

Highest of all in Leavening Power.—Latest U.S. Gov't Report

Royal Baking Powder

ABSOLUTELY PURE

SMALL DEBTS COURT.

Question of the Constitutionality of the Act Argued Before Judge Harrison.

Should His Decision Be Adverse to the Province an Appeal Will Be Taken.

The first definite steps toward testing the constitutionality of the small debts act were taken at Nanaimo on Wednesday when argument was heard before Judge Harrison in four cases, which brought the question of constitutionality to a more direct issue than the case upon which Mr. Justice Crease's judgment was delivered. In these four cases, two of which were from Nanaimo and two from Union, motions were made by Mr. Yarwood and Mr. Barker for an order prohibiting the stipendiary magistrates of Union and Nanaimo respectively from proceeding further with cases in the small debts court, on the ground that the small debts act was ultra vires of the province.

Mr. A. G. Smith, deputy attorney-general, in arguing that the act was ultra vires of the province, held that the prerogative of the crown, extended to the Lieutenant-Governor as well as to the Governor-General and could be exercised in all classes of subjects which were within the legislative powers assigned to the provinces. Subsection 14 of sec. 92 of the British North America act, gives the provincial legislatures power to make laws in relation to the administration of justice in the province, including the constitution, maintenance and organization of provincial courts, both of civil and criminal jurisdiction, and including the procedure in civil matters in the courts. Section 96 of the B.N.A. act states that "the governor-general shall appoint the judges of the superior, district and county courts in each province, except those of the courts of probate in Nova Scotia and New Brunswick. In 1876 an act was passed by the legislature of New Brunswick, establishing the courts with jurisdiction to \$40, and presided over by so-called commissioners. The question of the validity of this act came before the Supreme Court of New Brunswick in 1877, and they upheld its validity. The judgment of the court was based on the ground that the province had a right to appoint the commissioners, because these commissioners were not the judges meant by section 96 of the British North America act. Then in the appeal before the Privy Council in July, 1882, of the Receiver of the Maritime Bank, the Receiver-General of New Brunswick, it was decided that the province as representing the crown could take precedence as a privileged creditor of the bank. Lord Watson said "that the constitution of all the provinces on the same level and what was true of the legislature of Ontario had equal application to the legislature of New Brunswick—that a lieutenant-governor when appointed is as much a representative of Her Majesty for all purposes of provincial government as is the Governor-General himself for all the purposes of the Dominion government. This being the case, Mr. Smith argued that the legislature of British Columbia has as much right to give stipendiary magistrates jurisdiction in the small debts court as had the province of New Brunswick to give the same jurisdiction to the parish courts with commissioners presiding over them.

Judge Harrison reserved judgment, and should his decision declare the small debts act ultra vires, an appeal will immediately be taken to the full court.

THE COURTS OF LAW.

In the full court yesterday the appeal of Hogg vs. Farrell was heard. This was an action brought by Hogg and his partners, who claimed that they had located and recorded two claims, "Queen of the Hills" and "Moyea," in Kootenay district. Hogg and his partners having previously located a number of other claims in the same district, the defendants believing that the Moyea location was void in consequence of its being located in the Legal Tender and part as another claim. The action was tried before Mr. Justice Crease at Kamloops in June last, and subsequently judgment was given for plaintiffs. From this the defendants appealed.

The points argued for the appellants yesterday on appeal were that the plaintiffs had failed to prove that they had ever staked the claim at all; in fact that they had proved nothing but a record, and further that, under sec. 84 of the mineral act, 1891, their rights were exhausted when they had located the first of the two claims. The merits of the appeal were not determined because the appellants, the objection having been taken by their counsel, had not complied with the rules of pleading in specifying the grounds on which the claims had been located, their denial being general and not specific.

Upon this ground, without expressing any opinion on the merits of the matter, the appeal was dismissed with costs. Mr. Charles Wilson, Q.C., appeared for the appellants; Mr. E. P. Davis, Q.C., for the respondents.

The sale under the mortgage of the goods and chattels of Frederick Landsberg did not take place yesterday. Mr. Justice Crease made an order in Gault Bros. v. Landsberg appointing Mr. Gustav Leiser receiver of the goods comprised in the different bills of sale, and Mr. Leiser at once ordered the sale postponed. Mr. A. L. Belyea and Mr. J. A. Aikman appeared for the creditors.

DIED IN THE HARNESS.

The Right Reverend George Hills, D.D., first bishop of British Columbia, Hills, B.N., and was born at Eythorne, near Dover, in 1818. He was educated at King William's College, Isle of Man, and at Durham University, where he graduated B.A. in 1836 and M.A. 1838. He was ordained in 1840, and after serving in curacies at Tynemouth and Leeds, where he was greatly distinguished himself by his devotion to the cause of the epidemic, he was appointed vicar of Great Yarmouth in 1848. Here he worked for eleven years with a large staff of curates, and by his great organizing power and indefatigable labors made England. He was a model town parishes in his success that he was known at home as "Hills of Yarmouth," even after he had been for many years Bishop of Columbia.

In 1859 he was consecrated by the Archbishop of Canterbury, Sumner, who had known him as an undergraduate at Durham, and he was the first that Bishop Wilberforce of Oxford assisted at the consecration, who also ordained as deacon and priest the present occupant of the See. Bishop Hills' work in British Columbia was characterized by unwavering devotion to principle through good and ill report, and his consideration of temporary advantage could induce him to alter a course which he believed to be the right one, and his firmness and evident high-mindedness gained for him the respect of even those who were opposed to his policy. He willingly sacrificed all his private life to the interests of the diocese, nor did he ever allow his later life-work until advancing years convinced him reluctantly that he must make way for a younger man. For thirty-three years he administered the affairs of the Church of England on this island, having in 1879 succeeded the division of the original diocese, whereby Caledonia and New Westminster were made into separate bishoprics.

It is difficult at the present time to rightly estimate the value of his labors, the best and most lasting results of which are the least apparent. It is perhaps too much the custom to take as a matter of course those benefits for which others have toiled that they might bestow them upon us. It is with religious as well as with other organizations. A generation arises which finds many aids to human happiness ready to hand, and does not greatly concern itself to inquire by whose efforts and at whose expense they have been provided. But were they withdrawn, and together with them the contingent advantages of their presence through the past, the measure of its debt of gratitude could be duly gauged.

Not content with having spent fifty-two years in active service, Bishop Hills, on his return to England, assumed the responsibility of a country parish. The former curate, now Bishop Sheepshanks, of Norwich, appointed him to the vicarage of Suffolk, so that he literally "died in harness," as had always been his desire.

WATER AND LIGHT FOR ROSSLAND.

Rossland is to have electric light and water works at an early date, a company having been formed in this direction and notice having been given by Mr. F. M. McLeod of a private bill to incorporate. The company will at the same time ask the provincial parliament for the privilege of taking water from Centre Star creek, Stony creek and other creeks, streams, lakes or rivers within twenty-five miles of Rossland, with power to make ditches, flumes, and aqueducts, pipes, erect dams, and acquire lands by expropriation, purchase, or otherwise.

A second proposed company, with very similar aims, is the Anglo-Western Pioneer Syndicate of London, which in a private bill notice, also appearing in the list of bills of the Gazette, is seeking authority to construct, equip and operate water works for the towns of Trail and Rossland, and the country adjacent within a radius of ten miles; power to take water from any creeks within a radius of twenty miles of Rossland; and also authority to carry on an assay district. Hogg and his partners having previously located a number of other claims in the same district, the defendants believing that the Moyea location was void in consequence of its being located in the Legal Tender and part as another claim. The action was tried before Mr. Justice Crease at Kamloops in June last, and subsequently judgment was given for plaintiffs. From this the defendants appealed.

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SHIPS AND SHIPPING. THE PIONEER SOCIETY.

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Two New Sealers Registered—An "Echo" for Sale—"Quadra" Enters Dock.

After a day's delay on the Columbia owing to the unfavorable state of the tide for crossing the bar, the O. R. & N. steamship Mount Lebanon arrived in port yesterday morning, having discharged all 75 tons of her Oriental cargo at Portland and loaded a big freight for her return trip. The ship receives here 200 tons of coal as fuel and 200 tons of lime for Honolulu, whither the steamer goes from this port. Leaving yesterday she, too, will have a good opportunity to be on the lookout for the missing steamship Strathcona.

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From present indications the steamer Miowera will be ready to sail out on schedule time, leaving here Monday. She will be loaded to her capacity, her large cargo being completed with 80 tons of paper from the Willamette Paper Co., to be received here.

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The incorporation of several new mining companies is also officially announced by the Gazette. Among them are the Cumberland Mining Co., the Sunnyside Mining Co., both of Three Forks, each of which is capitalized at \$500,000; the trustees of both companies are N. D. Moore of Three Forks, W. H. Yawkey of Rossland, and W. C. Yawkey of Detroit, Michigan. The Peter's Creek Gold Mining Co. of Cariboo is the style of a new Vancouver syndicate, with capital stock of \$25,000, of which the trustees are C. S. Douglas, W. Hanson of D. D. Peebles, C. J. Loewen and R. G. Tatlow.

THE TORRENS SYSTEM ENDORSED

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most all that men hoped they might do in the first dawn of the reign. We have seen great foes defeated and strong friends gained, we have seen the coinage amended, trade doubled, the exchequer filled, the roads made good, the poor provided for in a Christian manner, the church grown strong—all this in these years. We have seen Holland rise and Spain decline, and well may say in the words of the old text which my grandfather set up over the hall door at Colton, "Frustra, nisi Dominus."

THE CITY.

BANNER lodge, No. 31, I.O.O.F., of Wellington, has obtained incorporation under the benevolent societies act.

Mrs. Walter Easton, a native of Scotland, died yesterday at her residence, on San Juan avenue, James Bay, at the age of 31 years. Much sympathy is felt for the bereaved husband.

The Nelson Electric Light Co., incorporated in 1892, will apply for an extension of time for the establishment and completion of their works, at the approaching session of the legislature.

Messrs. Hiram Walker & Sons, of Walkerville, Ont., have written to contradict the "entirely unfounded report" that they had been instrumental in the formation of the Annexation Club of Windsor, adding that they have no sympathy whatever with its aims.

Rossland is fast becoming possessed of all the luxuries of civilization, the latest of these being a first class club, to be known as the Metropolitan. Incorporation has been secured with a capital of \$10,000, and the trustees are Charles Gibbs, John N. Peters and Alexander Austin.

Yesterday the Connecticut Insurance Company cancelled the policy of \$1,000 which they had been carrying on the stock of Messrs. Bentley & McGreer, at whose premises there was a small blaze Wednesday evening. A claim for \$100 damages has been filed in consequence of the fire.

Charles Wetham, of Whonnock, has been appointed a justice of the peace for Westminster County, and W. M. Hilbert and Richard Gibson, of Nanaimo, have been similarly commissioned for the County of Nanaimo. The commission of L. W. Paquet as a notary public has been cancelled.

At the approaching session of the provincial legislature the New Westminster and Burrard Inlet Telephone Co. Ltd., will seek a private bill to permit of a change in their tariff of charges; while the Vernon and Nelson Telephone Co., incorporated in 1891, will ask for authority to construct lines anywhere on the Mainland, and also power to alter their tariff of charges.

The fire department were given a long, hard run between 10 and 10 o'clock last night in consequence of an alarm from telephone that the home of Mr. Charles J. V. Spratt, on the Gorge road, was in flames. On arrival it was found that something had gone wrong with the heating apparatus, much smoke but little fire resulting. The damage was only nominal.

Rev. Solomon Cleaver, pastor of the Metropolitan Methodist church, officiated on Wednesday evening at the ceremony which made Miss Louise Leclair, formerly of Glace Bay, C.B., the bride of Mr. J. E. Nelson, eldest son of Mr. John Kinsman of Pembroke. Miss Mable Kinsman acted as bridesmaid, while Dr. G. L. Milne supported the groom. Mr. and Mrs. Kinsman are spending their honeymoon on Puget Sound.

Miss Mary Ellen Jones died on Wednesday afternoon at the residence of her widowed mother, Mrs. Jane Jones, No. 13 Green street. Ellen, as she was known to her friends, was a general favorite among her kind and pleasant disposition winning for her the friendship of all who had the pleasure of her acquaintance. The funeral will take place from her mother's residence to-day at 2 p.m., and from St. Barnabas church at 2:30.

Thomas Hooper, architect of this city, with G. M. Macdonald and R. V. W.D.P., of Vancouver, have succeeded in organizing a company to be known as the West Coast Packing Company, the incorporation of which has just been registered. The company has power to own and operate steamers and other vessels, while engaged in a general trading, warehousing, wharfing, lumbering, milling, sealing and fishing business. The head offices of the company are at Vancouver and the capital stock is placed at \$30,000, in 300 shares.

Thomas Shotbolt, the Johnson street chemist, W. H. Dempster, the Northern salmon canner, and Captain S. Williams, of the Bosworth, have organized a strong company for the development of Northern trade, and particularly for the establishment of an oilery and stores at Clue, Queen Charlotte island. It is proposed to manufacture oil, fish guano, glue, and other fish products, besides mining for coal or precious metals, utilizing the timber or other products of the land, and transacting a general trading business. The company is capitalized at \$14,000, and has its head offices in Victoria.

Archer Martin and Frank Higgins gave notice in yesterday's issue of the B. C. Gazette that a private bill will be applied for at the next session of the legislature to incorporate the Alberni Water, Electric and Telephone Co., whose powers are stated briefly to be supplying water for mining, domestic, manufacturing, fire, and other purposes, to the inhabitants of the district and town of Alberni, within a radius of twenty-five miles from the present townsite; and also to generate electricity for the supply of light, power, and heat to the inhabitants and mines within the radius mentioned; to furnish electricity for the operation of street railways and tramways; and to erect poles, stretch wires, and maintain and operate a telephone system in the town and throughout the district of Alberni, and to extend the same to other districts contiguous. The water is to be obtained and the electricity generated at Stamp and Sproat rivers and at Roger's creek.

Wheel Factory Burned.

DRESDEN, Dec. 13.—McVean's wheel factory was burned on Thursday. Loss heavy; no insurance.

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Merit

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"Before my husband began using Hood's Sarsaparilla he was nervous and had scarcely any appetite, but when he had taken it a week he felt better and by the time he had taken one bottle he was entirely well." Mrs. G. A. PARKINSON, Mendon, Mass. Remember

Hood's Sarsaparilla

Is the One True Blood Purifier. 61c for \$5. Hood's Pills cure all Liver Ills. 50 cents.