The Colonist.

FRIDAY, JUNE 7TH, 1889.

FROM THE DAILY COLONIST, June 2.

LOCAL AND PROVINCIAL.

Police News.

In the city police court yesterday, three sailors belonging to the bark Wanlock were fined $5 each for drunkenness and fighting on the streets. An Indian woman was fined $5 for drunkenness. A Chinese cutting case was remanded till Monday.

Rifle Range.

The B. C. Rifle Association have secured a first-class spot for a rifle range on the Tolmie estate, on the extension of Cook street. A party surveyed the site yesterday, and on Monday work will be commenced in erecting the targets and firing points. For the present iron targets will be used, but the canvas targets will be put in position on match days.

Music at the Park.

The band of H. M. S. Swiftsure, under the direction of Mr. H. Everitt Loseby, bandmaster, performed the following programme on Beacon Hill yesterday afternoon.

Overture....."Nebuchadnezzer".....Verdi
Dance Royale....."Ginista".....Trottawn
Valse....."Enelio".....Waldteufel
Selection 'Lucia di Lammermoor' Donizegtti
Hungarian Dance, "Czardas"..Hasselmann
Quadrille....."Islandia".....Godfrey
God Save the Queen.

Nanaimo Methodist Church.

The ceremony of laying the corner stone of the new Methodist church at Nanaimo takes place on Tuesday next. The stone will be laid in due form by Mr. Samuel M. Robins, superintendent of the V. C. Co., and it is expected that Rev. E. Robson, ex-president of the B. C. Conference, and the pioneer Methodist minister of Nanaimo, Rev. J. E. Starr of Victoria, Rev. J. W. Wadman, Rev. E. W. Bodwell and others, will be present.

Delta Agricultural Society.

The directors of the Delta Agricultural Society have elected the following officers: Thos. McNeely, president; J. A. Peterson, vice-president; A. Gilchrist, secretary; H. N. Rich, treasurer; Messrs. John Kirkland, H. D. Benson, E. Hutcherson, and Wm. McKee, directors. A committee was appointed to attend to the improvement of the Delta agricultural show grounds.

Inland Revenue Collections

At Victoria, B. C., for the month ending May 31st, 1889:

Licenses	$ 10 00
Tobacco	1,263 50
Cigars	1,143 90
Spirits	6,281 79
Malt	1,353 41
Rents	25 00
	$10,079 60
May, 1888	7,796 38
Increase	$2,283 22

For the Orient.

The ss. Batavia, Capt. Williamson, left Vancover for China and Japan on Friday evening. Her freight list consisted of 75 tons of merchandise, including 100 bales of cotton, 250 bbls of Oregon flour, and 61,200 feet of square timber for Yokohama. The passenger list is as follows: Saloon—Mr. G. H. Grimani, Mr. S. Yamsagnet, Mr. G. Karokala, Miss Kiu Kalo, and 28 Chinese passengers in the steerage. The Batavia will return about the first week in August with a cargo of tea and silk.

Salect Thoroughbred Stock.

The Tolmie Estate report the sale of the following thoroughbred Shorthorn bulls: "Lord Cloverdale," a two-year-old, to Mr. John Wilson, Kamloops; and "Columbia Lad," a yearling, to Mr. Joseph Mannion, of Bowen Island, Howe Sound. These beautiful animals were bred at Cloverdale Farm, and both are recorded in the Dominion Shorthorn Herd book. They are animals that would show well at any exhibition, and are a credit to the breeder. A grade bull has also been sold, and will be shipped on the schooner Kate to the Hesquiot Mission on the West Coast of the Island.

David Little's Disappearance.

Nothing has yet been heard of Mr. David Little, who mysteriously disappeared while en route from Nanaimo to Alberni. Every effort to find the missing man has been vain. Referring to his disappearante, the Free Press says: "Mr. Little has been sick for some time, and at certain periods became slightly demented, and it is now thought that one of the spells came on while he was camping out, and that he wandered into the bush between the old and new roads. Little was well acquainted with the locality and there was but little danger of his losing himself while he had the benefit of all his faculties."

Rev. Dr. Ormiston.

Rev. Dr. Ormiston was driven around the city and suburbs yesterday by his old friend and pupil, Mr. John Jessop. He expressed his delight with the beauties of Victoria, and stated he would return at some future time for a long visit. The reverend gentleman will leave on Monday morning for California, and will proceed from there to New Mexico, for the purpose of examining the antiquities of the prehistoric people of that region. He will then make a ten months' tour through Europe. To-day Dr. Armiston will preach twice—in the morning in St. Andrew's church, and in the evening in the First Presbyterian church.

The Reason Why.

Three special jurymen were found wanting when their names were called yesterday morning in the supreme court in the Robertson-COLONIST case, and a fine of $20 each was imposed by Mr. Justice Crease. Mr. R. J. Russell came in after the jury had been impannelled. He pleaded that he understood 11 o'clock to be the hour, and was excused, but warned not to let it happen again. Mr. L. Erb put in a similar plea some time later, and after the judge had pointed out that it was most desirable so worthy a citizen should be promptly on hand on such an occasion, his fine was also remitted. Mr. W. H. Redmond, the third delinquent, arrrived home from Nanaimo on the afternoon train, not having received his summons, having been absent from town for several days. He has yet to make his excuses.

Burglar Shot by a Lady.

A burglar entered the residence of Mr. Preston at Seattle early on Friday morning, and without visiting any of the rooms on the lower floor he proceeded to the bedroom where Mr. and Mrs. Preston were sleeping. The noise of his entrance awoke Mrs. Preston, who, seeing the intruder, endeavored to awake her husband by gently kicking him. The latter slept too soundly, however, so the brave lady without making an outcry, slipped her hand under the pillow to secure Mr. Preston's revolver. The slight noise she made, however, alarmed the robber, who was industriously emptying the pockets of Mr. Preston's clothes. He had secured that gentleman's watch and chain and $37 in coin, and also took Mrs. Preston's watch from the dressing table. Seeing that he was discovered, he made a break for the window and jumped to the ground below. Mrs. Preston sprang out of bed with the revolver in her hand, and catching sight of the robber she fired. A groan and a volley of curses followed the report, showing that her aim had been true. The report of the pistol awoke Mr. Preston, who quickly as possible ran out to pursue the burglar, but the latter had disappeared before the gentleman had reached the street. Right under the window was found Mr. Preston's vest with his watch and chain in it, and plentifully covered with blood, evidence that the bullet had caused a deep wound, but the robber had got off with the lady's watch, worth $150. The robber has not yet been captured.

Camilla Urso.

The present tour of Mme. Camilla Urso, the great violinist, will include Victoria, and one of her grand concerts will be given here during the present month. Mme. Urso will be assisted by a number of artists in a programme of rare excellence and merit, the same as given in the east and at San Francisco, to which the press have devoted columns of praise.

Victoria Public Library.

Since the opening of the public library on the 11th of May, Mr. McGregor, the librarian, reports that up to May 31st, the number of borrowers has been 219—ladies 70; gentlemen 149. The number of books borrowed has been 434—ladies 137; gentlemen 297. Sixteen volumes have been added to the catalogue, and some maps have been provided for the reading room.

Coal Shipments.

During the month of May the coal shipments from Nanaimo were as follows:

	TONS
Vancouver Coal Co	18,245
Dunsmuir & Sons	17,650
East Wellington Co	748
Total	36,643
Iron ore per steamer Ferndale for Port Townsend	1,785

Another English Brewery Syndicate.

A London despatch says: Yet another Canadian company has been formed here, viz., the Dominion Brewery Company, limited. The share capital consists of £80,000 in 8 per cent. cumulative preferences, and the same amount in ordinary shares at £5 each. £30,000 6 per cent. first mortgage debentures will also be issued, all at par. The object is to acquire and develop the brewery of Robert Davis, Toronto, who acts as manager, with Chas. Richie and John Taylor as the other members of the Canadian council board, Seton Carr, a member of Parliament, is among the directors. £190,000 was paid for the brewery.

The Land of the Midnight Sun.

Mr. C. E. Bolton had another crowded house last evening, when his lecture on the "Land of the Midnight Sun" was presented, to the instruction and entertainment of one and all. The lecture is one that will bear many repetitions, and still prove a treat. One, and only one, feature of the entertainment was objectionable. The house was too well filled. The aisles were crowded, and the consequences in the event of a panic might have been disastrous. Everything passed off smoothly, however, and the popular lecturer scored another success. By special request, Mr. Bolton will remain in the city until Monday evening, when he will repeat his lecture of Thursday night, "London, the World's Metropolis."

The Cecilian Opera Company.

The Cecilian Opera Company, with Miss Caroline Millzner as prima donna, appear at The Victoria Tuesday and Wednesday evening next. In reference to the performance of the company, the Oakland (Cal.) Enquirer said: "It is seldom a company of such real merit visits our city and the crowded house last night showed that we know how to appreciate one when it comes. Miss Millzner possesses a voice of remarkable flexibility, purity of tone and sweetness, and as Margherita her performance in both acting and singing equals any we have ever heard here, bar none. Mr. Crandall, the tenor, Mr. Mills, the basso, and Miss Judson are all strong, and the performance is one we would like to see repeated here often."

The Raft Incident.

The suggestion of the jury, through their foreman, Mr. Henry Brown, in the libel case yesterday, that Peter, the Indian who rescued the two Chinese from the raft, should receive some substantial recognition for the same, is a good and just one. Men who have accomplished far less than Peter have been honored by a purse or a medal. Though the story was imperfectly told yesterday in the interpretation of his evidence, the old man's narrative in his own tongue and his gesticulations in describing the rush of water, the condition of the raft, and the helplessness of the two waifs, were highly dramatic. Peter should be given something for his brave act, and there is the assurance of Mr. Justice Crease that he will bring the matter to the attention of the proper authorities.

Sumas, Whatcom County, W. T.

This townsite is situate at the junction of the Sumas river, and its western branch is surrounded by a magnificent agricultural country. It is located near the boundary line of British Columbia and Washington Territory, at a point where the Canadian Pacific Railway connects with the Seattle Lake Shore and Eastern Railway, and the site selected has been admirably chosen, having a gentle slope to the north, and has an abundant supply of water, with good milling facilities. On completion of the railways under construction, it will be in touch with all points on the Canadian Pacific Railway, as well as with Seattle, Whatcom, and the American transcontinental lines of railway.

Plans of Sumas can be seen, and all information had from F. G. Richards, Jr., Victoria; Haywood & Black, Vancouver; Richards, Haywood & McIntosh, N. W., Whatcom and Seattle.

Sunday Sacred Concert.

The Sacred Concert Band, composed of some of the best musicians in the city, and under the management of Mr. Frank Campbell, Jr., will inaugurate a series of Sunday concerts at Beacon Hill this afternoon, commencing at 2 o'clock. Following is the programme for to-day:

Sacred Medley Overture.....Mozart
God, the Almighty, I Sing Thy Praise..
Paraphrase, Hear our Prayer.....Haydn
Arranged by T. H. Rollinson
Fantasia, Safe in the Arms of Jesus....
Arranged by J. Keller
God, the All Terrible.....Haydn
Religious Fantasia, Perfect on.....
Arranged by Southwell
Great God, What do I See and Hear
Haydn
Grand Religious Fantasia.....
Moody and Sankey
Songs without words.....Mendelssohn
Heaven's Chorister.....Pinsuti
Ela Master, from Stabet Mater.....Dvorak
God Save the Queen.

Prof. Pferdner, conductor; Mr. Wm. Thompson, leader.

Nanaimo Powder Works.

The Nanaimo Free Press says that Mr. Thomas C. Brainerd, president, and Mr. Wm. Gordan, president of the Hamilton Powder Company, have arranged for the construction of extensive powder works near Nanaimo. The site selected for the works is on the Comox road, a short distance this side of North Field, where two hundred acres of land have been purchased from the Vancouver Coal Company, which is particularly well adapted for the erection of the works proposed by the company. The works themselves will necessitate the building of a number of large structures, besides which, a short distance from the road, a number of residences will be constructed for the workmen and their families. When the works are in full running order about forty hands will be employed, who, with their families, will make quite a colony. The company proposes to go into the manufacture of black powder, besides high explosives. A spur line of railway will be run to the E. & N. Railway for shipments to Victoria and Sound cities, while an independent line will be constructed to Departure Bay, and they will put on steamers of their own to run to Vancouver.

A heavy storm has been raging three days at Hongkong.

THE LIBEL SUIT.

Captain Robertson of Moresby Island vs. The Colonist.

The Jury Return a Verdict that the Article Published was a Libel, but that Plaintiff Sustained no Damage.

(Before Mr. Justice Crease, and a jury.)

Robertson vs. Ellis & Co. This was an action brought by Capt. H. J. and Mrs. Robertson, of Moresby Island, to recover $25,000 damages from Ellis & Co., publishers of THE COLONIST, for an alleged libel contained in an article headed "Adrift on a Raft," published in the daily and weekly editions of THE COLONIST of February 22nd, 1889.

The following special jury was empanelled: Henry Blount, (foreman), Geo. H. Maynard, P. T. Johnston, F. E. Englehardt, J. Keith Wilson, A. J. Gray, Henry Mansell, and M. W. Waitt.

Mr. D. M. Eberts, (of Eberts & Taylor), appeared for the plaintiffs, and Mr. C. E. Pooley, Q.C., for the defendants.

The counsel for the plaintiff, in opening the case, said: My lord and gentlemen of the jury. This is an action brought by Captain Robertson and his wife against the proprietors of THE COLONIST, who, on the 22nd day of February, published a defamatory libel against them under the heading "Adrift on a Raft." (The learned counsel proceeded to read the definition of a libel as laid down in Alger.) Captain Robertson for five-and-twenty years has been a resident of China; and while there he and his wife became possessed of a large amount of property. The climate not agreeing with them however, Capt. Robertson and his wife came to this province and landed at Vancouver. During all the time that he has lived in British Columbia, Capt. Robertson has been engaged in importing tea to this country, being the largest tea importer in the country. Two years ago he purchased Moresby Island, and several large tracts of land adjoining it. He erected a large house on Moresby Island, and lived there with his wife, and two Chinese servants. On February 22nd, the proprietors of THE COLONIST, saw fit to publish an article in their daily and weekly newspapers. [The article on which action was based was read to the jury]. That is the article complained of, and that is the article which Captain and Mrs. Robertson say is a defamatory libel against them.

(The pleadings in the case were read, and the counsel for the plaintiffs continued); The plaintiffs are peculiarly situated. Captain Robertson is the owner of large possessions in China. The property is a large but in a manner insecure possession, owing to the difficulty of holding property under the treaties that exist between China and England. Capt. Robertson has a large family of boys, and it is probable that he may some time send some of them to China; where the Chinese government, if the story of cruelty as published reach them, might retaliate, in a way that would mean great financial loss to the plaintiffs. The only thing that Capt. Robertson can do to vindicate himself, is to take the action that he has. We say that the article was not founded on fact, and was altogether sensational. It accuses Capt. Robertson and his wife of doing what no honest man or woman would do, and certainly is a libel calculated to do very much injury to the plaintiff.

The learned counsel then briefly reviewed the pleading put in defence, and called his first witness, the plaintiff.

Captain Horatio John Robertson was duly sworn.

Question (on copies of the newspapers containing the article complained of being produced)—You see those papers before you?

A—Yes.

Q—Do you see an article there headed "Adrift on a Raft?"

A—Yes.

Q—Have you read those articles?

A—Yes.

Q—Where do you now reside?

A—On Moresby Island.

Q—To whom does Moresby Island belong?

A—I bought it.

Q—It belongs to you?

A—Yes.

Q—You are the Captain Robertson referred to in this article?

A—Yes.

Q—And the Mrs. Robertson referred to is your wife?

A—Yes, certainly.

Q—How many acres have you got there?

A—Between 1,400 and 1,500.

Q—Have you any other adjacent land?

A—Some 3,000 acres.

Q—When did you come to British Columbia?

A—I arrived in Vancouver on the 31st of August, 1887; by the Abyssinia.

Q—And when did you go to Moresby Island to live?

A—On November 7th, 1888.

Q—Prior to your coming to British Columbia, where did you reside?

A—In Foochow, China.

Q—What was your occupation there, Captain Robertson!

A—I was doing several things. Lastly I was doing river engineering. Then I was captain or coast pilot on the Chinese war ships.

Q—Have you any possessions now in China?

A—I have. I have lands, buildings and other property, and my wife has also.

Q—At what place?

A—Foochow.

Q—What is that property valued at?

A—It is a hard thing to say. My wife found it a very hard thing to dispose of some property she had, before we left China. At the present time, one piece of property is valued by outsiders, at $35,000. My wife's property and my own together are probably worth double that.

Q—How long were you in China?

A—From October, 1853, till August, 1887.

Q—What business have you been engaged in since you have been in this country?

A—I have been importing tea. I have imported a large quantity of tea to this place.

Q—What has been the value of some of your consignments to this place?

A—The first consignment, without freight or anything paid here, was worth about $5,600.

Q—Without freight or duty?

A—There's no duty here to be paid.

Q—Are you still engaged in the importation of tea?

A—Yes.

Q—Now, in this article "Adrift in the Straits," there are two Chinese mentioned—a man and a woman?

A—Yes.

Q—Were they in your employ?

A—Yes.

Q—How long has the woman been living with you?

A—Excepting for a few months, about nine years continuously.

Q—And the man also?

A—Not quite so long. He was introduced by his wife.

Cross-examined by Mr. Pooley:

Q—Were you present when the Chinese man and woman mentioned in this article left Moresby Island?

A—No. I was in Vancouver.

Q—Therefore you cannot tell whether this statement is correct or not, from your personal knowledge?

A—No.

Q—Did you hire the Chinese under contract, when you brought them from China?

A—I did not hire them at all. They were hired by Mrs. Robertson. The woman came on to Vancouver from Foochow. The man joined the steamer at Yokohama.

Q—What were the wages to be paid them?

A—Mrs. Robertson agreed to pay them $20 per month.

Q—That is $10 a month, each?

A—Yes, $10 apiece.

Q—How long was that contract made for?

A—The agreement was for three years.

Q—Was that agreement in writing?

A—No. It was a verbal agreement.

Q—How much of their wages was due them?

A—I cannot tell. About $40 in cash, I think. And then there was the money for their passages, $100; and the poll tax paid to get them into the country, $100 more.

Q—Did you see THE COLONIST of February 23rd?

A—Yes.

Q—And did you read the item in it in connection with this matter?

A—I saw it when I came to Victoria. On the 27th, I think, it was.

[COLONIST newspaper of February 23rd produced and exhibited to witness.]

Q—Is that what you saw?

A—Yes.

Counsel for the defence read the extract referred to.

Q—Did you see the publication on the 28th of February?

A—Yes, I saw it.

Counsel for the defence read this extract also.

Q—You know Mr. Ellis?

A—Yes.

Q—Did he call on you at your hotel, the Driard, on the 28th?

A—Yes. I won't say it was on the 28th.

Q—Did he call on you when you were in Victoria?

A—Yes.

Q—You declined them to have any conversation with him?

A—I will explain. I said that I had placed the matter in the hands of my solicitors. He failed to come to see me when I went to THE COLONIST office, and asked to have him call. On the 22nd I went to THE COLONIST office, and asked some of the people there to tell Mr. Ellis I would like to have him call at my hotel. He did not come then.

Q—You arrived in Victoria on the 27th. Did you then go and see these Chinese?

A—Yes.

Q—Was the superintendent of police with you?

A—He was.

Q—Did you ask the Chinese woman, in the presence of the superintendent of police, how she left your home on Moresby Island?

A—Yes.

Q—Did she tell you that she left on a raft, with her husband?

A—Yes.

Q—Did you tell her that was false?

A—I told her I thought she was wrong.

Q—Did you not tell her that you knew she left the island in a boat. That they were taken away by a white man?

A—I said I was certain they could not have left the Island on a raft. The weather was so that they couldn't. I told the Superintendent of Police that I concluded that it would be impossible for them to get from Moresby Island to Victoria in the time they said. I did not believe their statement to be true—in that particular.

Q—Have you taken any trouble since to satisfy yourself of the truth of their statement?

A—I have had the woman examined before Mr. Mason and Mr. Gardner.

Q—And you still think their story was untrue?

A—I am fully satisfied that a portion of it was untrue. I don't say that they were not on a raft, but I do say that they could not have come down from Moresby Island as they say they did.

Q—At this time where were you?

A—At Vancouver.

Q—How could you tell how the weather was at Moresby Island when you were at Vancouver?

A—The wind and tide were both dead against them.

Q—You don't believe their statement now?

A—I dont believe that portion of it.

Q—Do you know Mr. Lindley?

A—I do.

Q—Do you remember having a conversation with Mr. Lindley on this matter on the 27th or 28th of February?

A—I do.he came to see me, if I remember right.

Q—Did he not tell you that THE COLONIST had no desire to injure you, and would make any apology that you wished?

A—He did not.

Q—Did you not make this statement to Mr. Lindley, "If the whole town was placarded from end to end with apologies they would do me no good in China."

A—I did.

Q—Was there not some trouble between you and the Chinaman?

A—None.

Q—Was not that Chimaman to leave your house and go back to China?

A—Yes.

Q—Did you not offer to put him aboard the steamer at Vancouver?

A—I was in Vancouver for that particular purpose.

Q—And did not his wife wish to go to Vancouver to see her husband safe on the steamer?

A—I can't tell you what happened on Moresby Island after I left.

Q—She made no request to you?

A—None at all.

To Mr. Eberts:

Q—You said in your cross-examination that there was no difficulty with the Chinese at Moresby Island?

A—None with myself, my wife or any family. The difficulty was between the Chinese themselves.

Q—Why were you at Vancouver?

A—To send the Chinaman back to China. To arrange for his passage.

Q—Was he going back of his own free will?

A—At his own request.

Q—And why did he wish to go back?

A—He didn't like the country, and there was continual trouble between himself and his wife.

Q—You said there was about $40 due the Chinese?

A—About $40.

Q—Do you think there is anything due them under the circumstances?

A—They are due to me over $160. Their passage out and the poll tax, which I paid, amounted to $200.

Q—Then, instead of you owing them, they are indebted to you?

A—Yes.

Q—Have they sued you for any money?

A—No.

By Mr. Pooley—I understood you to say that you still owe the Chinese about $40 of their wages?

A—I think about $40 is due them for wages.

By his lordship—Were the Chinese bound to repay you their passage money?

Witness—If they did not stop three years.

His lordship—Where is the contract?

Witness—It was only a verbal agreement.

By a juror—If I understand it, the Chinaman owed you $200 advanced for passage, and you owed them $40 wages? And were you going to Vancouver to pay out $60 more to send the Chinaman home to China, when he already owed you $160? I can't understand that.

Mr. Eberts (to the Court)—I would like your lordship to ask Capt. Robertson if he still considers he owed them anything.

His lordship—I have asked him that question myself; and he replied that he still owed them $40.

Mr. Eberts—Would your lordship just ask him—

His lordship—I cannot allow a new examination?

Mr. Eberts—Would your lordship ask Capt. Robertson how long the Chinese worked for him; how much they were paid, and how much was still due them.

His lordship—You ask me to re-open the examination, and I decline to do so.

By a juror—How long have these Chinese worked for you since they came to this country?

A—From the time they arrived in the country in July, 1888, until the time they left the Island.

The juror—And how much has been paid them?

A—They got money from time to time. Mrs. Robertson also got a number of articles for them at their request.

The Juror—And how much is still due them?

A—About $40.

His Lordship—Are those dollars the same as ours?

Witness—No, My Lord. They are worth about 25 per cent. less.

The plaintiffs here rested their case.

Mr. Pooley applied for a non-suit on the ground that the plaintiff in the box had not complained of suffering any injury as the result of the publication of the article complained of.

His lordship thought the case should go on, however, after noting the point raised.

In opening the case for the defendant the learned counsel showed how publication was made without any malice on the part of the defendant. The article complained of was a fair report of statements made to the Chief of Police in the presence of a reporter of the paper. The counsel for the defendants read the pleadings put in by the defense, commented upon them, and called Peter, an Indian.

Peter, the Indian, was duly sworn.

Q—Do you remember being out fishing in your canoe on the 19th of February:

A—Yes.

Q—Were you alone fishing at that time?

A—There was no one with me.

Q—What happened then?

A—I was out fishing that day. The strong current took me to the other side, to the little island opposite, Ten Mile point. I thought I heard some one calling away out on the water. There was another canoe out with me. I went out with him to where the noise came from, and found a Chinawoman and a man on a bit of a raft, This platform they were on was made of three logs with a board across it. The man and woman were lying on a feather bed, and there was a trunk at the end of the raft. The Chinawoman held out her hands to me, when I came up, and said: "Please, I wish you'd save me. Take me ashore, Do take me ashore." And so I took the woman, and put her in my canoe, with the feather bed they had on the raft. The Chinaman my friend took in his canoe, with the trunk. I took the woman ashore to my place. It was about six o'clock in the evening when I got home. The woman was freezing cold. Her fingers were stiff. She could hardly move them. That same evening it was cold and rainy all the night, and blowing hard. The Chinawoman said to me, "You are a good man. You have saved my life to-day."

By Mr. Pooley—What did you do with the Chinaman and the Chinawoman afterwards?

A—I gave them something to eat, and then gave them blankets. And then I said, "I'll take you over to the Chinaman that lives close to me." I went up to see this Chinaman, and told him about taking the man and the woman from the raft, and he came to my place and took them to town in his wagon the next day.

Q—What condition was the raft in when you found it?

A—There were no nails to hold it together. Only a board across the logs, and the man and woman sitting on it. I couldn't tell if the logs were tied or not. The logs were almost parted and were under the water. The winds had shaken it almost to pieces.

The foreman—Were the Chinese when you found them on the raft, exhausted or wet?

His lordship—If you had been washed about on a raft as they were, I don't think you would be apt to ask that question.

The examination continued after Peter had identified the Chinese woman Lucy as the woman whom he had found on the raft.

Q—What did you do with the feather bed?

A—It was all wet through. Nothing could be done with it.

Q—Did you take the trunk away?

A—Yes.

Q—Was the trunk on top of the raft?

A—Yes, sir.

Q—How big a trunk is it?

A—It was very heavy. So was the feather bed—a big feather bed.

Q—Was the raft a big raft, too?

A—Big enough to hold the man and woman, and the feather bed and the trunk. It was just three logs fastened together.

Q—Do you know Moresby Island?

A—No, sir.

Q—Do you know Salt Spring Island?

A—No, sir.

Q—Where do you live?

A—Cadboro Bay.

Q—What time of day was it when you saw the two people first?

A—I can't tell. I have no watch. I think it was a little after "Sitkum sun." I got home at six.

Q—Was there a heavy sea that day?

A—Very big waves.

A juror—I do not see that there is anything to be gained by keeping the jury to listen to such questions, that have no point or bearing on the case.

His lordship—They may have a bearing on points in the case that neither you nor I see.

The juror—No, nor any one else.

Witness, to the foreman—The man and woman when I found them were stiffening with cold. They could hardly move. They were almost freezing.

His lordship, for a juror—Were they quite dry?

A—No, very wet.

Lucy, the China woman found on the raft was next sworn.

Q—Do you know Capt. Robertson and his wife?

A—Yes.

Q—Were you a servant in Mrs. Robertson's house?

A—Yes.

Q—Where is your home?

A—In China.

Q—What part of China;

A—Foochow.

Q—Did you make any agreement with Mrs. Robertson to come to this country?

A—No agreement—only just talk.

Q—What was the agreement on which you came to this country?

A—She said she would give me $10 a month, and my husband $10, and pay our way here. And if we stayed three years she would pay our way back to China, but if we left her before the three years were up we would have to pay our own way back.

Q—Are there any wages due you now from Mrs. Robertson?

A—About $100 or more in Chinese money.

Q—Was your husband going back to China when you were at Moresby Island with Mrs. Robertson?

A—My husband, he not care stop here. Mr. Robertson's boys come troubling him, and then he come troubling me. I spoke to Mrs. Robertson about it, and she said "Nonsense, the boys all right."

Q—Was your husband going back to China?

A—Captain Robertson went to Vancouver to see about the steamer, and then he wrote to mistress and told her to send my husband to Vancouver to go back to China.

Q—Did you want to go with your husband?

A—I wanted to be allowed to go to Vancouver to see my husband on the steamer, and then come back to master. But Mrs. Robertson said "No. You wait till master comes home."

Q—What happened after that?

A—I said no, I want to go now. Then mistress hit me a smack. Then I went outside.

Q—What did your mistress say then?

A—She said you go out and stay out till master comes.

Q—What did you do then?

A—We went to get a boat to go and see master.

Q—Did you get it?

A—No. The carpenter and the boys would not let us have it.

Q—Then what did you do?

A—Then we made a raft of three logs. We thought we could get to some other island and get some one to take us to the steamer to see master.

Q—Did you get on the raft?

A—Yes.—We shoved it out with a pole first.

Q—What time was it when you left the island on the raft?

A—About half past nine. The wind was blowing and blowing, and blowing, and we couldn't tell where we were going.

Q—How long were you on the raft?

A—Two nights, and pretty near three days.

B—How did you get ashore?

A—We saw boats and Indians fishing, and my husband called out. I was not able to call, I was too weak. It was very dark. The first night we were away it was all right. Then the next night it snowed and the wind made the raft go round and round, and it almost went down.

Q—After you got to Victoria, did you go to see the superintendent of police to make a complaint to him?

A—Yes.

By Mr. Eberts—Did you live long with Mrs. Robertson?

A—Yes. About nine years.

Q—Did you go to Scotland with Mrs. Robertson?

A—Yes.

Q—Was not Mrs. Robertson a very kind woman?

A—She was very kind to me before.

Q—Did she always pay you before?

A—Yes.

Q—Did you ever ask her for money, and meet with a refusal?

A—No. I did not ask her. My husband did.

Q—Was Capt. Robertson a good master?

A—He never spoke to me in the house at all. He was a very good master.

Q—What day was it that you left the Island?

A—Sunday, about half-past eight, I think. The little boat was waiting to take my husband to Vancouver. I asked mistress if I could go. She said, "No you can't." She did not tell me that I could have no more food.

Q—How far was it from the house to where you made the raft?

A—About three-fourths of a mile, near a Chinaman's house, where we kept our trunk. Me and my husband made the raft out two or three logs and put the trunk on it. We had a saw, an axe and nails.

Q—Did you see a white man's little sail boat come in while you were building the raft?

A—I saw a sail boat, but I didn't know whose it was. I saw it there several days before.

Q—Did you see a newspaper man here in Victoria?

A—Yes.

Q—Who spoke to him, you or your husband?

A—Me. My husband no speak English.

Q—Did you tell the newspaper man that Captain Robertson and his wife treated you badly?

A—I told the newspaper man that Mrs. Robertson and the children treated me badly. Captain Robertson was not there.

Q—Do you remember Mr. Gardner?

A—Yes.

Q—Do you remember making a statement and signing a paper before him?

Mr. Pooley objected to the production of any statement of this kind in evidence.

Mr. Eberts submitted that he had a right to ask witness if she made any statement different from the statement contained in her examination in chief.

Q—You remember making a statement before Mr. Gardner?

A—I spoke to Mr. Gardner same as I speak to you.

Q—Did you tell him at that time "a newspaper man interviewed us on our arrival in Victoria?"

A—I spoke to my husband. I didn't tell him I had been ill-treated by Capt. Robertson or his wife.

Q—Did you tell Mr. Gardner that "Mrs. Robertson never ill-treated us or refused us our money." That you could get your money at any time?

A—Yes.

Q—Did you tell him Capt. Robertson paid $100 for your passage and $100 poll tax?

A—That all belong to Mistress. I have nothing to do with that.

Q—Did you tell him you knew Capt. Robertson would lose that money if you didn't stay with him?

A—Mistress said suppose you stop three years, I pay your money to go back. Suppose you not stay three years you must pay it yourself.

Q—You remember signing a paper before him? Did you touch a pen?

A—Yes.

Q—You remember that he translated everything into Chinese?

His lordship decided that the learned counsel for the plaintiff was exceeding his right, and this part of the examination was passed.

The remainder of the cross-examination was:

Q—Did you say that Mrs. Robertson turned you out of the house?

A—Yes. She struck me twice in the face and told me to go out of the house. After that we carried the trunk out, and then Mrs. Robertson's son came and said that if we wanted rice to eat we could have it. We said, "No thank you. We will go."

An hour's adjournment was then taken.

On the court resuming, at 2 o'clock, Supt. Sheppard was first called, and the examination proceeded as follows:

Q—What is your occupation?

A—I am superintendent of city police.

Q—You saw a Chinawoman giving evidence in court to-day?

A—I did.

Q—Did you ever see her before?

A—Yes.

Q—When and where?

A—The first time I saw her was on Thursday afternoon the 21st February, the day before the article in complaint was published.

Q—Now, did she make any statement to you as superintendent of police?

A—Yes. She was brought to my office by an interpreter to lay a complaint against Captain Robertson.

Mr. Eberts—This has nothing to do with the case. The woman is not a party to this action. Simply a witness.

Mr. Pooley—We have to show no malice on our part; and I have called the superintendent of police to prove that what was published was a fair and accurate report of a complaint made to the superintendent of police.

His lordship ruled that the examination was admissible.

Q—You read the statement that was published?

A—Yes.

Q—Is that an accurate report of the statement made to you by the woman Lucy?

A—Yes, as near as you can put it.

A—Was anyone else there when the statement was made?

A—Yes.

Q—Who?

A—Ah Wing, the Chinawoman and her husband, who cannot speak English.

Q—Was the reporter there then?

A—Not the first time. I met one of THE COLONIST reporters afterwards, and told him about the case. He said he would tell Mr. Gibbons. Mr. Gibbons went with Ah Wing and myself to see the Chinawoman, and took down her statement.

Q—Did you afterwards go down with the plaintiff to see the Chinese woman?

A—Yes.

Q—Did she make any statement in his presence?

A—Yes.

Mr. Eberts—I object.

Q—Did the plaintiff say anything to the woman?

A—Yes.

Q—What did he say?

A—He asked, "How did you leave the Island?" She answered, "On a raft" He said, "No, you did not. You went away with a white man in a boat."

Q—Was any other statement made by Mr. Robertson?

Mr. Eberts—I object.

A—She said she would not go back to the Island.

His lordship asked the witness if in his official capacity he considered it proper to speak of any complaints made to him before they were ventilated in Court?

The witness replied that this case seemed so terrible a one that he thought everyone should know the facts of it. As the matter occurred outside his jurisdiction, he had referred the woman to Supt. Roycroft.

C. H. Gibbons said he was a reporter on THE COLONIST and wrote the article; consider it was a fair report of the story as told him by the Chinese in the presence of Chief Sheppard and Wing, the interpreter.

By Mr. Eberts—Do not speak Chinese; the woman told me that she was unconscious when they were on the raft; saw a man there who was said to be the woman's husband; cannot say on oath whether I telegraphed any other paper a report of the matter; should judge items in pagers (produced) referred to the same matter; I wrote the article; do no know, but think Mr. Ellis saw it before publication; I heard that he saw it.

By his lordship—I did not telegraph any of those reports to the other papers; the Chinese woman did not tell me that the Indian's curiosity was excited when he saw them on the raft, but I inferred so from what she did say.

His lordship—That article was written by some one who can write.

After the learned counsel on both sides had presented their case, his lordship briefly charged the jury. First he instructed them to determine if the matter published constituted a libel, and read the definition of a libel from "Alger" for their guidance. If they found the matter published to be a libel, they should next enquire, (1) Is it defamatory and (2) Does it tend to injure Capt. Robertson. In regard to damages; no special damages were claimed, and consequently the jury would be expected to award such damages as would compensate the plaintiff for injuries caused by the defendants' conduct. The amount of damages, if any are awarded, lay almost entirely with the jury. The jury were also instructed that paying the $1 into court was no acknowledgement of the offence charged.

Proceeding to call attention to the circumstances in connection with the publication, his lordship said that was of course a sensational article, but it was a strong and well written article, if the facts of the case warranted it. The greatest care should be taken in writing anything for publication. No apology could ever overtake a libel that had once been circulated. When we hear of or know of anything, of such unusual occurrence as the finding of those two people adrift on the raft, we naturally expect to obtain particulars at once through those channels catering to the public in this respect; and it is quite possible that the details are not always quite correct. The news of the day would often be stale and uninteresting if we were to take from his writings the natural color which an enthusiastic writer put into his work. The greatest care should, however, be taken to arrive at the full facts, and wrong no one by undeserved imputations against them. His lordship closed his charge by directing the jury to fully consider every point bearing on the case, and the jury retired at 4:50 p. m.

The jury returned after an absence of one hour, with the following verdict: "The jury find that the matter published constitutes a libel, but that the plaintiff has sustained no damage.

The question of costs was reserved by his lordship.

PERSONAL.

Chas. E. Peabody, of Chemainus, is at the Driard.

J. B. Hammond and J. N. Burfeind, of Douglas Island, Alaska, are at the Driard.

C. M. Taylor and wife, of Philadelphia, Pa., are in the city.

Geo. Fraser, A. F. Skinner and A. S. Jennings came over last evening.

D. Wilson, inspectors of schools, returned from the mainland last night.

Johann Wulffsohn, banker of Vancouver, is at the Driard.

R. D. Atkins, mining engineer, leaves for Kootenay in the morning via Spokane, and afterwards for England.

Hon. Justice Gray's condition still continues very critical. There was no spread in the paralysis yesterday, but otherwise there was no change for better or worse.

Lieut.-Governor and Mrs. Nelson returned from Harrison Hot Springs last night by the steamship Islander. We are pleased to announce that Governor Nelson has recovered his usual health.

Sir Leonard Tilley, accompanied by his son, Mr. Leonard Tilley, and Dr. Wm. Bayard, of St. John, N. B., will arrive at Vancouver on Tuesday, and on Wednesday will be tendered a reception by his New Brunswick friends.

Among the arrivals from Vancouver on Friday evening was W. H. Satou, Imperial Japanese commissioner. Mr. Satou is en route to San Francisco, from which place he will go east, visiting the principal cities in the United States and Canada, and then cross to Europe. His object in making this tour is to collect information as to the different sytems of municipal governments on this continent and in Europe, the population of the great cities, the provision for the regulation of trade, the manner of conducting public works, the price of labor, and, in short, all information for the guidance of municip