# Boys' and Men's

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VICTORIA, B.C.

Part 2 of volume 2 of the British Co-

Walkem and Drake sat as a divisional court to hear an appeal from an order specific performance: At the examina-Mr. Mason should not have the lege of solicitor in matters with which he was connected relating to the said lands. Mr. Taylor asked the divisional court to fendant, C. D. Mason, acted as solicitor in connection with the said agreement; that he acted as agent for John Nicholles only, and not for the defendants in matters that he is personally inter-

The case of Gain v. Spring, an action on a contract for plastering defendant's house, was then called. The appeal is from a judgment of His Honor Judge Bole. Mr. Hamilton appeared for the appellant, but as no one appeared for the respondent the case was not proceeded with.

ested in as trustee in connection with

said agreement."

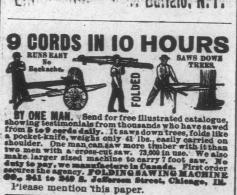
He claimed to have been appointed by was afflicted with smallpox, and for doing this he claimed compensation. city refused to pay on the grounds that there was no contract; that if there was any contract it was not under seal as required by the incorporation act, 1886; and that the services had not been ren-dered on behalf of or at the request of the city. A motion for a non-suit was made at the trial on the ground that even if the facts were as stated by the plaintiff there was no case to go to a ury. Judge Bole refused to and submitted two questions to the jury 1st, Did Huntley employ the plaintiff? 2nd, Was Huntley at that time the agent of the corporation and authorized by them to employ him? To the two questions the jury replied in the affirmative and judgment was thereupon entered for the plaintiff for the amount of his claim. Hence the appeal. The appellants contend that there was no contract and that the second question submitted to the jury was a question of law

ordinary cases in chambers

explode dynamite cartridges. they blew up part of a mineral railroad.

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LAW INTELLIGENCE.

lumbia Law Reports, being reports of cases decided in the supreme and county courts and in Admiralty between June and December, 1892, has just been published. It is a neat little volume compiled by Robert Cassidy, barrister-ar-

made in the case of Foot and Carter v. Nicholles and Mason. On October 31, 1-891, an agreement was made between the plaintiffs and defendants whereby the latter agreed to purchase for \$4,500 certain lands in the San Juan valley, Renfrew district. For certain reasons the agreement was not carried out, and now the plaintiffs bring an action for tion of defendants before the registrar, Mr. Taylor, their solicitor, objected to some questions which were put to Mr. Mason as to the parties for whom he was acting as trustee; but on the matter being referred to Mr. Justice Crease his lordship made an order directing that rescind the order on the ground that deand that he was entitled to claim solic itor's privileges. On hearing argument by Mr. Taylor for the appellants and Mr. Wall for the respondents, the court varied the order to make it read, "that Mr. Mason have no solicitor's privilege

At 2 o'clock the appeal case of Brydone-Jack v. the corporation of Vancouver was called. The original action was brought by the plaintiff, Dr. Brydone-Jack, to recover \$245 for professional services rendered in the spring of 1892. Mr. Huntley, health inspector, to look after a man named Dockendorff, who

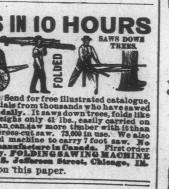
which a judge alone could decide. Mr.

Ham'lton for the appellants. Mr. Justice Crease disposed of a few

Brydone-Jack for the respondent; Mr.

Paris, Oct. 19.—The striking miners at Lenz, Pas de Calais, continue to riot and

FRI STRICT OO., Buffalo, N.Y.





VICTORIA B. C

## LOCAL AND PROVINCIAL

News of the Day Selected from Monday's Evening Times.

DEATH OF MOSES LUMBY. A Pioneer Miner and Rancher Dies at

the Jubilee Hospital. Moses Lumby, late government agent at Vernon, who came to Victoria about a week ago for medical treatment, died at the Jubilee Hospital yesterday morning. He has been suffering from heart disease for some time, and since his arrival in Victoria had been very ill. The deceased was a native of England, aged 52. He came to British Columbia about 1860 and went to the Stickeen river. In 1862 he followed the rush to Cariboo, where he remained several years, returning to Victoria. Shortly afterwards he went to the South Thompson district, and with the Bennett bro thers bought a ranch. On the death of the elder Bennett Mr. Lumby went to the Spallumacheen district and purchased the ranch which he recently sold to Major Dupont. It was principally through his energy and influence that the Shuswap and Okanagon railway was For years he had had big crops of wheat for which he could not find a market, and the same was the case with his neighbors. The S. & O. railway company, of which he was president, built the railway to send the crops to a market. Mr. Lumby had few coufidential friends and therefore little is known of his life before he arrived in this province. Those who have known him during his residence here have nothing but good words to bestow on him. He was appointed government agent at

not known. The funeral will take place on Wednesday at 3 p. m. from the Jubilee Hos-

Dewdney, which occurred last year. There are no relatives in Victoria and

the addresses of those in England are

Vernon shortly after the death of Agent

and

Died Alone and Priendless. The cold, lifeless body of William Daycel, an old man who has been a consump tive for a long time, was discovered by Mr. Maynard in Maynard's cabins this Daycel had last been seen Sunday afternoon. He was sent to St. Joseph's hospital about a month ago but left that institution after having been there a week. He complained to Mr. Maynard of ill treatment and said that he was starved. When he came out of the hospital he was given a cabin by Mr. Maynard who also gave him odd jobs. Charitable people helped to support him and in this manner the enfeebled consumptive managed to keep body and soul together. Daycel has been in this country many years. It is not known whether he has any relatives.

### A TERRIBLE PUNISHMENT.

Siwash Pushes His Klootchman Into Fire for Alleged Infidelity.

Sergeant John Langley is investigating a rather serious case among the Indians at the Esquimalt reserve. It sems that about two weeks ago a Siwash who believed his Klootchman guilty of some offence against the marital vows shoved her into a big bonfire by way of punishment. The woman was horribly burned about the limbs, the use of one of which she will probably never recover. Dr. Hanington went to Esquimalt this afternoon to treat the woman. The worst stage of her illness has passed. The matter was kept very quiet, as may be judged from the fact that it was two weeks in leaking out. It is claimed that the wife was entirely innocent of any wrong and in no way merited the fiendish punishment inflicted. Sergeant Langley is at Saanich this afternoon gathering additional evidence and the Siwash with all the witnesses will be in custody this evening.

The Touring Ministers.

Hon. G. E. Foster and Hon. Mr. Angers, who are touring the country to obtain the views of the public on the tariff question, will not be here until Saturday, and will remain over Sunday and Monday. The gentlemen who wish to give their views to the ministers will therefore have one day, Monday, in which to do it. As yet the different trades have done nothing towards organizing and appointing delegates to wait on the minsters. The board of trade rooms are stll open and something may yet be done. The ministers expected to be in Victoria on Wednesday, but they were delayed. Mr. Earle, M. P., received a letter from Hon. Mr. Foster notifying him of the change in the arrangements.

The steamer Maude returned from Alberni on Saturday evening. The steamer R. P. Rithet arrived from the Fraser this morning with a load of salmon for the salmon ships.

The recent transfer of coal at sea hetween the warships Kearsage and San Francisco was not successful enough to warrant further experiments.

The Alaska Commercial Co, has sold the steamer St. Paul to the Pacific Coast Steamship Co. to replace the steamer Newbern wrecked on the California coast. The price paid was \$125,000.

Hon. Amor DeCosmos was descending the stairs at his house on Yates street on Thursday, when he slipped and broke his leg just above the knee. It was dark at the time. He had come out of his room, and at the head of the stairs put out his hand to rest on the railing. His hand missed the railing and he fell to the landing. The broken limb was set by Doctors Hanington and Richardson, who soon had Mr. DeCosmos resting comfortably. The break was a serious one and it will be some months before the patient will be able to be

Rhenmatism cured in a day.—South American Rheumatic Cure for Rheumatism and neuralgia radically cures in 1 to 3 days. Its action upon the system is remarkable and mysterious. It removes at once the cause and the disease immediately disappears. The first dose greatly benefits. 75 cents. Sold by Langley & Co.

SHORT LOCALS. Gleanings of City and Provincial News in

a Condensed Form. (From Friday's Daily.) -The Victoria & Sidney railway is now laying the track near Swan lake. -The fire insurance act will come into force Jan. 1st, 1894, instead of Nov. 1st

this year. -The boundaries of the North Arm school district have been defined. The notice is in the Gazette of this week. -Francis H. Tuck has been gazetted as district registrar of Yale, and George E. Powell and Loftus Browne, of Victo-

ria, as notaries public. -About Jan. 1st, 1894, Emmanuel Bloomingdale of San Francisco will enter into partnership with Simon Leiser, the Yates street merchant.

-Frank Freer, arrested at San Francisco two months ago with opium in a false-bottomed trunk, was released on paying a fine of \$50. The information

-A vicious dog last night bit the infant child of William Harrison of Johnson street on the shoulder and leg. The shild is in a very bad condition. The owner of the dog will probably be prosecuted in the police court.

-Robert McManus, of the Wellington Advocate, is in town to consult with James Dunsmuir regarding the proposed station and round house at Wellington. Mr. McManus is one of the committee appointed by the citizens of Wellington for that purpose.

-Coquitlam wants to increase its 'imits so as to include all lands between the municipal boundary and the Pitt river, on the east, and also all lands between the municipal boundary, the city limits of New Westminster and the Fraser river on the south.

-Daniel McBrady and Miss Delia Hart were married at St. Andrew's Roman Catholic cathedral last evening, Rev. Father Nicolaye officiating. Miss Murray and C. Quinnan supported the couple. The wedding was private, only intimate friends of the couple being pres-

The Lieutenant-Governor in has established a direct office for the recording of instruments and registration of titles affecting real estate in . Yale district, the limits of which will include the Cariboo, Lillooet and Yale electoral districts. The office will be open for The body was half naked. the transaction of business on the 1st of November.

-John Hayes and John Farrell were each fined \$5 for being drunk. Jimmy Chickens was sentenced to a month in jail for having a bottle of whiskey in his possession. Julia, Indian, also had liquor and was fined \$25. Robert Caddock was convicted on his own confession of supplying Indians with liquor and was fined \$50. Default two morths hard labor. The charge against J. H. Gaerdes of keeping Jubilee saloon open on Sunday and selling liquor was dismissed.

ing in St. George's hall. The following Harold Peterson pleaded guilty to officers were duly elected and will be installed at the next regular meeting: C. amero. The theft was committed two R., Geo. Leonard; vice C. R., Chas. Coopweeks ago. Both Peterson and Roamer; financial secretary, G. Smith; recording secretary, R. R. Watson. members afterwards enjoyed a short pro- promised to return it. but broke his gramme of music. The prospects are bright for Court Emery, No. 371, C. O. encouraging reports being made by

the D. D. H. C. R. -At the close of the prayer meeting last evening, a congregational meeting was held in the First, Presbyterian which indicates the interest the people take in church work. The object of the meeting was to make all necessary arrangements for the annual congregational meeting to be held at the end of the year, that none might then be found napping. Committees were appointed to do special work, and all the societies in the congregation were asked to concentrate their efforts, so that the year may close with good results of systematic methods. All present were like a big family, of one mind in the work under consideration. One of the speakers remarked that this congregation should give a good account of itself, for, according to the last report of the general as-

sembly as to membership, it is the largest in British Columbia. (From Saturday's Daily.) The stewards of the fleet were ten-

dered a dinner last night by Proprietor Day of the Esquimalt hotel. -St. Luke's congregation, Cedar Hill, are taking steps towards the appointment of a successor to the late Rev. M. C. Brown.

-The entertainment in aid of the Protestant Orphanage by the Sabbath school of St. Paul's Presbyterian church realiz--Leon Borde, who was accidentally

shot in the leg a few weeks ago while hunting, is progressing favorably at St. Joseph's Hospital. -Judgment in the salary suit brought

by G. Butcher, seaman on the Annie E. Paint, against E. B. Marvin & Co., the owners, has been reserved. -The following new post offices were

opened in this province October 1: Alexis Creek, Cariboo; Fulford Harbor, Vancouver district; Tinehead, Westmin-

. - A statuette of Sir John Macdonald was exhibited at Savannah's art studio yesterday. It is the work of A. Harris and is to be sent to Ottawa to be entered in the competition for the bronze statue to be erected in that city. -Ned Tumner of Port Discovery was

arrested on the beach near Port Townsend on Thursday night with 20 pounds of optum in his possession. A panion who had a like amount fled. Inspectors Hutchinson and Miller made the

-Addis Gallagher, tormerly of Portland, but well known in Victoria, has bought out the Wilson bar from Hall Bros. Mr. Gallagher took possession today, and this evening a formal opening -The firm of Flint & Williams has

Flint retires and Mr. Williams continues the business at the old quarters of the in another column. -Health Inspector Murray has for-

been dissolved by mutual consent. Mr.

gest several desirable changes in these

men employed therein. -It has not been announced definitely when the warships will leave Esquimalt on their cruises, but it is believed H. M. S. Nymphe will depart a week from to-day. The Royal Arthur and Champion will leave at the end of next month. When the Garnet will leave is uncertain.

Two Chinese labor contractors have quarreled, and the quarrel may end in the police court. The one charges the other with obtaining money under false pretences. The Celestial charged with this offence is said to have received \$140 to supply Chinese laborers to his fellow Celestials. The laborers were not furnished.

-The three Northern transcontinental railroads have made a reduction in the less than carload rates on boiler and plate steel and fron and sheet and slab which he gave up made matters light for | zinc from the East to North Pacific coast terminals. The reduction on the former commodity is about 33 per cent. and on the latter about 17 per cent.-Exchange

> -There is talk of utilizing the falls of the Similkameen river, two miles above the confluence of that river and the Okanogan, as a means of irrigation for the Okanogan valley, says the Post-Intelligencer. The scheme is entirely feasi-ble, and there would be millions in it for the promoters of the work. A flume six feet square would irrigate the Okanogan valley for 40 miles below Oro, and on both sides of the river.

-The William Ogilvie survey party arrived in Victoria last night. The party comprises William Ogilvie, Wm. Mackenzie, R. B. Craig, F. R. Beatty, Walter Macdonald and H. N. Atkinson. They are the last of the Alaska survey party to come down. Mr. Ogilvie says it will take two years more to complete the survey, another year for the present survey, which is preliminary to making the man for the use of the arbitrators and the third year will be taken up in marking out the boundary line.

-John S. Clute, jr., of New Westminster, son of Collector Clute, and Miss Mary Louise Robertson, eldest daughter of Rev. and Mrs. James Walker, were married last evening at 55 Birdcage The ceremony was performed by the Rev. Donald MacRae of St. Paul's church, assisted by the bride's father. Miss Frances G. Walker attended her sister as bridesmaid and G. H. Barnard supported the groom. A number of relatives were present at the ceremony. Mr. and Mrs. Clute left for the Sound last night and spend a few days there before

returning home. -William Brown was charged with He pleaded not guilty. It was the first offence The court told him that he had better plead guilty if he were drunk, as he would get off easier. Brown refused to plead guilty. He said that he was with two friends, and -The half-yearly meeting of the they would swear that he was sober. Canadian Foresters was held last even. Case remanded till Monday, bail \$20. theft of a silver watch from Jean Roero were drunk. Peterson told Roamero The he had stolen the watch. Roamero The Chew word: one month.

case was remanded till Monday. (From Monday's Daily.) -Bay street from Saanich road First street is closed to traffic.

-Mme. Edwards Moore resumed ther was held in the First, Presbyterian dancing classes in Sir William Waltace church. The attendance was very large, Hall on Saturday evening. -Rev. Father Nicolaye has been appointed administrator of the diocese of

Vancouver, vice the late Father Mandart. -The boy Ramous, charged with the

Gus Varrelman has been admitted to bail in \$200. -The annual report of the Board of Trade of British Columbia has been mailed to members. The information voluminous and interesting. -It is again rumored that the City of

Kingston will change her running time to just the opposite of what it is now. A day run to the Sound and a night run from there would be satisfactory to Victorians.

-The house of A. G. Sargison, 121 Pandora avenue, caught fire Sunday at noon. The fire was caused by a defective chimney, which ignited the roof. The chemical extinguished the flames. Damage \$50.

-The Ladies' Auxiliary of the Y. M. C. A. has decided on a fair for Nov. 21, 22. 23 and 24. The plans are not yet completed, but will be at a meeting to be held on Friday next. The ladies intend to give entertainments each day. -It was only necessary to hear an

inkling of the fact that the Star almanac of Montreal is to be published early in November to create a tremendous demand for it. We hear the Star almanac this year is to consist of four hundred and fifty pages.

-The Port Townsend Nail Works has been awarded the contract by the Midwinter Fair management to supply wire nails to the amount of \$8,500. Work will be commenced next week and actively prosecuted until the contract

-Magistrate Macrae was taken St. Joseph's hospital this afternoon. His illness was not severe, and he will probably again be around in a few Arrangements have been made for two justices of the peace to preside in the police court in his absence.

-The James Bay Athletic Club "smokat the Clarence Saturday evening was well attended. President Flumerfelt presided. Keith Middleton acted as pianist and solos were given by the following gentlemen: Ed. Mallandaine, Jr., Geo. Jay, Jr., J. Hood, E. E. Billing-hurst, Ross Munroe, J. Martin, Allen and Wollaston. -The gross earnings of the Great

Northern railroad system, including the Eastern railway of Minnesota and the Montana Central and the leased lines, were \$1.613,442 in September, a deand \$4,079,495 from July 1 to Sept. 30, The notice of dissolution appears an increase of \$68,449 on the same period of 1892.

-A six-months'-old colt belonging warded a report on the condition of the Joseph Finnerty, who lives near the Vic-Chinese laundries to the city council. toria driving park, was shot yesterday The report, it is understood, will sug- morning by some sportsmen. The ani- tending no assistance.

mal was hardly dead when found, toinstitutions. There are thirty-five Chinese laundries and nearly 300 China-Ald. Belyea has given notice of his

intention to introduce a by-law to dispose of a certain portion of Oak Bay avenue adjacent to Cadboro Bay road for certain lands adjacent to Oak Bay The object is to straighten the street.

-Robert Bruce Mouatt, a the Shetland Islands, aged 38, died yes--Robert Bruce Mouatt, a native of was a brother of Miss Mouatt, of the nursing staff at the Jubilee Hospital. The funeral will take place to-morrow morning at 11 a. m.

-Turner, a steward from H. M. S. Pheasant, was taken to Westminster penitentiary on Saturday night. He is to serve three months for stealing from the officers. At the end of his term he will be dismissed from the service. Constable Huson took Turner to the penitentiary. -The mission at the Roman Catholic

Cathedral commenced Sunday morning. Rev. Father Lindner, C. S. S. R., is in charge. Tuesday he will be aided in the mission work by Father Strohl, of Seattle. Masses are celebrated every morning at 5 and 8:30 and there is evening service at 7:30. ing must have been done in the morning. The wound was in the neck and was

made with fine shot. -Chew Bow was arraigned in police court again this morning, charged with the theft of clothing, bed linen. photographs, books and colored wax candles from Dr. Powell. George Powell prosecuted. Chew pleaded that all the articles were given him. The court

thought otherwise and sentenced him to two months. Thos. Dorothy, Richard George and Peter Johnson, drunks, were each fined \$10. -Captain Otto Buccolz, of the schooner Casco, has returned from his wedding tour and says he is soon going to get down to work again. The Casco in his command will leave here on December 1 and will go to Yokohama, taking the southern route. The first stop will be at the Bonin Islands, where water will be taken. At Yokohama Japs to man the boats and schooner will be shipped.

hunters will work the schooner. The schooner will early in the season investigate the migration of the seals. -After seven years and a half continus service the Rev. D. MacRae's connection with the Presbyterian congregation at Cedar Hill now ceases. In connection with Spring Ridge and East Fernwood, Rev. Mr. Chisholm assumed formal charge of this Presbyterian mission last Sunday. Mr. MacRae's services will in future be confined to St. Paul's church, Victoria West, the congregation having cheerfully assumed the necessary being drunk on Yates street last night. additional financial responsibility to enable the presbytery to take this advanced

For the trip across the captain, mate and

step and at the same time making provisions for other suburban parts of the city. -The new United States quarantine regulations recently sent out by the department strictly pre bit any vessel from foreign, other that those from contiguous territory, being inspected by quarantine officers after sunset and before sunrise. Hereafter vessels will be required to remain at Port Townsend until daylight before receiving the quarantine officer's certificate. An instance was noted on Saturday. The British ship Samaritan, from Shanghai, arrived during night and was detained until morning, when she was inspected and allowed to proceed to Tacoma. The regulations contend that a proper inspection of crews cannot

be made after night, hence the necessity of daylight inspection

The Rathdown Again. A special from Tacoma says Charles Fickety, a colored sailor of the British ship Rathdown, on which a fatal fight took place recently at Sidney, B. C., was arrested for inciting mutiny and theft of a diamond ring belonging to fined \$25. The men had agreed to demand and secure from the captain higher wages, and were starting to enforce compliance with their demands.

Murdered a Whole Family. Washington, Ind., Oct. 23.-The grand ury yesterday caused the arrest of s Stone on a charge of murdering the Wratten family in Harrison town ship on the night of September 18th. The Wratten family consisted of Dinsen Wratten, his wife, his mother, and three small children. All were killed with hatchets or axes. Mr. Wratten was confined to his bed with typhoid fever at the time. Stone was the first to discover the murder and report it to the public. The evidence against him was given by his wife. She testified that he complained of having toothache on the night of the murder, and left home telling her he was going to Glendale to have a tooth pulled. He was away nearly all nigt, and when he returned immediately changed his clothes. Since then she had seen nothing of the clothing he wore that night. Stone was immediately arrested and put in jail. After the arrest the grand jury left to take the evidence of Stone's fourteen-year-old daughter, who is ill at home. She corroborates the statement of her mother. At midnight last night Stone made a full confession, implicating Lon Williams, William Kays. Grandison Cosby. John White, Gipp Clark and Martin Yarbes. In his confession Stone says Cosby was the instigator and that robbery was the motive of the crime. He says he does not know why the family was murdered, as he did not get there in time to take part. The others, he says, besmeared his clothing with blood so that he would not inform against them. He also says Grandison Cosby was so drunk that he did not take par in the killing. Yarbes and Clark committed the murders while the others stood guard.

A Club Bully.

New York, Oct. 23.-Argument is in progress in the supreme chambers to-day on the motion for a permanent stay in he case of Frank Ellison, the New York Club bully who was recently convicted of brutally assaulting stockbroker Henriques and sentenced as a result of a previous conviction to five years in the state prison. If the stay is granted it will opercrease of \$37,292 from September, 1892, ate against Ellison's removal from the Tombs until the appeal from the verdict has been heard. The swell Manhattan and Racquet clubs have expelled Ellison from membership. Ellison's once large fortune is said to have been entirely dissipated, and his wealthy relatives are ex-

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of the discharge n 20 days. Cures LOST BEFORE MANHOOD Constipation, Dizziness, Falling Sensa Nervous Twitching of the eyes and

Prematureness ...

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London, Oct. 25 .tta to the Times say ses the exchange and complains th ed the government, si because the govern that the stability of th ful. This charge is real speculators were a syndicate which ob mation before June action of the Hersel currency. Member bought largely of pa London, and the go secret was out, seei naction in purchase

pean speculators. eral recrimination be the government. AN ERA O

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Bankruptcy Said to London, Oct. 25 .-"Half a Year Nea Weekly Times and in the leading edito sue, declares Great verge of national Starting out with the country is on th ter as its agricultu working classes ha the foarful times an extraordinary the national finance Last spring, in 1 Sir William

chancellor of the

that he expected a as compared with year ending in Ma show that the quarter only, or u was three-quarters and that the quar a decrease of anot In other words, to come the country and a quarter pour receipts of the co of nearly half a stamps a third of Times calculates by next March

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these figures and lutely appalling. San Francisco, er Gaelic, which a night from Hong sacks of coal "b coal dust and pressed by hydrau made in Tonquin to J. D. Spreckel other prominent turers claim great tion of steam on ity, and think th pete with every foreign coal now eral consignees

will give it a fa ABERDE The Governor Devoti Ottawa, Oct. about 40 feet 1

to Rideau Hall.

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The buil Lord Aberdeen's More Than I San Francisco employed are po states and terr was yesterday i Montana w and posters calli need of laborers culars were is authorities assis In reply he sta has more unem zens than she states should ployed to come ket is so over-st

> ent time. A 'Fris New York, local manager of the Levi S San Francisco, His office is at He was remov is said his dea short time.

Wanted to Washington, the eccentric ed in the harb month while no ing the Britisl