ruddy" of which she gave a fine interpretation. She also took part in a duet with Miss D. Sehl, their voices blending well together, and showing signs of careful training and practice. Mr. Gibson sang "The Better Land," and being the possessor of a good tenor voice, gave a very good interpretation of this favorite solo. Another selection, "Abide With Me," by S. Liddell, was given in a most artistic manner by J. G. Brown. Jesse Long, in a solo, sang "The Song of the Lilies" in a manner that brought out the full tones of this seldom heard instrument. The church was again crowded to its utmost capacity both at the service and the recital.

MARRIED IN TORONTO.

Two Well Known Victorians United in the Bonds of Matrimony.

The marriage of Mr. F. C. Davidge and Miss Anida Powell took place in Toronto on December 2nd. Both bride and groom are well known in this city, the latter having been closely connected with the business life of Victoria for a number of years. The following from the "Toronto Star" describes the wedding: "At 2 o'clock this afternoon at St. George's church the marriage of Mr. F. C. Davidge, of Victoria, B. C., and Miss Anida E. daughter of the late Mr. Charles Sidney Powell, and Mrs. Powell, of Victoria, B. C., was solemnized by the Rev. Marmaduke Hare, curate. Only a very few intimate friends of the bride were present, including Mr. James Santer, who gave her away; Mr. and Mrs. Ernest Pratt, Miss Porteous, Mrs. Hellivell, Miss Elsie Hellivell, who acted as bridesmaid, and Mr. Edward Jarvis, the groomsmen.

The bride wore her travelling suit of navy blue broadcloth, with an elaborate tone colored and black corded applique on pale blue panne velvet. She also wore a pale blue stitched taffeta hat trimmed with foliage and fur, and a handsome deep cape with long stole ends to the hem of the skirt of Hudson's Bay sable. She carried no bouquet, and wore a very fine white collar, a white and pink tulle, and a white and pink tulle. "After the ceremony the wedding party drove to the late residence of Lady Howland in Bedford road, which Mr. Davidge has rented for a year, and here dejeuner was served.

GAME LAWS.

To the Editor—I wrote a letter last week appealing to the members of the farming class for support of the proposed game law. With your leave I will now appeal to another class of persons, those who are not occupiers of farms. Howland, Bedford road, which Mr. Davidge has rented for a year, and here dejeuner was served.

MINISTERS WITHDRAW.

Decline to Remain at Belgrade and Meet Murderers of King and Queen.

Berlin, Dec. 12.—The reason Germany decided to break off diplomatic relations with the Serbian government, for the present at least, is that the social scene is about to begin at Belgrade, and King Peter has issued invitations to all the world's dignitaries and other festivities, as usual at all capitals. It is known that the ministers accredited to Belgrade have never ceased earnestly to advise King Peter to disassociate himself from the murderers of his predecessor and the king's wife, and to demand their punishment. The Serbian King disregarded this advice, and even did not answer the notes. Matters

reached a crisis when it was evident that King Peter intended to invite the rascally ministers to shake hands with them and dance with their wives. Germany accordingly decided that it was time for her minister to take a leave of absence.

Another Report.

Vienna, Dec. 12.—According to a dispatch from Belgrade the German, Austrian and Turkish ministers are preparing to leave the city for a long holiday. The Russian and Italian representatives have already left Belgrade on a similar pretext. The real reason for the exodus of the diplomats, however, is said to be that King Peter has negotiated the demands of these ministers for the punishment of the assassins of King Alexander and Queen Draga.

Other reports say that the Turkish minister at Belgrade protested to the minister of foreign affairs against the secret preparations which are alleged to be going on in Serbia for the purpose of supporting an outbreak in old Serbia next spring. To this protest the foreign minister gave an evasive answer, whereupon the Turkish minister left Belgrade. It is considered likely that the departure of the other ministers may be based upon the alleged intention of Serbia to interfere in Macedonian affairs.

Now, sir, I am quite certain that the people who commit these abuses are only a very small minority of the class, rich or poor, to whom I write, and that the great majority would condemn their acts as heathenly as I do. But these are absolute facts, and if they are allowed to continue will cause the farmers to consider the game law a curse instead of an advantage.

Our object in framing the proposed bill has been to stop abuses and afford protection, without hardship to the legitimate holders of game licenses, and I appeal to those to whom I write not to oppose but to support the game law and as many of the provisions of the proposed act as they can, consistently with the principles which govern private opinions, to hold which I admit their right as freely as I would defend my own.

EDWARD MUGGRAVE.

Victoria, Dec. 12th, 1903.

THE GOVERNMENT BILL.

To the Editor—There is no difference of opinion as to the necessity of some legislation being provided so as to increase the revenue of the province, and the aims of the people who have controlled affairs in this province during the last decade or so to sow the wind, and it logically follows that we must reap the whirlwind. Unsound principles of finance have prevailed, and there appears to be a general feeling of discontent among the people who have applied to the conditions this created an unsound system of taxation. The singular thing about the new assessment bill is that no one appears to be responsible for it, and it is not the prerogative of his creation and attempts to explain and justify its provisions. The public understand that the bill as introduced was drawn up by one of the permanent officials. The official is to be complimented upon his industry, but the astonishing feature of the case is that a measure of this far-reaching importance was left to such an official to determine, not simply as to its phrasing and its machinery, but upon the principle upon which it was based, and was brought down without the ministers really knowing what its provisions were, how they would affect business, or even what amount of money could be raised under it. The difficulties attending the preparation of an equitable assessment law are many and great. The most ingenious draughtsman could not hope to frame one to which no objection could be taken. But the bill introduced, is even an amended, is of a decidedly faulty nature, one that one can only suppose that the ministers really did not know what they were trying to do. I think these things will be admitted:

1st. The arrangement ought not to have brought down a measure of this nature without the ministers really knowing what its provisions were.

2nd. Ascertained the nature and extent of the burdens which it would impose upon the several classes of the community.

3rd. Estimated the amount of revenue which it would yield.

The bill ought to have been in the members' hands sufficiently long to enable them to do it.

The business community ought to have been given an opportunity to examine its provisions and suggest changes.

Neither of these things was done. The measure was brought down hastily and without any opportunity for amendments were accepted, and in some cases proposed by the government itself, the full effect of which could not possibly be ascertained in the hasty discussion of the several classes of the community.

Consequently it is the new law will be an extremely burdensome one to the business community, and no one pretends to know what it will accomplish in the way of producing a revenue.

I commend the government for appreciating the necessity of getting more revenue, but they are open to severe condemnation for the manner in which they have gone about it. They ask why some one does not propose an alternative. My recollection of the debate in the House is that an alternative was proposed, namely, that the rate of taxation should be increased without any change in the incidence. This was rejected by the government, and yet it surely would have served as a temporary expedient to appease the money-lenders, in whose hands the province seems unfortunately to have fallen.

A. B. C.

A COMPARISON.

To the Editor—I noticed only a few days ago in the "News-Advertiser" the credit of the C. P. R. and the sale of its bonds in London, from which I quote the following: "The credit of the C. P. R. in London, from which the issue of \$12,000,000 four per cent. debentures, authorized by the annual meeting of the shareholders, was authorized at 106 within the next 15 days. Half of the money is to be utilized in buying the Atlantic steaming line, and the remainder to be used in the acquisition of 471 miles of new railway."

The C. P. R. it is true, is a great and successful enterprise, and is wisely managed, and can boast of a fine record of ventures selling at 106. It is, on the other hand, a very large and powerful corporation in a province with its vast territory and rich resources, to submit to passing legislation in order that it shall have a special interest in our bonds, and possibly even to obtain part on the same.

G. L. MILN.

Major-General Dunsuir, in chief of forces, accompanied by a staff of 100 men, arrived in Victoria on Saturday, December 12th. His Honor the Lieutenant-Governor, Lord Dunsuir, and his family were met at the station by a large number of people. Major-General Dunsuir is a well-known figure in the military world, and his visit to Victoria is a matter of interest to the public.

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game which provides sport for those in question, as well as for others. The license has other uses. It affords identification, as the holder has always to produce it to officers, or to occupiers of land, etc.

No licensee-holder can plead ignorance as the close seasons appear on his license. Gross offence, or abuse, or breach of the license entails forfeiture. There are other uses, but it must not trespass too far on your space.