Point Ellice Bridge Suits

8

Long Debate in the City Council on a Motion Looking Towards Amicable Settlement.

Port Angeles Ferry By-Law Introduced -- Electric Wiring Regulations.

Hackmen Present a Lengthy Petition Re-Opening the Whole Question of Stands.

Contrary to the expectations of son the suggestion made by his worship that the city's legal advisers be instructed without prejudice to the city's rights to arrange with the plaintiffs in the Point Ellice bridge disaster suits for a settlement which would be mutually satisfactory, did not quite meet the wishes of the council as expressed in regular session last night. The motion was amended to read that a committee be appointed to consult with the city solicitor and barrister with a view of bringing about as speedy a settlement of the cases as possible. It seemed that the city barrister is not prepared to admit that the city would fail in beating the remainder of the cases, some important evidence not hitherto adduced still being available. Then it was pointed out that the cases which were decided against the city were heard in Vancouver, and some of the aldermen thought that with permission to have the trials in Victoria there would be more likelihood of securing an unbiassed verdict. On these grounds it was decided to confer with the legal advisers of the city with the object of obtaining their opinion and advice.

The Port Angeles ferry subsidy bylaw was introduced and read a first tion of same, and have given instructions time, the second reading being set for Monday. In the audience were President Cushing of the Port Angeles ists opposite Mr. Baxter's residence at Eastern and the legal advisers of the present. company, Mr. Frank Higgins, of Victoria, and Mr. John Trumbull, of Port Angeles.

All the aldermen were present and and find only one house on this side of stood practically alone. He was still the whole thing is on the city's shoutalso City Solicitor Bradburn and City Clerk Dowler, when his worship called mend the construction of sidewalk at prethe meeting to order a very few minutes sent, but as regards a crossing, I might that the committee be required to re-struct the barrister to settle. after eight o'clock. Ald. Brydon was say I will instruct the city carpenter to port back to the council. called away a short time before the attend to the matter at once. meeting ended and his absence was quoted by the mayor as a reason why the second reading of the Port Angeles by-law could not be taken contrary to this machine for the construction of stone the regular practice.

The minutes of the last meeting having been read and duly adopted without amendment, the order of communications was taken up, the first letter coming from H. Balstaff, secretarial man- used for the foundation, and the small or ager of the Spokane Exposition to be fine grades for finishing surface, which cerheld in the City of Falls next month. The management extended a very cor- Total estimate cost of \$225. dial invitation to the mayor and council to attend the exposition and promised

them all a way-up time. Ald. Stewart moved the filing of the letter and the acceptance of the invitation with thanks, which was seconded by Ald. Williams and agreed to.

Fernwood Road Nuisance.

A. W. Jones, agent for the Finlaison slight increase in cost." estate, called the attention of the council to a previous letter of his dated July upon a very defective plank sidewalk on ly relied might be broken down alto-22nd, compaining of the filthy condition of a drain running down Fernwood road the northeast corner of Johnson and Store

the matter to the city solicitor and to the city's rights, to endeavor to arrange he goes too far astray. The council with the plaintiffs for a settlement which On Behalf of Deaf Mutes. From Miss Helen Willard Merritt mayor, Ald. Hayward, Brydon and tain this suggested move would not came an urgent appeal for assistance Stewart be appointed to consult with suit Mr. Taylor's views. towards the philanthropic work she is the city barrister and city solicitor as to Ald. Cameron was inclined to agree engaged upon, the education of the deaf the best means of bringing about the with what had been said. The council

nute children in the city, in whose in- desired result." terest she has just opened a school in the A.O.U.W. hall. Having been de-nied a provincial grant Miss Merritt favorable time to endeavor to come to and no further conference. He had adsaid she was now compelled to look for some settlement with the litigants in the vised, and had good grounds for believing, assistance from the council and from suits referred to, without further re- that another trial would result differprivate sources. Her great desire is to course to law. He had been given to ently to the last. Of course, the law is obtain sufficient support to continue the understand that the solicitors representschool until the end of the year, when ing the plaintiffs are willing to come to of the city being declared not liable, and she hopes that the pupils will be suffi- some reasonable settlement. Of the the barnister advises action in that diciently advanced to enter the public three cases tried, one had been won by rection, it would be foolish to go con-schools in a class formed for them or the city and two had been decided trany. The circumstances under which else to form a nucleus for a provincial against the city on appeal to the Privy a new trial would be had would be more school for the education of this unfor- Council. It was true that the city bartunate class of children. She pointed rister had expressed the opinion that the out the necessity of early education for city might gain a verdict in other cases them and her letter, which was an elo- because other evidence was forthcoming quent appeal on behalf of her proteges, which had not been produced in the concluded with the expression of belief previous suits. That additional evidence, however, would be equally well-known that any appropriation the council saw fit to make would be wisely bestowed. to the solicitors on the other side and The mayor explained that Miss Mer-in view of it they would be more dis-

ritt had called upon him and that she posed to advise their clients to make a had at her own expense given instruc-tion to some deaf mute children for four in doubt than they would be if it should or five weeks, but cannot continue it happen that the points were decided without some aid from public grant or against the city. Of course there was private charity. The sum of \$150 would no certainty that the city would be sucenable her to carry the school on to the cessful even though the barrister end of the year, and she asked the coun- thought we should. At any rate while cil to give her something towards that these points are undecided the city has sum. His worship expressed the opin-ion that it is highly desirable something stand. If the city went to law again be done along the lines indicated by and lost it would be in a very bad posi-Miss Merritt. tion to make a settlement. His worship Ald, Humphrey said such children felt that the possibility of this liability quite true unless a special class were and is having a bad effect on real esformed for them. tate. It would be a great relief to know Macgregor was heartily in ac- definitely what had to be paid. Of Ald. the letter to the finance committee for

that official it went accordingly.

motion carried without dissent. Street Work. From the city engineer came the following reports: "I have the honor to submit for your

onsideration the following: "1. Re nuisance from open drain on Leighton road, I have made an examina-

to remove the vegetable growth as requested, although no apparent nuisance ex7 "2. Re communication from J. W. Dabold crossing on west side of Haughton street, have examined the locality mentioned,

mend the construction of sidewalk at pre-"Re alteration of city stone crusher, I believe heretofore it has not been the practice to separate the products from roads, and with this important matter in

duly carried.

view, I have obtained an estimate of the cost of same. Should the above be adopted, the products would then be separated into three grades; the largest would be tainly makes a superior road in many ways. "Re the use of crushed granite

stone for the surface of permanent sidewalks, after due consideration I would respectfully recommend having a special pair of jaws made for the city crusher, to crush granite in fine particles; the use of such materisT in place of smooth beach gravel would undoubtedly produce a far

superior class of work, at perhaps a very "I respectfully submit the following supplementary report for your consideration,

should have been called together in spe-

had one conference with the city banris-In explanation of the motion his wor- ter and a certain course was agreed upuncertain, but while there is a chance favorable. There would no doubt be better chance of obtaining an impartial incy here than in Vancouver, and it cer tainly would be wise to be guided by the legal adviser of the city.

Ald. Stewart said that when he move the resolution he presumed it had been n accordance with the views of the city barrister.

The mayor said Mr. Taylor had ob jected to the motion as originally drafted, and as his worship had already ex-plained, Mr. Taylor is of opinion that the city can win other suits. At his re quest the motion had been altered to its present shape.

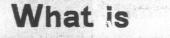
Ald. Hayward-He is not in favor of

The mayor said Mr. Taylor was not in favor of it as it was at first. As his worship had stated in his opening remarks, the barrister looks at the matter in a purely legal light, and believes the could not be educated in the public having to be met by the city was hang-school, which his worship said was ing over it to the detriment of the city lieved that the people of Victoria are tired of litigation in the matter, and now is a favorable time to obtain a settlement Ald. Stewart confessed he did not cord with the work and moved to refer course even if the motion carried no know what is the best to be done, but he definite arrangement could be made could not see that the motion would bind report. Seconded by Ald. Williams the with the plaintiffs without the sanction the city to anything. They had the of the council. The committee would words "without prejudice" there, and he only consult with the barrister as to the believed that no harm could come if these best means to attain the desired end. If words were got in. Ald, Beckwith thought the wording of it was found that the sums asked by

the plaintiffs are excessive the council the motion filled the bill. No doubt the would then be in no worse position than city solicitor and barrister would be able now. This motion would not confine the | to obtain the required information, and council to accepting any settlement un- he believed that it is the wish of the less satisfied it is favorable to the city. citizens that the bridge suits be settled Ald. Williams thought it would be bet- if a settlement can be arrived at. At

ter to add to the motion that the committee should report to the council. He a way as to be sure they were doing the favored this mode of action, and if there best for the city. Even since the privy were any honor in it he might reason-ably claim to be the first to bring that great deal of talk on the streets on the and four others requesting a sidewalk or course before the council, shortly after assumption that the city would now have the accident happened. At that time the council did not agree with him and he There was no doubt that now it seems heartily in accord with the suggested at- ders, the plaintiffs would be hard to tempt to settle the claims, but moved settle with. It seemed a mistake to in-The mayor said the resolution did not The amendment was seconded and instruct the city barrister to settle, but to endeavor to arrange a settlement.

Ald. Kinsman was anxious to get out Ald Hayward would prefer that the instructions to the city solicitor and bar-rister to arrange with the litigants be could. The council had a meeting with left out of the motion. The members the barrister, and a certain course of acof the council had had few, if any, op- tion was laid out. They had had no meeting with him since then, and they portunities of obtaining the opinion of the city's legal advisers upon the matter did not know what had been done. He and before instructing them to take so believed it a great hardship on the city important a step as that contemplated all that it should be called upon to bear all the aldermen should be in a better posithis burden. The bridge was built by tion to judge upon the merits of the case. the government, handed over by them to the tramway company, and broken down It seemed to him that this is a very inopportune time to endeaver to make a by that company, and then handed back settlement. The plaintiffs will be flush- to the city. The cases which had been ed with the victory recently gained by tried in Vancouver had been decided the decision of the privy council, and against the city, but they would be able against the city, but they would be able equently hard to deal with. The to secure a better jury in Victoria, even city's advisers might recommend a to-tally different course to that suggested on it. He believed in the barrister being by the motion. It is well known that consulted and his advice taken. It has evidence which may succeed in one case always been a standing rule that the almay fail in another. In fact, he felt dermen should not interfere with the sure that one important piece of eyi-dence upon which the other side strong-ly relied might be broken down alto-gether on a new trial. Then it must



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"Castoria is so well adapted to children "Castoria is an excellent medicine for children. Mothers have repeatedly told me that I recommend it as superior to any prescription known to me." of its good effect upon their children." H. A. ARCHER, M. D Brooklyn, N V DR. G. C. OSGOOD, Lowell, Mass.

Castoria.





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street would vote against the proposed laughed at the "joke" and the plan, and therefore would limit it to from then appointed Ald. Kinsman, Humphre Government to the east side of Broad. and Williams such committee. And the This was agreed to, Ald. Williams la-Ald. Williams objected without avail. menting the necessity of doing such Electric Wiring By-Law. patchwork; Ald. Stewart thinking it bet-On motion, the by-law providing for ter to have half a loaf rather than no the inspection of electric light installa bread; and Ald. Beckwith believing it tion and wiring, and fixing the fews to better to do what could be done rather be charged therefor, was read a second than have it all killed by the votes of those who owned property in a certain portion of the street. The motion was the by-law committed there and then, reconsidered, and the amended motion adopted. but it is a long one and it was ultimately Hackstands Again.

Another Banquoesque matter came up in the shape of the following petition signed by Charles Marston and 44 others: To His Worship the Mayor and Board of

Aldermen of the City of Victoria: The humble petition of the undersigned ry service between Victoria and Port An showeth:

1. That your petitioners are residents. roperty owners and licensed hack drivers next Monday. Ald. Macgregor wished of the city of Victoria. 2. Your honorable body passed a resolution on the 5th September inst. rescinding custom, and as Ald. Brydon was absent,

a former resolution of your honorable body passed on the 13th. December, 1897, and week. designating what portions of certain The council then rose, it being 10 streets in the city should be back stands. o'clock

3. That while the said resolution of the 13th December, 1897, was a just and equit-You Cannot Afford to able measure, and was satisfactory to the back drivers, the resolution now in force Experiment When works a hardship on them. It compels

Britain over the T ed upon in the disp 'The meeting of t Ald: Stewart expressed a desire to have whose deliberation war or peace in Se one o'clock this aft decided to hold a special meeting o Thursday night for the purpose. Kruger's reply to. Imperial governmen Port Angeles Subsidy By-Law On motion of Ald. Macgregor, the by

ceived and will be law providing for the grantung of a sut discussion sidy for the establishment, equipm A dispatch from and maintenance of a steamboat and fer sociated Press is gi in the afternoon pa geles, was in roduced and read a t brief to give an time, the second reading being set i Trapsvaal's attitud take the second reading immediately, bu produced was ra his worship said that was contrary otherwise. it would be better to wait until next

Crowds gathered foreign office as ear Home Secretary, Ridley, was the firs Mr. A. J. Balfour, f sury, came down fi Lord Salisbury fr reached Downing s noon. Mr. Chambe lonial office at 2:15.

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to Edmonton road and crossing the Fin- streets, adjacent to lots 1,264, 1,265 and laison estate. Mr. Jones said the same 1,266 block H. Said sidewalk covers base-"stinking" and obnoxious nuisance still i ments extending past the street line, and exists and asked that it be attended to is dangerous and beyond repair. I would therefore recommend a permanent walk be immediately.

Ald. Williams moved to refer the mat- constructed in the above locality at the ter to the city engineer: Ald. Humphrey earliest possible date." thought it would be better to send it to Both were adopted without debate.

the sanitary officer with instructions to Major Dupont's Grievance. shate the nuisance: the mayor suggested

City Solicitor Bradburn had been rethat it be referred to both those officials; and Ald. Brydon could see no object in quested to report upon the communicareferring it to either of them. It was tion received last week from Major Duonly a few weeks ago that the first let- pont, in which that gentleman remindter had been referred to both of them, ed the council that there is an injuncthey had both reported recommending tion of the Supreme Court forbidding that a certain course be adopted and the the council to run any drainage through council had not the funds to carry out his land at Stadacona avenue, and also the plan recommended. To again refer withdrawing his permission for the city it would be merely a vaste of time. He personally knew of the existence of the Mr. Bradburn now expressed the opinion nuisance and the only remedy was the that if the council would allow him to construction of a surface drain down enter into communication with Major Fernwood road. Not only had the city en- Dupont he could arrive at an amicable gineer and sanitary officer recommend- settlement and advised the council to ed a method of disposing of the matter, allow him to try that course before they but they had submitted an estimate of took any harsh measures. If he was the cost of following out their sugges- unable to dispose of the difficulty he tions. In winter there would be no nuicould report back to the council and sance owing to the flow of water, but then they would have an opportunity of there is now. dealing with it themselves. The mayor thought perhaps if it were The course suggested was adopted on

they might be able to suggest a temporary man of abating the nuisance, and as The standing committee on finance Ald. Brydon did not see fit to embody ecommended the payment of \$77 to the costs. his objection to the motion in an am-Electric Railway Company, the cost of endment the original resolution carried and back the matter went to the enremoving their poles on Fort street into

gineer and sanitary inspector. Mr. Keller's Pipe.

No sooner has the council disposed of one Banquoesque matter, such as the opted. Craigflower road business became, than another crops up and will not down. This time it takes the form of 30 pieces of Y-shaped pipe supplied by Mr. Keller to the city, rejected by the late enthis gineer, left in the corporation yard and new nowhere to be found. Mr. Keller has billed the council for it and last week it was decided to pay him \$15 on the recommendation of the engineer, Mr. Keller wanted \$25.50 then, and Ald. ed. Macgregor was his sturdy champion. Now Mr. Keller has gone to a legal adviser and a letter was received from

Messrs. Dumbleton & Anderson threatening the council with divers pains and mended to the council by his worship penalties unless they "coughed up" \$30. and which read as follows: Last week Ald. Humphrey suggested that it would be well to let Mr. Keller make another application for his money, he having reducd his claim in the second

letter he addressed. Mr. Keller has ap- sirable that the cases should be settled

not be forgotten that the trial took place all the council should not be on that use deterred from earning a livelihood. As in Vancouver, where the animus of the committee. He had as much right to be the existing stands on Fort and Yates jury was shown by their returning to on it as anyone had. All of them should streets are open to the full sweep of the court to ask a question as to how a have a chance of using their best judgcertain verdict would affect the liability ment in such a matter.

of the city, so anxious were they to land the city of Victoria in damages. Consent pressed it seemed to him that the view if they are forced to stand on these stands, had now been obtained for all future of the council was that all the aldermen There are no conveniences at all on the trials to take place in Victoria, where should be on the committee. He suggest- present stands to prevent the accumulation the juries will not be prejudiced against ed an amendment to the amendment to of, and no provision exists for the removal the city.

The recommendation of the that effect. At the mayor's suggestion of, the deposits made by the horses, and It Makes You Well and Enables You motion might be all right, but before this was left over until the amendment the stench arising from the stands is deadopting that course it should be refer- was disposed of, and Ald, Brydon conred to a committee, and if they are tinned by saying it would be well to be willing to adopt that course, well and guided by the city barrister. Before this thereto. good. If the instructions to the solicitor

are struck out he would support the mo- had a conference with him.

The mayor said that if the plaintiffs out the instructions to the solicitor and were found hard to deal with, this mo- barrister, was then voted upon and cartion would fall to the ground. It was ried, Ald. Williams and Stewart being true that clients should not interfere with the only members who did not vote for their counsel, but all clients have the it. right to say they would like to endeavor to arrange a matter amicably before proceeding to law, and that was all that the motion contemplated. This mo- by Ald. Humphrey. tion would not hind the city to abandon its right to defend its interests in court if a reasonable settlement could The mayor could at any time call a Fort street; one on the northeast corner of dence and faith, because the virtues not be arrived at. If they thought they

had arrived at a reasonable settlement referred back to the officials mentioned motion of Ald. Cameron and Kinsman. it would still have to be referred to the that the motion be withdrawn. ratepayers, but his desire was to get the matter settled as speedily as possible without further expenditure for law by

> Ald. Macgregor felt compelled to coincide with Ald, Hayward, and would ge further. This was the first intimation Also the payment of \$5,014.14 for curhe had had of the arrangement the mayrent expenses, including a large appro- or had been pleased to project.

priation for school board purposes. Ad-The mayor explained that the motion had been posted for nearly a week, and And of \$273 from the waterworks Ald. Macgregor explained that that postfunds in pursuance of an award of a ing was his first intimation. It would board of arbitration made in 1896. Ald. have been better for the council to have Hayward explained in connection with met their legal advisers and talked it item that when the award was all over. The aldermen were there as made the then owner of the property re- | representatives of the city, and it would fused to accept the sum awarded. The be wiser and better to allow them to property has now changed hands and know what the solicitors thought. Howthe present owner is willing. Hence ever, the mayor had seen fit to call a the recommendation, which was adopt- special committee to do that investigating, but he certainly thought that a por-

tion. but not without.

Point Ellice Bridge Suits. Ald. Brydon and Stewart respectively

moved and seconded the motion recomand barrister. "Whereas, there are a number of suits for damages arising out of the

Payments Authorised.

the sidewalk. Adopted.

Point Ellice bridge accident entered tion as it read. The council should conagainst the city, and whereas, it is desult with the city barrister, and the

occupants of the buildings contiguous motion was posted they should have 4. Your petitioners respectfully submit The amendment to the motion, leaving ance with the resolution of the 13th December, 1897, and which will be satisfactory to the hack drivers and to the majorsuch places, provided that the city Ald. Brydon then moved to have the struct proper stands in the manner herein-

Government street.

Your petitioners would suggest that your

henorable body pave the stands and make

And your petitioners, as in duty bound,

The mayor suggested a special com-

tion, adding the extraordinary suggestion

that because this is a knotty problem

whole council a committee to confer with after suggested. Hacks to stand as follows: the legal advisors, which was seconded Two on each of the corners of Yates Ald. Stewart could not see the neces-

sity of the motion under such conditions. street; two on the southeast corner of special meeting of the council to confer with the barristers. He recommended The mayor would not listen to any of View street, above Broad street; two one-tenth that of the ordinary medical

such suggestion. He had done his duty on each corner of Broad street, north and charges. recommending the motion; it was in south of Yates street. The balance esti- | There is no home in Canada that can the hands of the council to adopt or remated at not more than eight on Broad afford to be without Paine's Celery Comject it as they wished. A committee of street, between Trounce avenue and Yates pound; it is within the reach of every three or four could do more good in ar- street. That they be permitted to meet class of our people. It gives an honest all boats and trains. No hacks to stand on promise of health, strength and long

council could. Ald. Williams agreed with Ald. Stewart. It would be absurd to leave it to the whole council, and as the mayor had taken care to select a representative from deposit made by the horses may not aceach ward, it would be well to let it go

cumulate, and that the stands be swept and through. flushed at least once a day. Ald. Brydon had no personal motives in The matter of hack stands has been a any shape or form. He thought it would vexed question with your honorable body, be better to have the benefit of the older the citizens and the hack drivers for heads in arriving at a decision number of years, and your petitioners think The mayor said that 'f the amendthat this is the only way in which the matnent was pressed it would practically kill ter can be satisfactorily adjusted, and the whole thing and defeat the object would request your honorable body to give aimed at. the matter your earliest consideration.

Ald. Beckwith could not understand tion of the motion should be discarded. why that was. Could not the whole He moved accordingly that the instrucwill ever pray. council proceed to investigate the mattions to the solicitors be left out, and the ter as well as a committee?

motion confined to appointing a special mittee be appointed to consider the mat-Ald. Humphrey agreed with the amter. Ald. Kinsman moved to that efcommittee to consult with the solicitor endment, but Ald. Brydon withdrew it, fect, and Ald. Williams seconded the moand the original motion as amended was

Ald. Humphrey seconded the amendthen adopted. ment. He was not in favor of the mo-Yates Street Paving.

the aldermen on another committee deal- lain's Pain Balm. It also heals the in Ald. Humphrey then moved to reconin with another knothy problem also jured parts more quickly than any other course proposed is not in accordance sider his previous motion deciding upon deal with this. Ald, Hayward was in- treatment, and without the burn is very parently taken the hint and increased as speedily as possible; therefore, be it with his views. While they employed the paving of Yates street from Govern- dignant; the mayor said if Ald. Wil- severe does not leave a scar. For sale by nstead of reduced his demand. Ald. Humphrey now moved to refer city be instructed without prejudice to guided by his advice. At any rate until

southwesterly winds, your honorable body can readily see that during the winter Paine's Celery Compound Gives Sure and Honest

to Stay So cidedly obnoxious and unhealthy to the

provision for draining them so that the and liver troubles. The testimony

When ill health comes and the sympoms of disease cause alarm, many con that the following places be designated sult a physician, who, with the best in as hack stands, which is nearly in accord- tentions, prescribes a certain medicine to-day and something entirely different the following week. This kind of experimenting is frequently carried on for a ity of the accupants of the buildings near long time, and at a cost to the patient con- that is hard to bear.

Health is in

Danger

Results.

How vastly different the position of sick people who make use of Paine's Celery Compound, that marvellous pre-

years to the rheumatic, neuralgic, dy

peptic, nervous, sleepless and those a flicted with blood disease and kidne

thousands in the past shows that Paine

Celery Compound makes people well an

PAN-PRESBYTERIAN ALLIANCE.

(Associated Press.)

Washington, Sept. 27.-Delegates

resenting 25,000,000 Presbyteria

morning in New York Avenue Presbyt

ession of the alliance will last

days. The body is purely deliberativ

and not in any sense legislative.

The pain of a burn or scald is almost

instantly relieved by applying Chamber

ian Church to attend the first see

of the Pan-Presbyterian Alliance.

capacity is entirely advisory.

throughout the world assembled

enables them to stay so.

There is great ac scription of Prof. Edward E. Phelps. M street, east and west of Government D.! The first dose of the world-famed office in Pretoria. medicines inspires an immediate confi has been called out, defend the frontier Fort street, east of Government street; the medicine produce feelings and sense two on each corner of Fort street, west of tions that promise health and new life and the work of equ Government street; two on the north side and the cost to the sick in every case rapidly.

Burghers are co towns ready to join who, however, have approach too near t avoid a collision wit Bases of

> Boer forces are g bases of action, a the border, such as rust, Vryheid and Telegraph comm Capetown and Pret strangely delayed du of days.

A telegram receiv batteries of field art dred burghers started another 500 men go streets at Pretoria great military anima ers and artillery me field cornets being e burghers to be in ment's notice.

Practising With

A quantity of am Maxim guns is repor at Harrismith, and Bremersdorf receive munition yesterday. Men are practising A number of youn