Weekly Colonist.

FRIDAY, SEPTEMBER 4, 1885.

THE WATER SUPPLY — JUDGMENT OF MR. JUSTICE GRAY.

Mr. Justice Gray's decision on the water supply question will be found *in extenso* in another column. It is rather lengthy, but will repay perusal, being a matter that immediately interests and concerns all ratepayers. The case is very fully and clearly presented by the learned judge, and copious authorities are adduced in support of the judgment. His lordship is very decided on the illegality of supplying water to parties residing or carrying on business without the city limits while the supply within the limits is inadequate; but as the council have already given notice of intention to shut off the water to outside parties the injunction is not granted in their case. But the use of water for street-sprinkling purposes is directed to cease forthwith. It was computed by Mr. Russell in his evidence that 25,000 gallons of water were sprinkled daily on the streets, and the failure of a supply to the higher levels was mainly attributed to that cause. Now, we have always believed that the cause of the short supply must be looked for elsewhere, viz., to the mains which, without a distributing reservoir, are far too small to meet the demand. Is it not a fact that hundreds of tuns of water flow to waste daily at the dam, while the mains are taxed to their utmost capacity? The supply at the fountain-head is ample. It is the means for conveying and distributing that are inadequate. If the scheme for a high-level reservoir, which the present council laid before the ratepayers last spring, had been accepted, there would have been water, and to spare for all consumers inside and outside the city. As matters stand the stoppage of the sprinkling supply will not make an appreciable difference, and the shortage will continue until a high-level reservoir and a more intelligent system for distribution shall have been arranged.

LONDON'S MORALS.

Since the Pall Mall Gazette's exposures, there has been a disposition in other parts of the country, and of the world, to look upon the great metropolis as a modern Babylon or Sodom. This is not a true estimate. London is so vast, that it a very world in itself. There is much of vice and immorality there, doubtless. In what quarter of the world, in what great city, in what small country village, is not vice to be found? Error and wrong and wickedness exist everywhere. And as everywhere, also, there are virtue and vice, wealth and poverty, elevating and demoralizing influences set over against each other, so in London. What wonder? Says an English exchange:

The English capital is equal to seven St. Petersburgs, eight Viennas, Madrids or Berlins, nine Naples or Moscows, thirteen Lisbons, Amsterdams or Marseilles, twenty Hamburgs, Mexicos, Brussels and Copenhagens, and very nearly thirty Dresdens, Stockholms, Florences or Frankforts. If Liverpool, Manchester, Birmingham, Leeds, Sheffield, Bristol, Wolverhampton, Newcastle, Plymouth, Bradford, Portsmouth, Hull, Oldham and Sunderland were all thrown into one town, they would conjointly fall short of London in population. Here, within the circuit of a few miles, are as many people as in Canada and more than in the whole of Holland. London exceeds by something like three times the entire Norwegian nation, and by several thousands the Portuguese.

In such a populous and vast metropolis it is in the nature of things that nearly all the vices which curse the world should somewhere find a place. But the other side should also be taken into account. No other city has so vast a company of the good, the true, the noble, the philanthropic and virtuous within its bounds as London. None has so many churches, so many worshippers, so many divines, so many great moral agencies at work, so many benevolent institutions, hospitals, charities, asylums. A full view of the better side of London would place it upon a religious and moral eminence that the best cities of the world might envy but could not hope to equal. Let it be hoped that the revelations of its moral plague spots will work a remedy for its grossest evils. But it is not right nor fitting that the great centre of religious and moral enterprises, the great intellectual, monetary and commercial metropolis of the world should be defamed as a modern Sodom. The surprise and indignation which the revelations have made shows how strong is the moral sense of the mass of the community, and go to prove that in London as elsewhere there is a public conscience, a religious and moral sentiment, and a thousand times repeated the number of good men and women who, if they had been found in Sodom, would have saved it from destruction.

GORDON HEAD ROAD.

As the country in the neighborhood of Gordon Head is being rapidly settled, the poverty of that section of Victoria district in the matter of roads is becoming daily more apparent. The so-called roads leading to the head are in a very bad state. In winter they are impassable for wheels. In summer they can scarcely be used with safety, and the person who may drive over them does so at the extreme peril of his vehicle and animals, as well as himself. No worse piece of road can be found anywhere on the island than that which leads to Gordon Head, and families who reside there look forward to the approaching inclement season with a feeling of dismay not unmixed with despair. A few hundred dollars expended now in that vicinity would prove most acceptable to the farmers there, and would show that the government, which has already done much for the country districts, is not disposed to neglect the people of Gordon Head.

THE LONDON SCANDAL.

The London police profess to have discovered that the charges of immorality in the Pall Mall Gazette were the result of a conspiracy between the editor of the Gazette, a young girl named Armstrong and a woman named Jarrett. It is intimated that the girl was hired to personate an innocent betrayed one and the woman played the part of the abandoned procuress. The woman and girl have been arrested, and Editor Stead has telegraphed that he will return from Switzerland and face his accusers. If it should turn out that the accusations of the police are true, no punishment could be too severe for the chief actors in that infamous scandal.

DISTINGUISHED VISITORS.

Sir Adolph Caron, member of militia, and Sir F. Middleton, major-general of the Canadian militia, whose brilliant campaign in the Northwest gained him fame and a title, will shortly arrive at Victoria. The object of their visit is to select a site for a military barracks. McCauley's Point was originally selected for the purpose, but the matter has unaccountably hung fire for more than two years. Doubtless the mayor and council, the board of trade and citizens generally will seize the opportunity of paying the visitors those attentions which befit their rank and distinguished services.

"Wants to Know, You Know."

To the Editor:—Mr. Vrooman explains that the Chinese retain their peculiar garb because "they have found the Chinese dress loose and comfortable." Will Mr. Vrooman kindly demonstrate in what manner the Chinese habit of crushing the women's feet is "comfortable?" The "loose and comfortable" theory doubtless accounts for a great many peculiarities of John's dress, but it does not explain all by a long way.

SAXON.

BRITISH COLUMBIA.

A Sensational Dispatch Concerning New Westminster.

Visit of Sir Adolph Caron and Sir Fred Middleton.

An Ottawa dispatch to the St. Paul Globe says: The land in the railroad belt of British Columbia is now in the market, and an office for the administration of Dominion lands will be opened in New Westminster, B. C., as soon as the surveys, which are now proceeding, are completed. If the cost of deepening and widening the mouth of the Fraser river for the admission of vessels of deep draught is found to be too much, then an effort will be made to get a government appropriation for that purpose. It is proposed to construct a canal between Mud Bay and the Fraser. The present distance between Mud Bay and New Westminster is fifty miles, but by the construction of a canal the distance would be reduced to eight miles. If lands in the railway belt are Dominion lands, then it is urged that the federal authorities should open up the country by a system of roads. Surveys are now going forward to have a branch road from New Westminster and an extension to Coal Harbor, both to make close connection with the main line of the Canadian Pacific railroad. The routes have not been definitely determined. It is not known whether any part of the Canadian Pacific railroad in British Columbia has been accepted by the government. It is believed, however, that the government has taken over the section between Port Moody and Emory, subject to the performance of certain works considered necessary to the fulfilment of the contract, but the government does not care to declare the road open for traffic, and will not assume the responsibility.

BRITISH COLUMBIA DEFENCES.

Ottawa, Aug. 27.—It is expected that General Middleton will, within a few days leave for British Columbia for the purpose of looking after the defences of that province, and selecting a proper location for the new battery. Captain Peters, who was in command of the detachment of A battery during the Northwest campaign, is likely to command the new battery with the rank of Major. Coal Harbor is mentioned as the most probable location of the new battery.

Municipal Council.

Wednesday, Sept. 3.

The regular meeting of the council was held last evening at 8.15 o'clock.

Present—His Worship the Mayor in the chair, and Couns. Earle, Braden, Ward, McKillican, Teague and Warner.

The minutes of last regular meeting were read and adopted.

COMMUNICATIONS.

From Drake, Jackson & Helmcken, notifying the council that their letter had been received and that Mr. Yates would hold the council responsible for all damage if the building was torn down, as they considered it was not in accordance with the provisions of the building by-law. Laid on table.

From S. H. Holmes, asking for use of Quadra street for building purposes. Granted.

From property owners of Mason street, drawing attention to the bad state of the street, and asking that it be put in repair before the rainy season set in. Referred to street committee to report.

From property owners on Johnson street ravine, protesting against the draining of View street into the ravine drain, as they considered it a danger to the residents of the vicinity. They asked the council to take steps to have the street drained in some other direction.

Coun. Earle moved that the matter remain over for one week until the city barrister report on the matter. Seconded and carried.

From J. H. Gray, calling attention to the fact that the fence on two lots on Simcoe street had been broken down by the men who have been blasting. He asked that it be repaired. Referred to street committee with power to act.

From Yates & Jay, stating that the supreme court had granted an injunction restraining the corporation from using the city water on streets, and ordering that the city pay the costs of application. Received and filed.

MONTHLY ACCOUNTS.

Bills to the total amount of $2,287.29 were read and referred to the finance committee for payment, if found correct.

DEFERRED MOTION.

The deferred motion of Coun. Teague's, granting an additional $100 to the assistant assessors for services rendered, was seconded by Coun. McKillican and carried.

REPORT OF POUND COMMITTEE.

The pound committee reported, exculpating the keeper from any blame in the matter complained of at the last meeting. Report received.

REMOVAL OF POUND.

The pound committee reported recommending the change of the city pound from its present site to Spring Ridge, the only available place that could be found.

This was referred back to the committee for report as to cost, etc.

FIRE WARDENS' REPORT.

The fire wardens reported in reference to the dispute with Mr. Yates about the removal of the old buildings, and annexing a letter from the attorney-general on the subject.

The committee also reported in reference to the wooden addition to Hon. Mr. Hamley's building corner Broughton street. A letter from Lowenberg, Harris & Co., was annexed and read. The committee recommended that the inspector of buildings be instructed to carry out the full text of the by law.

The report, on motion, was adopted.

WATER REGULATION.

Coun. Ward gave notice of motion that he would introduce a bylaw authorizing the cutting off of all water supplied to consumers without the city limits.

PROTECTING FENCE.

Coun. McKillikan moved that the owners of the excavation corner of Broughton and Yates be instructed to put up a fence to protect the public. Seconded and carried.

Coun. Teague moved that similar action be taken in reference to the lot on the northeast corner of Johnson and Government street. Seconded and carried.

Coun. Earle said that as the fire wardens were on the war path, they might as well make a clean job of it and notify Mr. Hamly to have the wooden building at present being erected on the Broughton street lot removed.

Coun. Warner said the building inspector had been notified to serve the notice.

Council adjourned.

Rocked in the Cradle of the Deep.

The United States authorities at Port Townsend have an elephant on their hands. Sixteen Chinamen, who had been smuggled from this side of the line to the other, were ordered back to British Columbia by the district court. The U. S. marshal arrived with the melancholy Celestials by the Olympian yesterday, and they not having any certificates were asked to pay the $50 entrance fee. This they had not, and the U. S. marshal did not pay it for them. They accordingly were taken back to Port Townsend, and it will now be necessary for the government to decide where the Chinese are entitled to find a resting place for their feet.

Bylaw Sustained.

The injunction granted Mr. Yates restraining the city from tearing down the rookeries on Yates street was dissolved at noon yesterday. It is gratifying to know that one bylaw at least has stood the test of the supreme court.

SUPREME COURT.

Judgment of Hon. Mr. Justice Gray.

August 31st 1885.

In the matter of Alexander McLean, Joseph Hugh McLaughlin, Eli Harrison senr., and Frederick Wm. Foster, on behalf of themselves and of other real estate owners in the city of Victoria, plaintiffs; and the Corporation of the City of Victoria and Thomas Russell, the water commissioner, defendants, and of the Corporation of Victoria Water Works Act, 1873, and the amending acts.

This is an application to restrain the defendants from using any of the water obtained under the authority of "The Corporation of Victoria Water Works Act, 1875," and "the amending acts," for the purpose of sprinkling the streets of Victoria, and also from supplying such water (except for provincial government purposes) to persons or manufactories without the limits of the city of Victoria, until the householders of the said city shall have first been furnished with an adequate supply of the said water.

Without going into details, a summary of the affidavits read on the motion discloses that the applicants are severally real estate owners—taxpayers, householders, and occupiers of lots within the city, situated on James Bay, and on the higher levels of the city at the head of Fort street and in its vicinity. That the supply of water to them severally is entirely insufficient for household purposes, is most irregular, and in some instances, none at all; and that on complaints made by the said parties to the corporation and the water commissioner, they received for answer that the supply was insufficient; that they had also learnt that the water was supplied to manufacturers outside the city, and was wasted within the city in sprinkling some of the streets; and they had further been informed that a supply for their purposes could not be expected, so long as this practice and waste were permitted.

The question is of importance as bearing upon the rights of the owners of real estate, taxpayers and citizens of Victoria, as also upon the duties of the corporation and the water commissioner under the acts referred to.

The attorney-general appears for the petitioners, and Mr. Stuart Yates for the corporation and water commissioner. The motion has been very fairly made, and with an apparent desire of the counsel on both sides to obtain a judicial construction of the acts rather than to make technical objections.

As a preliminary point, however, Mr. Yates contends that the application should have been made by and in the name of the attorney-general, citing Dillon on injunctions, sect. 910. Unquestionably under certain circumstances that position is correct, but as bearing on the particular question now before us, the true principle by which applications of this nature must be governed is more definitely stated by the same author further on. In sect. 920, after mentioning that it had been several times decided in New York that resident citizens or taxpayers of a municipal corporation cannot as such merely, maintain a suit to restrain or avoid corporate acts alleged to be illegal, he proceeds to observe, "The principle applicable to public nuisances is there adopted, such illegal acts are considered to affect the whole public, and the public by its authorized public officers must institute the proceeding to prosecute or redress the illegal act, unless a private person is threatened with or suffers some peculiar damage to his individual interest; that is some damage distinct from that of every other inhabitant, in which case he may maintain his bill for injunction or for relief in his own name. *Private persons may thus protect their own interests;*" and later on, at sect. 922 says "upon a survey of decisions in Great Britain and the United States, while they discover some diversity of opinion, it seems, in view of the nature of municipal powers, the danger of abuse, the necessity for prompt remedy on the part of those most interested in the proper administration of municipal affairs, to wit, the taxable inhabitants, that the following conclusions rest upon sound reason, and have also the support of the preponderance of judicial authority.

1. The proper parties may resort to equity and equity will entertain jurisdiction of their suit against municipal corporations and their officers, when these are acting *ultra vires*, or assuming or exercising a power over the property of the citizen or over corporate property or funds, which the law does not confer upon them, and when such illegal acts affect injuriously the property owners or the taxable inhabitants.

2ndly. That the proper public officer may, in proper cases, in his own name and on behalf of others, residents and voters of the municipality, exercise the authority of taking proceedings to prevent the misuse of corporate powers, or to set aside or correct illegal corporate acts.

3rdly. That the existence of such a power in the state or its proper public law officer, is not inconsistent with the right of any taxable inhabitant to bring a bill to prevent the corporate authorities from transcending their lawful powers, when its effect will be to impose upon him an unlawful tax, or to increase his burden of taxation. Much more clearly may this be done when the right of the public officer of the state to interfere is not admitted, or does not exist, and in such case, it would seem, that a bill might properly be brought in the name of one or more of the taxable inhabitants for themselves and all others similarly situated, and that the court should then regard it in the nature of a public proceeding to test the validity of the corporate acts sought to be impeached, and deal with and control it accordingly."

The gravamen of the complaint in the present instance is the private injury, the unequal distribution of the water among those who are taxed to pay for it, and the personal wrong and injury thereby inflicted severally on the complainants themselves. It is well these principles should be understood, because municipal corporations are much less apt to disregard their duties, and the taxed citizen much less apt to suffer, when it is known on both sides that the injured party may on his own behalf apply to the courts for redress, without waiting for some public functionary to move in the matter.

The applicants having a right to move the court on their own behalf, it becomes necessary to examine the law, on the alleged violation of which by the defendants, the wrong has been sustained and the complaint is based.

The Victoria Water Works Act, 1873 (Con. Stat. C. 172) After providing for the appointment of a commissioner and his successors by the municipal council of Victoria—enacts by the 4th section—That it shall be his duty to examine, consider and decide upon all matters relative to supplying the said city of Victoria by the means contemplated by the act with a sufficient quantity of pure and wholesome water for *the use of its inhabitants*

Thus the primary object of the act is for the benefit proper of the inhabitants of the city. The power that is subsequently given to extend the benefit to those outside the city must be exercised in subordination to the main object. If it were really essential to so clear a proposition, it may also be observed, that in the 4th section, which regulates the duty of the commissioner as to supplying the city of Victoria with a sufficient quantity of pure and wholesome water for the use of its inhabitants, the act says it *shall* be his duty—which under the local statutory Interpretation Act of the province—is imperative. Whereas in the 27th section, which has reference to supplying parties not resident in Victoria, after giving the absolute power of use the word "may," which by the same interpretation act renders the exercise of the power permissible, not imperative. But this verbal difference really becomes almost unimportant, in view of the subsequent legislation on the subjects. A very summary reference to that act and the subsequent legislation clearly establishes this view.

The first act of 1873 provides that the expenses of construction and maintenance of the works shall be borne by and be chargeable entirely on the city. Not only so, but by sec. 6, the appropriation of lands, materials or water privileges outside of the city—taken for such construction or maintenance—is to be paid for and compensated to the several owners thereof by the city; but in respection of the act are such outside owners in any way made responsible for the expense of construction, or maintenance, or contributory thereto.

By sec. 13, the commissioner is, within the limits of the city of Victoria, to fix the rate which every owner or occupant of any house, tenement or lot through or past which the water pipes shall run, is to pay (whether he use the water or not), such *water rate to be a lien upon such real estate.* This particular rate to be in addition to or irrespective of the rate hereinafter referred to, and each vacant lot fronting on any street where the water pipes are laid, provided the pipes run past the said lot, is also to be rated and taxed as aforesaid.

The 27th section, as before-mentioned, authorizes the commissioner, subject to the approval of the corporation, to supply any corporation, person or persons with water, although not being resident within the city of Victoria, and also from time to time to make an agreement for the supply of water to any railway or manufactory.

By the 28th section, the corporation has power for the purpose of paying costs of construction, sinking fund, interest on debentures and expenses, or for the purpose of meeting the payment of any other matter or things contemplated by the act, to issue debentures for $100,000, and for payment thereof with the other charges before-mentioned annually to order a rate on all real estate and improvements thereon, such debentures to be binding on the corporation of Victoria, notwithstanding the provisions of several municipality acts and ordinances in that behalf may not have been complied with.

By the 33d section, all the water works and all the land acquired therefor, and every matter and thing therewith connected, and all the revenue of the corporation are specially pledged and mortgaged for the repayment of any sum or sums which may be borrowed by the corporation for the purposes of the act, as well as for the due and punctual payment of the interest thereon.

By the Water Works Debenture Guarantee Act, 1874, by which the government of British Columbia guarantees the payment of the debentures above named, to the extent of the said $100,000, "the assessable property of the municipality is made responsible to the government for any sum the government may have to pay for advance on these debentures, *with power of* immediate recovery, by warrant, in the nature of an execution placed in the sheriff's hands.

By an act passed in 1875, entitled, "An Act to amend the corporation of Victoria Water Works Act, 1873," another guarantee is given by the government of British Columbia for debentures for a further sum of $50,000, with similar security by way of mortgages and like powers of enforcing payment by warrant in the nature of an execution on the assessable property of the municipality.

As the city corporation has no power of assessment beyond its corporate limits—and as for the purposes of those water works—it not only has power to assess within its corporate limits (the water rates operating as a lien and charge upon the real estate), but the government itself under the Guarantee Acts may in case of the omission to pay the debentures and interest thereon step in and force payment by levy on the assessable property of the municipality. It is plain, that practically, the property of every real estate owner in the city, and of every citizen, is liable to contribution, and mortgaged to the extent of the unredeemed debentures, while also liable to the further annual rate for maintenance, which is separately made a lien and charge upon the city lots, whether occupied or vacant.

This is not so with reference to a single person or manufacturer using the water outside of the city limits. In all equity, therefore, in all justice, the citizens and inhabitants of the city have a prior right to the benefit of the works, and advantages resulting from the debt, primarily incurred for their benefit and secured by mortgage on their property. And if such a deficiency of water is shown as not to admit of a proper supply to those outside and those within the city limits at the same time, those outside must give way. But as those outside have under the act a permissible right, on arrangement with the corporation, to the enjoyment and use of the water supply for domestic and manufacturing purposes, they ought not to be deprived of that right so long as there any is other remediable cause than their usez which creates the deficiency.

It therefore becomes the duty of the court to say under the evidence what is the cause of the deficiency which has inflicted upon the plaintiffs the wrong and injury of which they complain.

In the application as now amended two causes are assigned—

1. The consumption by parties outside the city limits.

2. The waste within the city limits by the daily consumption of 25,000 gallons in sprinkling the streets of a very small portion of the city, to the direct injury of those who are living in other parts of the city by depriving them of their fair proportion of water for domestic and household purposes.

The result must turn upon the evidence of Mr. Thomas Russell, the water commissioner under the act, who has been made one of the defendants in the cause, and whom on all occasions connected with the discharge of his public and official duties the court has found a most competent, straightforward and truth-telling witness. His evidence is given in full, as of great importance to the public. "Mr. Thomas Russell, called by the attorney general, sworn; Thomas Russell—I am the water commissioner; been so for five or six years; the number of persons supplied outside of the city limits with water are fifteen householders and proprietors of four brickyards for manufacturing purposes. The quantity consumed by the householders outside is about per diem for household purposes 1500 gallons, or per month 45,000 gallons; by the four brickyards per diem for manufacturing 6800 gallons, or a total say for the month of July alone of 206,000 gallons; the revenue per month from said householders is $33.75; the average monthly revenue from the four brickyards is $61.90; the estimated annual revenue from all sources within the city limits alone is $30,000; the unredeemed debentures for which the property within the city limits is chargeable amounts to $162,500; of this amount $150,000 was guaranteed by the government and $20,000 additional raised under a bylaw and chargeable on the municipal revenues under the municipality act; of the first $100,000 debentures $7,500 have been redeemed, leaving $162,500 now chargeable on the city; the average water consumption for sprinkling streets is daily 25,000 gallons; the area for sprinkling is from Store street to Douglas street, along Douglas to Fort, up Fort to Blanchard, down Fort to Government street, along Government to Courtenay and westward to the water, or, according to Mr. Leach's measurement, about one-thirtieth of the whole city; nothing is paid for that sprinkling, and it is not beneficial to the other parts of the city otherwise than as incidental to those who may require to do business within that area; it is a protection to the goods in the stores and preserves their value, and is a great convenience; that value enures to the benefit of the proprietors, and I, as the water commissioner, have always contended that the water works are entitled to a pecuniary credit or compensation for that consumption; I think that this 25,000 gallons per day could be supplied by other means, and that 25,000 gallons go to the use of those living on the higher levels; that water for sprinkling could be obtained by water from the harbor; the filtered water is now used for that purpose; the value of the 25,000 gallons so daily used is $15, at our charge of 60 cents per 1000 gallons, and the corporation pays for sprinkling $150 a month, or $5 per day, which would leave a margin of $10 per day for pumping from the harbor; that is, the corporation pays nothing for the water thus used; but if they paid for the water thus used in sprinkling as the citizens within the city limits have to pay for water used by them, the corporation would have to pay $15 per day, whereas it could be obtained from the harbor or otherwise at much less expense; that expenditure operates as a burden of $15 a day upon the whole city for the benefit of that particular area, or a total monthly cost of $540—(26 days, $390+$150=$540); the effect of this consumption for sprinkling, owing to the diminution of pressure in filling the carts, is to lower the rise 11½ feet, that continues for a period of three and a half hours each day, and thus the higher levels lose that 11½ feet the whole day, as the water cannot get above the hill so as to reach the higher levels; the sprinkling of this area has more to do with the citizens on the higher levels not getting water than the consumption on the outside of the limits; that is my opinion; that supply would give James Bay and the higher levels all the water they want—that is, at the rate of 200 gallons a day to each householder in James Bay and the higher levels of the city; I think if the rules laid down by the water commission relative to the use of water for irrigating purposes be strictly enforced there would be no waste to an extent to affect the higher levels on that ground; a proper engine to obtain water from the harbor at a rough estimate would cost about $750; a windmill for the same cost say $250, but would not be as effectual, however, as the other; I think that if the brickyards adhered strictly to the rules of drawing water between the hours of 9 p. m. and 5 a. m. the effect would not be felt at all on the higher levels, but if drawn during the day it must have a material effect; it has been reported to me that the brickyards do draw during the day, and that would help towards the diminution of supply at the higher levels.

Cross-examined—The greater portion of James Bay is supplied by 2½-inch pipes; that is much too small a pipe to give James Bay area its proper proportion of water; that will soon be remedied; the sprinkling does not affect the supply of James Bay so much, on account of its being a low level; it affects the high levels only; the outside consumption has very little effect on James Bay consumption; in order to give a continuous supply over the hill at Fort street the guage at the meter at the city hall should indicate a pressure of 50 pounds to the square inch, whereas during the day the average is only 40 pounds; of the total diminution of pressure 5 points is due to the sprinkling, the other 5 pounds is distributed among the factories, etc., and in the city; I cannot see my way clear except by a high service reservoir to give a continuous and full supply to the high levels about Fort street and its vicinity.

Monday, 24th August, 11 a. m.—Mr. Russell's examination-in-chief resumed.—The monthly supply to steamers averages 500,000 gallons. The steamers use the greater portion for boilers; that prevents the boilers being encrusted with salt, and necessarily lessens the cost of running steamers; from the fact that the steamboat owners draw their water into large cisterns at night, this supply does not materially affect the question; there is plenty of water at the source of supply, the difficulty is its distribution. If the sprinkling was done away with the higher levels would get a much better supply than they now do; but for them to get a full supply the pressure must be kept at 50 lbs; and if the brickyards outside adhere to the rules of drawing at night time only, their consumption would not affect the higher levels, and no further supply can be given to parties outside without increasing the deficiency within. The only means by which the higher levels can have the same supply as the lower levels is by means of a high service reservoir; until that is carried out the only mode is to prevent waste by stringent rules. The sprinkling of the streets as before mentioned is the main cause of the present deficiency.

The perusal of this examination of Mr. Russell, and the tables delivered by him to the court at the same time, leave it perfectly clear that the main cause of the deficiency complained of is not the consumption of those outside of the city limits. Substantially the main cause has been the daily consumption of large quantities of water by the corporation for the benefit of a very small portion of the city, at the expense of and to the direct injury of a large and numerous class of householders, owners of property, and taxpayers outside of the favored area.

When the burden of taxation is borne by the citizens in every portion of the city, and the property of each absolutely mortgaged to pay the debt and expenses incurred by the municipality for the water works (for the powers vested in the government and corporation to impose rates and realize as already defined, operates even more stringently upon the property than a mortgage), each and every citizen is unquestionably entitled to his fair proportion of the benefit.

If there were sufficient water for the other parts of the city to admit of this exceptional consumption by sprinkling, no reasonable person could or would object; on the contrary all would prefer to see the area extended. It is a luxury, conducive to health and cleanliness; but water for household and domestic purposes is an absolute necessity, and the corporation is not justified in depriving large numbers of citizens in certain parts of the city of a necessity for which they do pay, in order in some other part to confer a luxury on others for which they do not pay.

It cannot be too strongly impressed that the corporation are but trustees of all franchises and powers with which the law clothes them, and that the citizens who are taxed are at large the *cestui que Trusts* for whom those franchises and powers are to be exercised, and the law which creates those franchises and powers must be carried out strictly.

As the duty of the corporation under these water works acts is to supply, and the duty of the citizen to pay, the refusal of the latter to pay for what he does not get may affect the fund for paying off the debentures, increase the risk and depress the value of the security, force the government to intervene, and by its summary powers sacrifice the assessable property of the municipality.

It is idle to say this will not happen. It is possible; it might become probable. A municipal corporation with power delegated for a particular purpose must act within the limits and objects of the statute conferring the power, and can be enforced and compelled to obey the law as much as any subject of the realm. Each individual citizen who is wronged, injured or deprived of his fair share of the benefit resulting from the taxtion of which he under the law pays his part is entitled to move for redress, and the courts must hear him.

I have gone more fully into this matter than perhaps the immediate case demands, but as similar questions might arise under the laws regulating taxation for lights, street improvements, sidewalks, etc., it is well to know the principles which will govern.

There can be no doubt what judgment it is the duty of the court in the present case to pronounce. The sprinkling of the streets must be stopped until it is seen whether the alleged deficiency of water supply will thereby be remedied. I see no sufficient reason, at present for interfering with those persons or manufactories outside the city receiving water at the time of this application. With reference to them the application may stand over, or be renewed, after the result of the restraint as to the sprinkling be shown to the court.

As Mr. McLean and the parties acting with him are proved to have good cause for the steps they have taken, both on their own account and in the interests of a large number of tax-paying citizens similarly situated, and to have acted from no personal or malicious motive, they are fully entitled to be relieved from all expenses incident to this application. The order, therefore, will be for an injunction restraining the corporation and their servants, and the defendant the water commissioner, from using the water obtained under the water works act in sprinkling the streets until the further order of this court, and that they do pay the costs of this application.

Ordered accordingly.

Eastern Canada Mail.

(Per Northern Pacific Railway.)

Petrolia, Aug. 25.—E. H. Coryell, father of Lieut. Coryell, of Calgary, who served in Steele's scouts in the recent campaign, was thrown from a young colt he was exercising to-day and killed.

Ottawa, Aug. 25.—The Militia Department has appointed a commission composed of Lieut.-Colonels Jackson, Forest and Whitehead to sit at Winnipeg and take evidence in connection with transport contractors during the recent rebellion.

Toronto, Aug. 24.—Wm. Milne, brakeman, wooed and won Annie Gillet, nineteen-year-old daughter of the foreman in the Canadian Pacific yards at Carlton. They were married July 20. Milne left Annie two days afterwards and didn't return. Annie made enquiries, and found out that Milne was a married man with four children. He was arrested, and on Saturday committed for trial for bigamy.

The following Ontario failures are reported: St. Johns—Elliott Routledge & Co., general store, assigned. Toronto—Forbes, Convey & Co., wholesale men's furnishing goods, assigned.

The loss by the Scarboro Heights hotel fire is about $6,000. Thirty boarders had a narrow escape.

Hamilton, Aug. 24.—The wife of Henry Franz, tailor, eloped with Charles Berlinkoff, employed on a farm owned by Franz in Muskoka. Berlinkoff is 32, and Mrs. Franz 42 and the mother of ten children.

Montreal, Aug. 24.—A band of garden thieves raided the fields of Monteith, a market gardener on the Lower Lachine road, last night. William David Monteith, a son, was clubbed to death with the butt end of a gun while attempting to protect his father's property, and another son received such injuries that he may not recover. The ruffians were driven off by a third son and the father with pitchforks. The whole detective force are at work on the case.

A meeting will be held to-day to take the initiative in erecting a statue to Sir Francis Hincks, to be placed in the Parliament grounds at Ottawa.

Ottawa, Aug. 25.—Hon. Mr. Chapleau telegraphed yesterday from Paris stating that he is fully restored to health, and would go out of doors to-morrow.

The Pacific Railway syndicate announce that they will not require the $5,000,000 of treasury bills granted them under the act of last session. They have been able to float $15,000,000 bonds, investors being well aware that if the company did not pay the interest and principal of these securities the Canadian public would have to do so.

Wyoming, Ont., Aug. 24.—About 3 o'clock Sunday morning fire was observed issuing from the roof of Mr. Hugh Mustard's new flouring mill here, and in an hour the whole edifice, with its valuable machinery, was in ruins. The loss is about $20,000, with an insurance of $11,000, divided as follows: Northern, $4,000; Royal $2,000; Queen's $2,000; Economical, $2,000; Waterloo Mutual, $1,000. The cause of the fire is unknown. Mr. Mustard had only this spring finished the erection of the mill. The village council proposes rendering Mr. Mustard some substantial aid towards the rebuilding of the mill.

FURNITURE FACTORY BURNED.

Ira P. Powers' Establishment Destroyed by Fire Sunday Morning.

About 2:45 Sunday morning fire was discovered in the furniture factory of Ira F. Powers, situated on Water street between Montgomery and Harrison. The building was a two-story frame, and the long continued season without rain had rendered it dry as tinder. Within two minutes after the fire was discovered the entire building was in flames. The fire communicated to the adjacent stable where four valuable horses were burned to death. It next caught the packing and finishing room and this also went. A large open dock belonging to the Narrow Gauge railroad next caught and about half the structure was destroyed. A row of six cottages above the factory was saved. About 200,000 feet of ash and maple lumber were burned. Mr. Powers estimates his loss at $45,000; insured, $18,000 through Sibson, Church & Co.'s and Eugene D. White's agencies. Loss to the railroad company is about $5000; no insurance. The fire was, no doubt, of incendiary origion. Twenty five men were thrown out of employment.—Oregonian.

A HORRID WRETCH.

Eight Murders by One Man.

Austin, Tex., Aug. 26.—A horrible series of murders were committed at Johnson City, Blanco county, an interior town, on Monday. The daughter of Al Lockie, an old resident, was recently discovered to be in a delicate condition, and it is alleged that Lockie's relatives attributed to him the crime of seducing her. The matter preyed upon his mind, and Monday he left home, intending, as he averred, to go to John Green's place to borrow a sum of money. Green and his family were away. He entered the house and took Green's Winchester and returned to the residence of his brother, Berry Lockie. He then shot and killed Berry and his (Berry's) wife. A neighbor named John Nicholson rode up just then. He forced Nicholson to go with him to Mr. Stokes. He then shot and killed Mr. Stokes. There Nicholson was lost sight of. His horse was tied there when found, and it is supposed he was also killed. From there Lockie went to his own house, and shot and cut the throat of Mrs. Henry Lockie of Leano county, wife of his step son, who was on a visit to him. He also shot and killed there Mrs. Stokes, wife of the Stokes he had killed just previous to the killing of Mrs. Henry Lockie. Then he killed his daughter. He then attempted to kill his wife, but, his cartridges being exhausted, he could not fire another shot, and she escaped. Having failed to catch and kill his wife, he cut his own throat, mounted his horse and started in the direction of Johnson City. After riding a few yards he met Mrs. Brunswick, whom he attacked, and into whom he plunged a knife, inflicting fatal wounds. The murderer then rode toward Johnson City, but was arrested within two miles of it. He was still alive at last accounts. By these murders about 20 children were left orphans.

The Amelia at 8:30 last evening arrived at Chemainus, where she tied up for the night. The Yosemite at a late hour had not arrived at Ladner's.

ITALIAN HOME LIFE.

SOCIAL CUSTOMS IN WHICH THERE IS A LACK OF FIRESIDE JOY.

Breakfast Time—Scene at the Dinner Table—Flirtation from the Window —The Son and His Sisters— A Late Supper.

[Cor. San Francisco Chronicle.]

A description of one day's life in the family of an Italian gentleman will give the reader an adequate notion of Italian home life. Our pleasant breakfast table and the family gathering thereat, presided over by the helpful mother, in her crisp white cap and elegant wrapper, are unknown in Italy. A cup of coffee, with a roll, is the only sustenance partaken of in the morning, and this taken informally at no fixed hour. The mother is not to be seen. She is either taking her coffee in bed or off to an early mass. Shade of Vesuvius! can these two slatternly creatures in deshabille and clattering slippers be the graceful sylphs I admired and raved about on the promenade of yesterday evening? It is even they and they will remain in that same scant and unesthetic costume until it is time to bedeck themselves for the evening passeggiata on the Corso. Meanwhile they are not idle. It is considered beneath them to do housework, but they ply the needle assiduously and knit devotedly.

The family meet for the first time at dinner, which takes place at or after noon. Before taking their seats at the table, the children (I write of a particular family of father, mother, a grown-up son, employed in the municipal office, and two daughters, also grown up), reverently kiss the hand of father and mother. But little is said, and that by the mother, who usually discourses upon one of three topics—her bodily ailments, of which she has an imaginary variety; her religion, of which she is a scrupulous devotee, and her uncle, the aristocratic bishop of Arezzo, who succumbed ages ago to the great divorcer—Death. She used to chatter considerably about her ghostly adviser, until one day her eldest-born son kicked his reverence down-stairs, and is now living under double excommunication from home and church. The soup is disposed of noisily, the young ladies contributing liberally to the supplying noise, with proportionate disenchantment to the diners. There are two kinds of wine on the table, baptized of water and unbaptized—this for the children, that for the parents. Toward the end of the meal the father pushes the unbaptized decanter to his son, in deference to his superiority over the girls. He drinks a bumper, lights a suicidal cigar, kisses the hand of each parent and departs for his office, when he discharges affairs of state, to-wit, the registering of marriages, births and deaths, until 5 p. m.

The old folks retire for a siesta, and the girls betake themselves, each to her own window, whence they indulge in a half-hour's ocular flirtation with some young blood, who happens to be at a neighboring window, or whose business makes it necessary for him to pass and repass in the street below, until an admonitory cough from behind apprises the one, and repaired to where the body laid. They found that a bullet had entered probably at the back, but they did not turn the body to examine farther. A rifle was found about thirty feet from the body. Mr. Church a few months ago married Mrs. Jasper Evans, at whose house the body was found.

Lantzn.—A son of Mrs. Evans just brings word that his mother was found about one hundred feet from the house in another direction, with her face severely hacked and mangled, apparently by an axe. She was not yet dead.

The gloomy fears, the desponding views the weariness of soul that many complain of, would often disappear were the blood made pure and healthy before reaching the delicate vessels of the brain. Ayer's Sarsaparilla purifies and vitalizes the blood, and thus conduces to health of body and sanity of mind. dw

Cleared.—It is thought that a resident of Yates street has crossed the boundary, leaving a number of creditors minus their money. Prior to going he sold all his household furniture.

The Sir James Douglas is again afloat, having received a new propeller. She will be ready in a few days for service and will first be engaged in placing the cable across the straits in order.

The damage by fire at Mrs. Williams' residence on Wednesday evening will reach $500, insured. The fire was caused by a child leaving a lighted candle near a bed in one of the rooms.

"A Sportsman" is informed that the quotation from the game law, published on Sunday last, is an exact copy of the act.

For the Ancon.—The steamer Alexander left Departure Bay at 11 o'clock Thursday morning for the Ancon.

Just In.—A new assortment of Catholic Prayer and Common Prayer Books at Hibben & Co.'s. ‡

SHIPPING INT