6	· · · · · · · · · · · · · · · · · · ·		FRIDAY. NOVEMBE			State and the second second second second
ACAINCE THE CITY	improperly placed for an unreasonable	failure to do this, the highway was sub-	costs. The following are extracts from the	BRIEF LOCALS.	crossing Lake Labange before it freezes. —The strike of the granite cutters at the new government buildings	KLONDIKE (
AGAINST THE CITY	time." And Patterson, J., says: "The charge is not one of mere omission, bat	sided and a nuisance was created, they were as much liable for a misfeasance	indement of Mr. Justice Drake, who	Gleanings of City and Provincial News	the new government buildings was set	who the Promoters
	of actually continuing the nuisance.	as if they had by their direct act made.	does not agree with the other Judges,	in a Condensed Form.	the contractor according to Hr. Bradbury	who the Fromoters is Fle
A State of the second s	* * * The continuation, therefore,	the hole in the road which constituted	in favor of the city:	From Tuesday's Daily.	and stopping the "nices they demandy	
Judgment of Justice McColl in Pat-	was a thing done in pursuance of the statute."	a nuisance to the highway." And in the Bourke case, whilst upholding the	"The point of this case is whether or			The following is the London letter:
terson vs. the City Upheld	In Pendelbury vs. Greenhalgh, L.R. 1,	principle that public corporations are	not the boring of an augur hole in an old	-For those entitled to vote under the householders' clause yesterday was the	the second se	London, Oct. 20In
1 The 12 Cloumb	Q.B.D., defendant was surveyor of	not, in the absence of legislative en-	beam of the bridge in 1892 is sufficient	first day for registering on the city vot-	-Ail the arrangements for the lecture	last week's analysis of Yukon Klondike comp
		actment liable in damages for mere non	evidence of misfeasance to render the municipality of Victoria liable for the	ers mot. Inc. Mousehouder with mave	upon the gold fields of Klondike district, which Mr. William Origina	interest to your reader
		repair of a highway, the Bathurst case is explained as enforcing liability in re-		the whole of this month to register.	has consented to give buryle, F.R.G.S.	concerns were promot
Disconta from	out the order. He contracted with his	spect of misfeasance in causing a nuk	a most disastrous accident which hap-	-The first meeting of the Victoria	now how numfocted in this city, have	that the British Empi
	brother to do the labor, the vestry find-	sance in a highway, and the Lord Chan-	pened by the collapse of the bridge in question on the 26th of May, 1896. The	Rural Deanery Clerical and Lay Con-	is Friday evening of this week, and from the intense interset new how being, and from	tion was promoted by Woolley Hart and the
		cellor, after elaborately defining the facts and principles of the Bathurst	causes which led to the accident were	echoolroom of St Saviour's church Vic-	the intense interest now being felt in the	trial Corporation.
		case, says, p. 441: "The ratio decidendi	many, and to no one single cause can it	toria West Preceding the conference	quaintance with the upper With ac-	The British Dominic promoted by the Unive
		was that the defendants had caused a	be traly said that it and it alone was the primary cause of the disaster.	evisons has new, with an autros from	try and its rich mineral resources, it	(McKusick's bucket-sh
		nuisance in the highway. It was en- tirely independent of the questions	In 1892 the municipality had the	Ven. Archdeacon Scriven.		O. E. Exploration Spr by T. Veasey.
Leave dranted of Appoint one cane		whether there was an obligation to keep	bridge examined and replaced five of the	The board of trade marc wiramped to	accommodation of the andia for the	The Klondike Mining
		the highway in repair and whether any	floor beams of the span which collapsed, with new timber, and other repairs were	Diace a number of Lionance maps and		by G. W. Basford, New
		person injured by the breach of such duty could maintain an action. The	made; a new flooring was laid over and	attending the hand concert on Saturday		ish Columbia, G. A. St
(1.5	let to the contractor, who, by his negli-	case was not treated as one of mere	longitudinal wooden sleepers for the rails	evening have but to leave the names and	prompted the securing of the lecture cannot be too highly appreciated.	The Yukon Goldfield H. Cant, London and
A delineared	gence, had caused the injury, yet it	nonfeasance, and, indeed, it was not	of the tram line. The mode in which the examination of the timbers was made	addresses of their eastern friends with	A REAL PROPERTY AND A REAL	Goldfields.
indement in Patterson vs. Victoria, dis-	was held that the defendant was re-		was by boring a hole in the timber with		From Thursday's Daily.	The Klondike-Yukon cate was promoted by
missing defendant's appeal from the		sance. Having made the drain and failed to, keep it in such a condition	an inch and a quarter augur to a depth	A State Barrier A state Barrier	-James Murphy was called and ad-	sion Association, F. S.
judgment of Mr. Justice McColl, given	i.e., the placing of the stones and leav-	that the road would not fall into it, they	of seven inches and stopping up the re- sulting cavity with oakum driven in with	-At the regular meeting of the Ma-	morning He was afterment	The Klondike and C was promoted by C. F.
The action was for damages for the	ing the place unlighted, and for the lat-	were just as much liable as if they had	sticks. This is said to be a very im-		to the full court by Mr. Davis and took	The Klondike Pioneer
loss of the plaintiff's husband in the	ter the defendant was held responsible, as his brother had only contracted for i	made the excavation without construct-	proper mode of examination, as the	evening the importation of singing birds into the province was again dis-	the usual values, Mr. Millenhy ha	moted by H. N. Colema The New Klondike (
Point Enlice bridge disaster and was	labor; whereas the work consisted of	quently subsided and become founder-	caulking is liable after a time to absorb water and induce decay. * * It was	cussed, the matter being left in the	leu nere with Mr. Gordon Hunter,	moted by T. Bennett.
tried in vancouver. The chief justice	material, labor superintending, and	ous. * * * The owner of land ad*	pointed out that the life of wood was not	hands of the committee appointed. Mr.	-When H.M.S. Pheasant leaves the	The New Golden Ta
ments dismissing the appeal of the city	lighting and fencing for which other than labor defendant was liable, as for	joining a highway has been held liable	more than eight to ten years, placed in a	J. R. Anderson exhibited a genuine Scotch thistle, found by him at Cow-	dry dock H.M.S. Imperienso milit	by Klondike and Colum
and Mr Justice Drake delivered a dis-	misfeasance, although his fault was a	to the highway as to create a puisance	similar position and subject to the same	Fichan, and the reading of the paper of	Will go in to be scraned and paint	Launched Without I have on previous of
senting jugment. 1. 1. Dains, c.o.,	only an omission. Similarly in Fore- 1	to passengers lawfully passing along it.	weather. The holes, under any circum- stances, would induce decay from the	Judge Swan, describing his trip to the	She will first however have	attention to the permi
W. J. Taylor and Robert Cassidy for	man v. Mayor, etc., of Canterbury, L.	Why should the municipality be less	presence of damp and rain, and decay is	Queen Charlotte Islands was continued	lightened, as the dock is not able to	valling in this country pany without advertis
defendants. After the judgment was	R. 6 Q.B., the defendant as the local board of health had left a heap of	of the same acts merely because the	present in the other old beams of the	A paper received from Rev. Mr. Keen, of Massett, was left over until the next	commodate a vessel drawing more than 27 feet, and the Imperieuse draws 29	or taking the public int
denveled Mit. Cassing asked for real of	stones on the road, without light or 1	road is vested in them, and certain	bridge, where there are no holes bored. The beam which is called No. 3 and one		feet.	the promoters in the at the latest offenders in
the court granted the leave, the matter	fencing, whereby plaintiff on a dark 1	powers or duties in relation to its repair	called No. 7 were two beams which had		-The Orangmeen of the city will cele-	B. C. (Kettle River) M
of stay of execution and security to be	night upset his cart and was injured. The defendants were held liable for	are committed to them? * * * There	never been renewed and had been eleven years in the bridge. Why they were		brate the anniversary of the gunpowder	Company, Ltd., which with a capital of £120,0
Below are the indements:	their omission to fence and light. In	dicta in Bathurst vs. Macpherson can	not renewed when the others were is not	a little cycling performance this morn-	plot to-morrow evening by holding a con-	News, one of the lead
	all these cases the defendants were	scarcely be supported. * * * But	explained. The evidence discloses the	ing for the benefit of the habitues of the	not only of musical selections, but also	on this side, went for drawn forth a public en
	held liable because by their omission they had produced a nuisance in the	they do not affect the authority of that	fact that beam No. 3 broke through the hanger holes on the side of the bridge		of addresses by prominent speakers, has	promoter, Mr. H. Walla
tion had knowledge of the insufficient	highway. To the same effect and up-	independent of them. The conclusion	where the rails were laid. The wood	brothers held a race, the tug being the	been prepared. Refreshments will be	While admitting that plausible one, I still sh
strength of the bridge in time to have	holding the same principle is the case 1	being arrived at that the defendants	was so rotten that the iron plate to	destination. The speed, however, was	served at the conclusion of the pro-	the Financial News th
prevented its use by the company before the accident, and had suffered the bridge	of Borough of Bathurst vs. MacPher- son, L.R. 4, Ap. Cas. 256. There the		which the hangers were screwed was pulled completely through the beam, the	too much for Mr. Howard Langley, for he could not stop when nearing the goal	gramme.	secretly placing shares by means of objections
		for which they could be indicted, it cannot be doubted that it was properly	very strongest evidence that there was	and continuing on in his mad career went	-The following gentlemen were enter-	as puffing in the corru
thereof to become dangerous for tram	the brickwork of which having broken	lecided that the action lay."	no sound wood left in that part of the		tained at dinner yesterday evening by Mr. H. D. Helmcken, Q.C., M.P.P., and	ing poor clergymen, winicious in the extreme.
that Cox, the city carpenter, in the dis-	away, and not having been repaired, a	It is impossible to my mind to apply	beam. * * * The resulting accident		Mrs. Helmcken: Sir Charles Tupper.	their possible condemn:
	tion has caused into which the plain-	he principles of these decisions to the	must have happened with the ordinary traffic at no distant date, unless the rot-		Bart., Sir Henry Crease, Dr. Crompton	of the public and those
ne city engineer, nau bored an augur	him, and causing a compound fracture	present case and not to hold the defende	ten timbers were taken out and replaced	The second second second second second	and Messrs. R. E. Jackson, O.C., W. J.	guide their opinions and their judgments.
			by sound. The boring of the floor	Better evidence of the return of good times could not be obtained than	Taylor, A. E. McPhillips Geo, Jay, Jr., R. Cassidy, R. H. Hall, W. F. Bullen,	Joint Stock Entern
	who tried the case directed the jury I	poration, "Did the hole bored by Cox	beam was found by the jury to have in- creased the decay, but it did not initiate		D. R. Ker A. S. Potts and J. D. Taylor.	Joint stock enterpris
beam was permitted to remain in this	that the actendants were not nable for (cause the accident?" but is the more	it. The neglect of the corporation in	taxes have been paid. Men who for	-Rev. J. C. Speer yesterday evening	there have been no no for the exploitation of m
interest of which the jury find was the	cident was caused by the ne-	comprehensive one, "Did the defendants produce a nuisance in the highway, and	not removing this beam or in testing its	several years have been unable to meet	united the fortunes of Mr. William	ish Columbia, Ontario,
making of this hoom which may lit	gligent way the sewer was cou-	to cause the accident?" and such nui-	soundness in a rough and ready manner are not such acts of misfeasance as will	the demands of the civic tax collector have paid their taxes right up to date.	Moore, of the firm of Moore & Whitting-	of several new compan of formation, one for K
horoughly rotten at the place where it	structed they were hable, but if the s	ance may arise, as I have already shown	render the corporation liable.	During the month of October \$190.000	ton, to Miss Alena Knott, second daugh- ter of the late Robert Knott. The cere-	ital of \$7,500,000, but ov
ared by Cox undoubtedly added largely	sewer was properly constructed in the r first instance and it became defective r	nission but from a combination	Mr. Taylor strongly argued that the	was paid to City Treasurer Kent by	mony took place in the presence of a	of the times their pron a revival of activity in
o the rottenness of the heam 'As there !	afterwards, they were not bound to o	acts and omissions and then	whole bridge was originally too slight in		large number of friends of both parties	before launching their p
and question that the findings are	repair it, and further that if the de-t	he question is "Does this com-	its construction, and that the specifica- tions were not complied with, owing to		at the residence of Mr. Charlton, Milne street, where a wedding supper was	general remarks apply way company, to the b
bundantly supported by the evidence,	fective state in which the drain was harose from the operation of the wea-	lents give a cause of action " in h	neglect by the contractors. He especial-	the last day on which taxes could be	served at the conclusion of the cere-	and Trading concern I ha
acts which they establish give the plain-	ther or wear and tear, it having t	ermining which question we must hear	ly referred to the evidence relating to	paid to save the rebate of one-sixth.	mony. The bridegroom was supported.	tioned, and to several poctuses are said to be
iff a cause of action against the cor-	been properly constructed originally, in	n mind the definition of a cause of ac-	weldless iron which was called for by the specifications, and for which welded	-As many as 2.016 books were boan-	by Mr. E. Whittington, while Miss M.	and whose publication
oration. It is clear that such right of	they were not liable. It was held on t appeal to the judicial committee of the /I	ion as given in Jackson vs. Spittall, L.	iron was used.	ed from the city library during the	Knott stood up with the bride.	pending a much needed the general condition
he corporation is their mere failure to	Privy Council that this was a misdirec- b	y Lord Hobbouse in the Picton case.	But after all, the defendants occupy	month of October, 1,019 of them being	-Superintendent, Hussey received a	city.
epair the bridge or any mere omission t	tion, their Lordships pointing out p	520, where he speaks of "the conduct	a position very different from a railway company or other corporation formed for	loaned to ladies and 997 to gentlemen. The greatest number issued in one day	telegram yesterday, evening notifying	The Stock M
o do that which they might and, per- t	that the barrel drain was not only C	omplained of" as "that act on the part	private objects.	was 132 and the average number 78.	him of the arrest at Princeton, 120 miles from Kamloops of Joe Pittier and	The account has been tention of the house this
aps, ought to have done, for, as held in Picton v. Geldert, L.R., 1893, AC., 524,	made by the defendants, but the sole of control and management of it were by	iff his manso of complaint 17) Monter what	They are the governing body, selected	During the month 52 new members	William Leddle on the charge of steal-	prices when compared
Public corporations to which an obliga-	statute vested in them. By reason of	s the cause of complaint here? Not		were enrolled, 24 being ladies and 28	ing a number of horses from a ranch at	a fortnight ago reveal many cases. On the othe
ion to keep public roads and bridges in t	their construction of that drain and s	imply that the corporation bored the	to execute such duties as are imposed on them by their charter of incorporation	were added to the library during Oc-	Jack's Lake, near Kamloops. The men.	carried over at 1%s., and
	their neglect to repair it, whereby as an h	tore, any more than the raising the high-	and to expend the rates and taxes levied	tober: Jack Halliday, by R. J. Hardy:	rounding up a number of horses, im-	ish Columbia made up 1-16 dis.; Galena fell fr
	indirect, but natural consequence, the was dangerous hole was formed which was in	ng of barrel drain in the Buth	on the corporators in the repair of pub-		mediately began to drive them towards	6d.; Dundees declined fi
n intention to impose such liability upon 1	left open and unfenced, the defendants	rst case. These were proper	If they permit the public works to fall	Decline and Fall of the Roman Empire, 3 vols., Gibbon; History of England, 3 vols., Macaulay; Progress and Poverty,	the United States boundary. Supt.	6d.; a premium of % on 1 Association was reduced
hem. Therefore, in an action for dam-	caused a nuisance in the highway for 1.8	and the same second and a second of the	into decay from any cause they are not	3 Vols HABRY GAMMAN Now Postsment	out for the thieves, who were discovered	victas were unaltered a
The for injurios coursed by the mediat		he same as the boring of sthe	legally responsible, but if loss or damage			Payne's company, the Li

poration act, under which it was incorporated, there was no indication of an intention to impose the liability sought to be enforced.' If such be the construction of a statute imposing upon the corperation the obligation of repair, a fortiori, would it seem to be so under the general municipal act of this province, which is simply permissive in its terms and imposes no obligation to repair whatever. As remarked in Atkins Banwell, 3 east, 92, "a nonfeasance is not within clauses of this kind." But whilst exempt in the fullest way from the consequences of mere nonfeasance, "the statutes," as remarked by Lord Watson in Ogston v. Aberdeen, 1897, L.R., A.C., 115, "give the corporation no right to create a nuisance. and they have no such right at common law." If a public corporation by any act which it does, impedes or endangers highway, it is said to be guilty of misfeasance, in other words, it causes a nuisance, for which it is just as responsible as any other wrongdoer, who is not a public corporation. It is not at all necessary to complete the responsibility of the corporation that the nuisance should be attributable to any one act of the defendants in particular, without which, apart from other circumstances, the nuisance would not have been occasioned, nor that it should be an act in the naoture of a trespass, nor; indeed, any act of commission at all On the contrary, many of the cases in which corporations have been held liable for misreasance are in respect of acts of omission only, which would have amounted to mere nonfeasance had it not been for antecedent acts performed or sanctioned by the corporation, but which, in the public safety, required to be guarded against. Thus in Davis v., Curling, 8, Q.B., the declaration charged that the defendant was under the highway act (5 and 6, W., 4, C., 50.), surveyor of the parish of T.; that gravel had been placed in a highway in T., by means of which gravel the highway was obstructed, and the gravel was a nuisance to the public; that defendant had notice and was requested to remove the same, but he well knowing, etc., did not, nor would in a reasonable time remove, or cause it to be removed, but, on the contrary, conducted himself with gross negligence, and knowingly, wilfully and wrongfully * * permitted, caused and suffered the gravel to continue and be upon the highway, obstructing the same, remaining and be-ing a nuisance to the public for a long and unreasonable time without taking any care or precaution to guard against danger or damage to persons passing, contrary to his duty, etc., whereby the plaintiff's carriage was overturned and he was injured. It was proved that the defendant had notice of the gravel being laid and had been guilty of want of care in leaving it there, and that this had caused the accident. It was held that the defendant was charged with a thing done in pursuance of the act. Lord Den-man, C.J., in giving judgment says: "It, is clear that the defendant is charged with a tort committed in the course of his official duty; he is charged as surveyor with the positive act of leaving the gravel in the road where it had been

question."

to an ting of wooden beams the life of which action by the plaintiff, who had sustained direct and particular injury from their breach of duty, and, 'says Sir Barnes Peacock, p. 265, "It is clear that the hole was caused by an artificial work, viz., the barrel drain, which was constructed by the council and that the accident would not have happened if that drain had not been made. plaint is that after having bored the hole, found, but that falls into the category the corporation did not take precautions of want of repair. It is a curious fact or if it had been kept in repair so as to prevent the soil adjacent from wash against the increased rotting of a tholes, that in another action for the same acing into it, and forming the hole in which must become saturated with wa-ter in wet weather. When the jury find jury found the cause of the accident was This being the state of facts their Lordships do not think it that the boring of the hole added largely the breaking of a stirrup iron, that is, necessary to decide whether it was the to the rottenness of the beam they an iron which was fastened round the mean also, T think, or, if not, we are foor beam and to which the hanger irons intention of the legislature to throw upon the municipality the obligation of bound to infer, that the beam would not were attached. * * * keeping in general good repair the have rotted so quickly, that is to say, roads and streets and placed under its would have lasted lorger, had it not management. After giving reasons for been for the boring, in other words, that gineer of the original holding that the duty was cast upon the causa causans of the accident was for the construction of the bridge, the corporation of repairing the artifithe failure to take timely precautions and it was not unreasonable for cial work which they had constructed, against the increased rotting produced him to endeavor to combat the theory by the hole; thus tracing the immediate, that the original design and construction the judgment continues: "Their Lordships are therefore of opinion that the cause of the accident to the neglected were fully and to place the fault else hole made by the corporation. The where The testing of the heam was appellants by reason of the construction of the drain and their neglect to repair epair breaking of the beam was the accident. a proper thing to do, and no injury re-was the rottenness of the beam caused the suited from that, but the subsequent it, whereby the dangerous hole, formed which was left open and unbreaking, and the act of the corpora- Lieaking of the beam was found to be fenced, caused a nuisance in the hightion in boring the hole produced the the cause of the accident. The beam way for which they were liable to inrottenness. dictment. This being so their Lord-The evidence also shows that in the ships are of opinion that the corporation summer of 1892 the corporation were same result-want of repair. If there are also liable to an action at the suit warned of the dangerous condition of the | was no duty cast upon the corporation of any person who sustained a direct bridge, and that they then closed it to damage from their breach of duty, cittramway traffic as it was their undoubting Henley vs. Mayor of Lyme Regis. ed right and duty to do. They were recommended by their engineer to put in 5 Bing., 101, S.C. in E.E. 3, B. and A. 77, and in H.L. 8, Bh., N.S. 690, and iron beams throughout, and, had they also per Pollock C.B., in McKinnon vs. done so, the accident in human probab-Penson, 8 Exch., 327.' ility would not have occurred, as it is It is true that some of the shown by the evidence that the iron work other observations of some of the bridge on which the iron beams the dearned Lords in the case would have depended had a factor of subsequent cases before the same tria heavy traffic of the cars, had never been bunal to have gone beyond the point reached or nearly reached. The corpofor decision, and perhaps to be erron-, ation, however, discarded the advice of eous, but the principles which I have their engineer, and, having simply put in quoted from that case and the particu- | a few new wooden stringers, after a short lar decision therein are distinctly of delay themselves opened the bridge to firmed in the subsequent cases of Pic- traffic, thus hilling the public into securtou vs. Geldert, L.R., 1893, App. Cas. ity and inviting them into a dangerous 524, and in Burke vs. Sydney, 1895, L. | trap. R., App. Cas. The learned judge whose decision In the Pictou case Lord Hobhouse says, page 520. "Whatever general views are stated in that (the Bathaust) case must, as in all cases, be taken with reference to the facts and it in with reference, to the facts, and it is it may become necessary in another acclear to their Lordships that the gov-erning fact in the Bathurst case is that whether his view is not the correct one. the conduct complained of was not in In this case, however, I am satisfied the view of the committee nonfeasance, but misfeasance. In delivering the judg-ment of the committee Sir Barnes Pea-cock expressly says that they do not de-cide whether the legislature threw upon the municipality to be inferred in judg-ment, unless there be anything in the defendant's point that the defendants in

cide whether the legislature threw upon the municipality the obligation of keep-ing in good repair the works it took over. The ground of the decision was that the municipality, having under the powers conferred upon them, con-structed a drain, which unless kept in the powers conteried upon them, con-structed a drain, which unless kept in proper condition would cause a nui-sance to the highway, were bound to keep this artificial work in such a con-dition that no nuisance should be caused, and that' if owing to their

made .

bound to keep in repair, but the

the Bathrust case, as there is but a small

liable, I fail to see how they can be

Unless the act of examining the bridge

by the augur was an act of misfeas

THE CABINET IN SESSION

greatly to be blamed. They might have closed the bridge to traffic or taken other was becoming exhausted. But, as in the steps which would have rendered the Statistical Year Book, 1896. Davis vs. Curling, Pendlebury vs. Green- casualty impossible. The corporation From Wednesday's Daily. Foreman 'vs. Canterbury, and may have adopted a method of ascertain-Bathurst vs. Macpherson cases, the cause of complaint was the failure to was unusual, but that alone did not af--Beginning to-morrow (November 4) the morning train for Nanaimo will leave. take proper steps to prevent the arti- fect the strength of the beam, as it lastat 9 o'clock, instead of 8. This arrangeficial work becoming a nuisence in the highway, so here, the plaintiff's com-less increased the decay, as the jury ment will hold good for the winter months.

-The meeting which was to have been held at Colquitz Hall yesterday evening to consider the advisability of forming a farmers' institute in that district was postponed until to-morrow evening. Mr. Paterson, Mr. J. R. Anderson and others will address the meeting.

-The death occurred yesterday at New The chief evidence in support of the Westminster of Flora Ross, who for plaintiff's case was furnished by the encontractors provincial asylum for the insane in that city. Mrs. Ross was formerly a resident interests here. The funeral will take place at New Westminster.

The where. The testing of the beam was -The remains of the late William G. Lawson were taken to their last resting place yesterday afternoon. The funeral doubtless broke owing to the weight conducted, as well as at the graveside, placed on it, but this comes back to the by Rev. Canon Beanlands. The pall bearers were Messrs. C. H. T. Blake, D. Driscoll, T. Shaw, Henry Bland, A. to keep the bridge in repair, the testing of the condition of the bridge or the repair to it cannot of itself be held to be improper acts, which will create a McGregor and W. T. Marshall.

-The men who are about to undertake liability that did not exist before, *** * The Bathurst case 4, app. the construction of a road through the White Pass evidently mean business. George A. Brackett, the railroad concase, 256, is cited as the governing case tractor, who built a large section of the of misfeasance. The ground of that de-Northern Pacific railway, is at the head cision is that in constructing a drain, which the municipality had power to do, of the project. He went north on the City of Seattle on Monday with a party they were bound to keep their artificial who will make the preliminary survey. On her next trip the Seattle will take work in such a condition that no nuisance should be caused. It might be con north the material for a steel bridge to tended that a bridge was an artificial be built by the company, doing away work, which the municipality were with the present steep climb. It will be muni cipality of Picton v. Geldert (1893), app. a toll road. case, 524, seems to be in conflict with

-A letter from Tagish Lake, brought down by the Government party, states that Edward Henderson, of Seattle, who distinction between the approaches to a bridge and the bridge itself, and if in brutally murdered. Tombery Peterson, a sailor, on Sept. 18th, fifteen miles below the lake, had been handed over to Capt. the former case the corporation are not liable in the latter. The whole Harper of the Mounted Police, who was matter comes back to the same point. taking him to Dawson, The murder was committed at 2 o'clock in the morning, Henderson first shooting his ance, which I do not think it was, the victim with a 45 Colts revolver and then beatacts of the corporation in not removing the beam were nonfeasance only, and such being the case, the defendants are entitled to judgment, but, under the cir-cumstances, without costs.

Will Decide the Lieut.-Governorship, Which Goes to Senator McEnnes,

drew Fairfax, by J. Hocking; Canada | full court gave judgment dismissing th defendant's appeal. The chief justice, after a trial before a jury gave judgment for \$10,000 damages to the plaintiff to the loss of her husband, who was killed by a tree falling on him as he was walking along the street. The munici pality had allowed the ground around the tree to be excavated so that during a high wind it was blown down. Gor don Hunter for plaintiff and E. P. Davis, Q.C., for defendants.

-Mr. J. M'lilree, of the Northwest Mounted Police, is purchasing another lot of supplies for the force stationed in the Yukon country. The goods will be shipped north on the Corona, the first vessel to sail, and will be taken over the passes as quickly as possible and distributed among the supply stations many years past has been matron of the | which are being established along the route to the Yukon. It is the intention of the government to have fully nine of Victoria, the Ross family having large months' supplies for the men they have sent to the Yukon.

-The winter time table for the E. & N. railway went into force to-day, this morning's train leaving at 9, which will hereafter be the time of departure. This train will arrive at Nanaimo at 12:15 cortege left the family residence at 3 and at Wellington at 12:40. The north p.m. and proceeded to Christ Church Ca-bound train will leave Wellington at S:30 and train will leave Wellington at S:31, arriving here at and Nanaimo at 8:51, arriving here at 12:07. The Sunday afternoon train is cancelled, the Saturday afternoon train feaving at 3 and arriving at Nanaimo at 6:11. The south bound Saturday af ternoon train leaves Nanaimo at 3:45. arriving here at 7. A freight train leaves Victoria Monday, Wednesday and Friday, and Nanaimo Tuesday, Thursday and Saturday.

-It is stated that the Cassiar Central Railway Company will immediately commence work on their line from Telegraph Greek to Dease Lake, the explorate survey of which has just been complete by Mr. H. P. Bell, C.E. The company has laid out townsites at Dease Lak and along the line of the proposed Vay and have staked out many of old claims, out of which the miner is t longer able to make pay. These claim they will, it is understood, work with hydraulic machinery. The company has also staked off the Dease Creek flats deep diggings which miners could not work. The flats are supposed to be very rich. -Mr. John Hyland, Jr., the trader of

Telegraph Creek and Dease Lake, is i the city. The past season has been successful one for the business men o the Cassiar district. Mr. Hyland with a 45 Colts revolver and then beat-ing him on the head. As soon as Cus-toms Collector Godson heard of the mur-der he sent Officers Dillon. Hinds and Jackson to the scene. Thes, took charge of the munderer, A jury was swarm in and an inquiry held, which con-clusively showed that Peterson had been murdered by Renderson with little pro-clusively showed that Peterson had been murdered by Renderson with little pro-vocation. Much credit is given Collector Godson for the manner in which the

Wandouver Syndicate were continued next stock exchange account at fl mlum, or 1s. 4d. less than last time a very nominal market at that r quotation.

WHAT THE PREMIER MISSED

Hon, J. H. Turner, premier, min finance, minister of agriculture, etc., returned to the coast after having ven southward as far as Vernon. Whe eft Victoria he announced that he intended to visit the Boundary Cree trict, but the work of wooing Kootenay the irrepressible opposition would been trying on a younger and abler consequently Boundary Creek must str along for some time without the hon having been visited by the minister. While the district keenly feels the uch a visit, still the premier missed thing that like the lark in the Aus colony, was worth going miles to see. without government pap, wherepay taxes into the provincial exchequ levy tribute on themselves to und public works. He missed seeing min side which those of Kootenay would into insignificance,-mountains, of stead of veins that ane measured by i If also missed seeing that enormous of land that has been tied up while H Mewdney, et al., have been trying to underground passageways to the treat at Victoria and Ottawa, Land that alluvial it is true, but it is too rich used for such an ignoble purpose. The premier also missed several da between Greenwood and Penticton, not at Rock Creek, where the fording of stream in the absence of a bridge is to to a timid man; he also missed havin risk his life in the West Fork in order be might visit the settlers who are the soil, blasting the rock and petitic provincial government to cons them :a much needed bridge The premier would certainly have

in by the way of Osoyoos had he vit the district. He would be analous to the through the Osoyoos valley and visit overnment offices. He therefore m gover liberty. That was something to miss, When the premier had more enthus and still less discretion than he has he petitioned the government of the (Republic to remove certain Indians British Columbia where the Union taminated the air they breathed, richer and parer air through which way the stars and stripes. In order to re Rock Creek, Midway, Greenwood and e Dolats, it is necessary to pass the United States, although there is an cellent opportanity for building a through British territory. The prethrough British territory. The pre-would surely have enjoyed this portion the trip, particularly if he was forced pay \$10, a day to a convoy to see that not smaggie any political poin

actons the line. The Dremier by not visiting Greenv also missed seeing one of the most thrit towns of British Columbia, where pe are all doing well and have confidence e district

He also missed seeing one of the bed and best hospitals in the provident of the second seco s no government ald.

any in a measure account for his to visit the district; he missed the unity to make excuses for the Hon.