

Bridge Suits Adjusted

The City Reaches an Amicable Settlement With the Plaintiffs.

Mr. Bodwell Gives an Opinion on Opinion on the Craigflower Road Matter.

The council was engaged in routine business last night until a late hour. The only diversion was a recess of about twenty minutes to allow Mr. Savannah to secure a flash-light photo of the city's wit and wisdom for the San Francisco Wave.

A communication was read from Premier Semlin acknowledging the resolution passed at the public meeting in the City Hall in reference to the building of a railroad to the north of the Island. Received and filed.

The B. O. Land & Investment Agency drew attention to the fact that hardship was likely to result from the present system of collecting water rates. These rates were often allowed to accumulate for several months, and the tenant evaded payment, which then fell on the landlord. The suggestion was made that landlords be informed when these rates fell in arrears. Referred to finance committee and water commissioner for report.

E. V. Bodwell, who was asked for his opinion on the Craigflower road, wrote as follows: Victoria, Feb. 26, 1900. To the Mayor and Council of the City of Victoria, B. C.: Dear Sirs:—Re "Craigflower Road Closing By-law." I beg to acknowledge receipt of a letter from the city clerk of the 21st of February, asking for an expression of my opinion as to whether the city may re-open the Craigflower road by-passing by-law repeating the Craigflower Road Closing By-law.

The by-law in question was passed by the council on the 28th of December, 1892 (No. 184). It enacted that that part of the Craigflower road which runs through block "N" in Victoria West should be stopped up and closed to public traffic by-law No. 308, which, I understand, is the one now under consideration, repeals by-law No. 184, and the question is, does that repeal by itself operate to re-open the Craigflower road through that part of block "N" referred to in by-law 184?

Under the provisions of the Municipal Act, the corporation may, by by-law, establish open markets in public streets and streets within the city. They do not by virtue of this clause become the owners in fee in the land where the streets are situated. The city acquires a right in the nature of an easement, and the statute permits them to maintain the easement a right of way over the lands which are occupied as streets.

I think it is clear that such a right may be extinguished either by a formal release or by an act which shows an intention to abandon. Whether such abandonment has taken place at any time is a question of fact to be determined by all the circumstances of the case in which it arises. In this instance the council have passed a by-law declaring the right which had been closed. This is one of the most formal acts which the corporation could perform outside of an actual release, and I think, conclusive that it was their intention to give up the power of maintaining a right of way over the premises for such persons as wished to use it for a street, and is, in my opinion, an abandonment of all the title which the city ever possessed. It would not be competent afterwards for the city by a mere repeal of the former by-law to resume the right which had thus become extinguished. If the property is to be again established as a street, I think the corporation are bound to take the same steps which would have been necessary if it had not been occupied as a street prior to the passage of by-law No. 184.

I have also this day received a letter from the Mayor asking me to include in my opinion my views as to whom the title in the disputed portion of the Craigflower road is now vested.

I have examined the original deed of this property from the Hudson Bay Company to Mr. Russell. The deed reserves 5.5 acres for road allowance in such portions as the officers of the company may allot. The plan attached to the deed also shows the Craigflower road running across the property. The deed does not, in terms, reserve this particular piece of land, but makes a conveyance of all the land within the boundaries surrounding it, excepting the five acres. There is, therefore, no ambiguity in the conveyance itself; but I should think it would be held that the portion shown as being occupied by a road would be a part of at least of the 5.5 acres referred to in the exception. The Hudson Bay Company subsequently reconveyed all their unsoled land to the government, and if it should be held that the road was contained in the original reservation, the title would now be in the crown, and I, think, by the action of the council in passing the by-law No. 184, freed from the public right of way which existed when it was used as a street of the city.

Yours truly,
E. V. BODWELL.

Victoria, Feb. 26, 1900. To the Mayor and Council of the City of Victoria, B. C.:

Dear Sirs:—Re "Craigflower Road Closing By-law." The letter which I wrote this afternoon was based upon my inspection of the original deed from the Hudson Bay Company to Mr. Russell, and upon the impression that nothing had occurred since the execution of that conveyance which would have any effect upon that title. I have since learned that there are a number of facts in connection with this matter which may have bearing upon the question of title, and I should like to reserve expression of any fixed opinion with reference to the state of the present title until I am satisfied that I have been able to refer to all matters which have any bearing upon the subject.

The city engineer stated that there has been a number of dealings between certain individuals and the government which may create a claim of estoppel against the crown, but without fuller information I am not in a position to express my opinion at present.

Yours truly,
E. V. BODWELL.

The report was adopted. The city engineer, submitting his weekly report, outlining necessary street improvements, and enclosing a letter from the street superintendent, saying that with one scavenger cart it was impossible to keep the streets clean. The council in its first meeting, the committee on the Home for the Aged and Infirmit reported favorably on the application of Chas. Sarnay for admission to the Home, which was adopted.

The Home committee also reported this time adversely on the claims of Thomas Waterhouse, Ald. Stewart saying that those who took affidavit to residence within the city for fifteen years when they had not done so should be prosecuted. The report was adopted. The street lighting committee recommended the acceptance of the tender of Canadian Electrical Co. for carbons and brackets. Received and adopted. The finance committee recommended an appropriation of \$1,018.88 for current expenses.

The report took the usual course; Ald. Hall moved that tenders be received for street sprinkling for 1900. Ald. Beydon thought some delay was necessary owing to the suggested amendment to the act in reference to street sprinkling, but it was finally passed. Ald. Stewart's motion inviting tenders for a fire hall site in Victoria West was also adopted.

Ald. Stewart also moved that tenders be received for police uniforms. In connection with this Ald. Cameron suggested that it would be better to fix a price and let the different dealers submit samples of the cloths they could supply at a certain figure. This would simplify matters very much. He moved that a purchasing agent and a special committee be instructed to do this. Ald. Yates drew attention to a number of facts in the relationship of the council and the police board. He also asked if it was true that the police commissioner had not examined the candidates for the position of constables.

Ald. Stewart retorted hotly that he had known many of the applicants for many years, and he didn't think it fair to insinuate. Ald. Stewart: "I insinuated nothing. I merely asked if it was so." Ald. Stewart: "What? That we didn't know the applicants?" Ald. Yates: "No; did you have all the applicants before you?" Ald. Stewart: "No. Continuing, he said that Commissioner Hickey had expressed the opinion that nothing would be gained by adopting the suggestion of Ald. Cameron.

The latter did not agree with Ald. Stewart, although he did not wish to antagonize the police commissioners. Ald. Stewart: "Companion Hickey and the purchasing agent were appointed to call for tenders for the necessary clothing." The finance committee reported as follows: "Your finance committee beg to recommend, in view of the importance of settling the actions brought against the city in respect to the Point Ellice bridge accident, that Messrs. Mason & Bradburn, city solicitors, be instructed to apply to a judge of the Supreme court for an order under section 24 of the Municipal Clauses Amendment Act, 1898, for payment into the Supreme court or to Mr. D. G. Macdonell, the solicitor for the plaintiffs, the sum of \$10,000 or other amount agreed to be paid in settlement of the claims in the said forty-nine actions, which amount in the aggregate to over \$1,085,000. The matter was laid over until this evening.

A motion was granted to introduce the Expenditure Bill of 1900 and the by-law was read a first time, the second reading being taken next Monday night. The council then adjourned.

FOR THE BABIES.

There is no better medicine for the babies than Chamberlain's Cough Remedy. Its pleasant taste and prompt relief makes it a favorite with mothers and small children. It quickly cures their coughs and colds, preventing pneumonia or other serious consequences. It also cures croup and has been used in tens of thousands of cases without a single failure. It not only cures croup, but when given as soon as the croupy cough appears, will prevent the attack. In cases of whooping cough it liquefies the tough mucus, making it easier to expectorate, and lessens the severity and frequency of the spasms of coughing, thus depriving the disease of all dangerous consequences. For sale by Henderson Bros., wholesale agents, Victoria and Vancouver.

—There was considerable excitement early this afternoon over the rumor that there had been a collision between two trains of the E. & N. railway. This, however, was soon found to be without truth, all that had happened being a slight accident which delayed the train two hours. It seems, according to a story told by the train crew, that when the south-bound train was passing on to the siding at Cobble Hill the air refused to work and the engine of the Victoria bound train jumped the track. It was backed on after an hour and three-quarters' work, and the train proceeded.

Victoria's Celebration

How the News of the Surrender of Gen. Cronje Was Received.

Patriotic Demonstrations—Cheers For the Queen and Generals at the Front.

To-day has been one of startling developments. Not since the opening of the war has there been so many events of a momentous character to this city and province. It opened with the news of the capture of Cronje and his army, and the information that the government had succeeded in reaching a compromise with some members of the opposition, whereby they will be enabled to carry on a government. Close on the heels of this intelligence came the sad news from Ottawa that eight more of the Canadian boys had fallen at the front. Then came the rumor partially confirmed by the Premier that the Governor had refused to accept the state submitted to him by the military and had dismissed the administration. This was speedily followed by rumors of a smash-up on the E. & N. railroad, which will the momentarily expected information of the relief of Ladysmith made a day fall of the most interesting developments and replete with the conflicting sentiments of curiosity, joy and sadness.

The defeat of the army of General Cronje arrived early in the morning, and was indeed the first dispatch to be received by the Times. The news was quickly bulletined and flew like wildfire, creating the most intense excitement throughout the city. The fire hall was the first to give the note of demonstration, its bells and whistle being taken as a keynote for the occasion. The Times at once hung out banners and streamers across the street conveying the news, and fire crackers and bombs, bells, whistles, fog horns and indeed any device which could be impressed into service was employed to make a joyous and patriotic display. Long ere school opening, hundreds of small boys climbed the highest summit of the big rock in the playground and their shouts and cheers could be heard as far as Church Hill. At the assembly drum beat the pupils fell into line cheering, the girls shouting, and the boys holding their caps aloft on "mobbie sticks," for once in their lives, at least, being allowed to make all the noise they wanted. Being called to order, the patriotic exercises were short but spirited.

Morrison, Laing and Simpson held the big prize flag across the main entrance. The word "Victoria" was given for Lord "Bobs," then Maurice Bartram stepped to the front and recited Kipling's tribute to Roberts. The principal read the text of Lord Roberts' despatch. Three rousing cheers for "The Queen and the King" rent the air, the echoes reverberating in the streets, and the boys holding their caps aloft on "mobbie sticks," for once in their lives, at least, being allowed to make all the noise they wanted. Being called to order, the patriotic exercises were short but spirited.

A little above the central portion of the window and dominating the flags and patriotic emblems, was a portrait of the Queen, appropriately draped. Directly beneath it the picture of the man who to-day is held by the citizens of the British Empire with admiration and reverence. Beneath this picture is that of Lord Kitchener, the chief of staff, while in the picture below were given for Lord "Bobs," then Maurice Bartram stepped to the front and recited Kipling's tribute to Roberts. The principal read the text of Lord Roberts' despatch.

There will be a grand patriotic display on the roof of H. Salmon's block on the corner of Yates and Government streets, this evening, when the band will render a programme appropriate for the occasion, and throughout the entire day demonstrations will be held, which will undoubtedly be accentuated when the glorious news of Ladysmith's relief comes in.

It has been suggested that a big torch-light procession be held to-night. The temper of the people is such that any suggestion involving a demonstration of loyalty will meet with an enthusiastic response. Below is the cablegram sent by the Mayor to the war office:

War Office, London. Citizens of far west Victoria, British Columbia, send hearty congratulations on success of British army, and rejoice that Canada participated with other portions of the Empire in the splendid result, which they hope is a harbinger of glorious peace.

THE BEST MEDICINE FOR RHEUMATISM.

"I think I would go crazy with pain were it not for Chamberlain's Pain Balm," writes Mr. W. H. Stapleton, Hermine, Pa. "I have been afflicted with rheumatism for several years and have tried remedies without number, but Pain Balm is the best medicine I have got hold of." One application relieves the pain. For sale by Henderson Bros., wholesale agents, Victoria and Vancouver.

What is CASTORIA

Castoria is for Infants and Children. Castoria is a harmless substitute for Castor Oil, Paregoric, Drops and Soothing Syrups. It contains neither Opium, Morphine nor other Narcotic substance. It is Pleasant. Its guarantee is thirty years' use by Millions of Mothers. Castoria destroys Worms and allays Feverishness. Castoria cures Diarrhoea and Wind Colic. Castoria relieves Teething Troubles, cures Constipation and Flatulency. Castoria assimilates the Food, regulates the Stomach and Bowels of Infants and Children, giving healthy and natural sleep. Castoria is the Children's Panacea—The Mother's Friend.

Castoria is so well adapted to children that I recommend it as superior to any preparation known to me." H. A. AUSTIN, M.D. Brooklyn, N. Y.

THE FAC-SIMILE SIGNATURE OF
Charles H. Fletcher
APPEARS ON EVERY WRAPPER.

CERTIFICATE OF THE INCORPORATION OF THE "TEXADA KIRK LAKE GOLD MINES, LIMITED."

I HEREBY CERTIFY that the "Texada Kirk Lake Gold Mines, Limited," has this day been re-incorporated and registered under the "Companies Act, 1897," as a Limited Company, with a capital of six hundred thousand dollars divided into six thousand shares of one dollar each. The registered office of the Company will be situated in that part of the Province of Ontario known as the County of Lanarkshire, and in any of the adjacent islands.

- (1) To carry on the business of the Texada Kirk Lake Gold Mines, Limited, in any part of the Dominion of Canada or elsewhere in the Dominion of Canada or in any of the adjacent islands.
- (2) To search for, crush, win, get, quarry, reduce, amalgamate, calcine, smelt, refine, concentrate and otherwise process, and to transport and carry on any metallurgical operations which may seem conducive to the attainment of the objects of this Act.
- (3) To buy, sell, lease and deal in bullion, gold, silver, iron, copper, tin, zinc, lead, nickel, platinum, and other metals, and to dispose of the same in any manner.
- (4) To use steam, water, electricity or any other power, and to supply same to other companies, persons or firms.
- (5) To do all such other things as are incidental or conducive to the attainment of the above objects.
- (6) To draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading, warrants and other negotiable or transferable instruments.
- (7) To obtain any act of Parliament or Provincial Legislature for enabling the Company to carry out any of its objects in effect, or for effecting any modification of the Company's constitution, or for any other purpose which may seem expedient, and to oppose any proceedings or applications for any such purpose, and to sue or be sued, and to do all such things as are incidental or conducive to the attainment of the above objects.
- (8) To do all such other things as are incidental or conducive to the attainment of the above objects.
- (9) To amalgamate with any other Company having objects together or in part similar to those of this Company.
- (10) To do all such other things as are incidental or conducive to the attainment of the above objects.