

THE CITY'S LIABILITY.

Argument on the Point Ellice Bridge Case Heard By The Chief Justice.

Mr. Cassidy Contends That the City Did Not Assume the Charge of Bridges.

The Chief Justice Refers Again to the Advantage of a Compromise Settlement.

A case of vital interest to the city and citizens of Victoria was before Chief Justice Davis all Thursday in the Supreme court, upon motion by Mr. Charles Wilson, Q.C. of Vancouver, for judgment in the action of Gordon v. the Corporation—the first of the damage suits arising out of the Point Ellice bridge disaster. All evidence had been taken in the matter at the recent trial in Vancouver when a series of questions was left with the special jury, to which they returned the following answers, in the main affirmatory of the statement of the witness:

- 1. Q. What was the proximate, that is to say, the immediate cause of the accident?
- A. We find the accident was caused by the negligence of the Corporation, and proved by the fact that one was broken, and no other strain so great could have been put upon it at the time of the accident as that caused by the car passing over it; we further find the missing hanger strengthened this conclusion.
- 2. Q. Was the Corporation blameable for such cause, and how?
- A. Yes, because having been made aware of the bad condition of the bridge, through the report of the engineer and otherwise, they neglected repairs, but the work was not done sufficiently well to strengthen the structure. In our opinion it was their duty to first, strengthen the carrying capacity of the bridge before allowing such heavy cars to pass over it.
- 3. Q. Was the negligence of any act or negligence on the part of the railway company, and, if so, describe such act or negligence?
- A. No.
- Q. After having answered the above questions, please say whether in your belief any of the substituted struts put in by the Corporation were, either at the welds or otherwise, and how?
- A. There is no evidence to show, but in our opinion the substituted struts put in must have broken at the welds, otherwise it would have been found attached to the floor beams.
- (a) Q. Did the Corporation at the time of the repairs made in 1892 know the plan and design of the bridge, the method of construction, and the nature of the material employed and the capacity of the bridge?
- A. No.
- (b) Q. If not, could the Corporation have readily acquired that information, and did they refrain from so doing?
- A. Yes.
- (c) Q. Did the Corporation assume the entire charge, control and management of the bridge, and if so, when?
- A. Yes, January 8, 1892.
- (d) Q. Did the Corporation first begin to run big cars on the bridge before or after the Corporation assumed control of the bridge?
- A. Yes.
- (e) Q. Did the Corporation, with a view to increased traffic and the use by the company of larger cars, effect any alterations in the bridge?
- A. Yes.
- (f) Q. Were such alterations (if made) done properly, having regard to the intended use by the company of large cars such as the one in which the deceased was carried?
- A. No.
- (g) Q. Did the then company, in 1892, with the consent of the Corporation, make any alterations in the bridge?
- A. Yes.
- (h) Q. Were such alterations by the company proper, having regard to the intended use by the company of large cars such as the one in which the deceased was carried?
- A. They might have been better.
- (i) Q. Was the bridge, after the changes made by the Corporation and Company, strong enough to carry the large car alone? Ditto, when loaded to their fullest capacity?
- A. No.
- (m) Q. Was the car in which the deceased was carried overloaded at the time of the accident?
- A. No.
- (n) Q. Did the Company, with the consent of the Corporation, use cars of a size and weight beyond the strength of the bridge to carry?
- A. Yes.

Yesterday's proceedings were in the main technical, many eminent authorities pro and con, being cited by Mr. Wilson for the plaintiff in asking for judgment, and by Mr. Robert Cassidy, in behalf of the city. The argument was not, however, beyond the comprehension of the average intelligent layman, and several prominent newspaper men, as well as members of the local bar, listened to the proceedings with close attention. In the course of the afternoon one especially interesting incident developed, when the Chief Justice parenthetically referred to the very great cost which the present legal proceedings must involve. He did not think for a moment that had the city introduced a bill a year ago to afford reasonable compensation to the sufferers any question could exist of its passing. Were such a by-law presented even at this late day it would be inclined to think it would meet with very little opposition. But if it had been brought forward before these expensive and cumbersome proceedings were initiated, it could have been discharged for perhaps fifty thousand dollars.

Mr. Wilson—Yes; in all likelihood for \$35,000. That the council had neglected to take some measure in the direction of a compromise, the learned Chief Justice said, was to be lamented. The thing to do was to reduce the amount for which a settlement could be effected to a certainty, and then probably a liberal contribution towards it might have been obtained from the Tramway Co. and the Government might have seen its way to put a sum towards it, since the estimates would be practical. In the situation in this way to persons who were liable to the plaintiff; for if the men of the county were the wrong they would be liable during the whole period of limitation barred until the statute of limitation barred the action; and consequently, being a fluctuating body, individuals coming into

the country three or four years after the cause of action accrued, might be compelled to pay for acts of omission or commission in which they had taken no part. Mr. Wilson in concluding his argument cited several authorities to show that the Corporation should be held liable, having said their eyes to a knowledge of the defects; among them Jones v. Gordon, 2 Ap. Cases, 625; the Milford Case, 3 Ap. Cases, p. 88; Marlowe v. Dock, p. 104; and Rpt. House of Lords, p. 104. As to the liability of the Corporation for acts of misfeasance counsel cited Penderbury v. Greenhalgh, 1 Q.B.D., 500. Summarily, counsel held that the Corporation had at the time of the accident exclusive control of Point Ellice bridge; that the Corporation was liable to properly maintain the structure; that the Corporation knew, or should have known, of the frailty of the structure; and that, practically, the Corporation had by negligence set a trap for the user by permitting passengers to make for the bridge. He thereupon moved for judgment against the Corporation.

Mr. Cassidy on the other hand argued that the real defendants in this action, were the persons who had the bridge, present and future. The question was whether any wrongful act had been done by regard to this bridge by any person or persons, or by the Corporation, in the doing of the act complained of as being negligent. Counsel only made the Corporation liable for the purpose set forth in the act which defines its powers as a corporation, and that it did not give the city any power or impose any duty upon it in regard to roads, streets or bridges. It gave it the power to acquire control of that subject by passing by-laws by means of which it might provide for the building, maintenance, repair, etc., of such roads or bridges. Assuming that the Corporation had the power to do this, the act of the Corporation in not doing so, all acts to that end done by the council or any of its servants were not of the Corporation, but of the individuals who were undertaking the work. No by-law had been proved. (Waterloo Company v. Palmerston, 21 S.C.R., p. 556; Bernhart v. Person, 4 Ex., p. 581.) Assuming, however, that the Corporation had legally undertaken the charge of the bridge, it was not liable to an action either for misfeasance or nonfeasance, there being no statutory obligation or civil liability created. (Russell v. Men of Devon, 2 Term Rep., p. 667; Campbell v. St. John, 2 Ex., p. 609; P. 1; Wallis v. Aesinbois, 4 Man., L.R.) In cases where nonfeasance is alleged, the duty of the Corporation had failed, and the Privy Council had put its judgment on the ground that there was no misfeasance. It was held that a corporation was liable for an act of commission unless there had been a statutory duty carefully to do the act, any act for which the city was blameable was not done by the city, but by the evidence and also by the negligence of the jury that there were numerous serious defects in the bridge, particularly in the hanger, and the struts it was called upon to support. It was found specifically that the bridge was not strong enough to carry the large quays, wharves, furnaces, mills crushing that the car in question was overloaded at the time of the accident, and as the legal responsibility of the city only had been broken, the Corporation was liable in the bridge made by it, the inference, in the absence of an express and definite finding to the contrary, was that the Corporation was liable for the numerous and glaring defects of which the city was not responsible, and that the Corporation was liable for the finding, therefore, to read any finding in point similar to the one stated at least without any inference against the city. The jury had found that the Corporation was liable for the accident was the breaking of the hanger, that the missing hanger strengthened the conclusion. When further asked to carry the substituted struts put in by the Corporation and Company at the welds or elsewhere they answered "no," there is no evidence to show that the missing hanger was not one of the broken hangers as the cause of the disaster. As to the missing hanger, it might possibly, as the jury suggested, have broken at the welds put in by the Corporation, but the evidence of the collapse of the bridge or not was not suggested; it was not, at all events, evidence of the breaking of the hanger; the disaster; everything in regard to it was necessarily mere speculation, though it was enough to say that there was no definite finding in regard to it, and no evidence.

The Chief Justice—Holding responsible for the negligence of a year ago the ratemakers of to-day might be held responsible an existing body for what that body might actually have made good. In the interval for which the Corporation might have changed hands, and the adoption of the principle suggested would be practically to put an attachment on all property in the city, which, before the judgment, would be contrary to Pickering v. Loring L.R. 16 Q.B.D. As to the responsibility of the Corporation for not seeing that the work was done properly, Mr. Wilson cited Cox v. Packington, 64 Law Times, p. 566, as a case very similar to that of Smith v. West Derby.

Returning again to McKinnon v. Pearson, His Lordship proceeded to read the words of Lord Chief Justice Coleridge as follows: "Secondly, the usual and proper operation of clauses such as that under consideration is not to give new rights of action or create new liabilities, but only to substitute more convenient parties for those who would otherwise be liable, or might have sued either at common law or by statute. This, however desirable it might be to give compensation to an injured party, there would be practical injustice in giving it in this way to persons who were not the plaintiff; for if the men of the county were the wrong they would be liable during the whole period of limitation barred until the statute of limitation barred the action; and consequently, being a fluctuating body, individuals coming into

the country three or four years after the cause of action accrued, might be compelled to pay for acts of omission or commission in which they had taken no part. Mr. Wilson in concluding his argument cited several authorities to show that the Corporation should be held liable, having said their eyes to a knowledge of the defects; among them Jones v. Gordon, 2 Ap. Cases, 625; the Milford Case, 3 Ap. Cases, p. 88; Marlowe v. Dock, p. 104; and Rpt. House of Lords, p. 104. As to the liability of the Corporation for acts of misfeasance counsel cited Penderbury v. Greenhalgh, 1 Q.B.D., 500. Summarily, counsel held that the Corporation had at the time of the accident exclusive control of Point Ellice bridge; that the Corporation was liable to properly maintain the structure; that the Corporation knew, or should have known, of the frailty of the structure; and that, practically, the Corporation had by negligence set a trap for the user by permitting passengers to make for the bridge. He thereupon moved for judgment against the Corporation.

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devolving upon them, their moral responsibility would be clear. But the statutes, their only guide and source of power, were silent on the point, and Mr. Cassidy relied and with the question bridge was taken within the city limits. Mr. Wilson replied at length, dealing both with the authorities upon which Mr. Cassidy relied and with the question of a non-suit. Counsel for the Corporation was also accorded a second opportunity to advance his arguments, and, Mr. Wilson having made application to put in a copy of the Provincial Gazette containing publication of the city Estimates by-law of 1892—in disproof of Mr. Cassidy's contention that the city had not availed itself of the authority given by statute to pass by-laws for the management of streets and bridges, in dealing with the motion for judgment, the Chief Justice said: "As I consider that I have not sufficient material before me upon which to deliver judgment in the absence of proof whether a by-law was passed in 1892 authorizing the expenditure of money in the maintenance and repair of bridges, I direct the motion to stand over for further consideration, and I also direct the Corporation to produce any and what by-law was passed by and what corporate monies on bridges, such inquiry to proceed before myself on Saturday morning, at 10.30 o'clock."

POWELL'S LAKE ORES.

A New Scene of Activity in Coast Mining Described by the Locators in Seattle.

Lardeau Company Floated in London—From Nanaimo Lakes—The Golden Cache.

John B. Denny, Capt. E. P. Miner and Noble Wallingford only recently returned to Seattle from a two months' prospecting trip through the Coast district of British Columbia, and they were so well pleased with their discoveries that Mr. Wallingford has started again for the same section. Mr. Denny gave a running account of the trip to a Post-Intelligencer representative, in which he said: "Active prospecting, generally in boats, is going on for 400 miles up the coast from Vancouver. We went up the straits and prospected in the lake regions, fifty miles into the interior, and 200 miles from Vancouver. We worked around Powell's lake, right in the Coast range, surrounded by mountains 5,000 to 8,000 feet high, and about forty miles long and three or four miles wide, with an island in the middle of the lake, and three to five miles wide. The climate is very superior, and no snow will fall there an elevation of 4,000 feet. The lake is granite, with intrusive porphyry dikes and diorite. The ledges are granites, mostly running southeast by northwest, and are mineralized more or less clear across with copper sulphides and malachite. We made several localities and expect to return very soon. "The south end of Powell's lake comes within one mile of Malaspina Bay, and the Powell river will afford water power for the mill. The lake is deep and clear, and is sheltered from storms. It is only one of many similar lakes in the coast range all the way up to Alaska.

"At Rivers Inlet, a little over 300 miles from Vancouver, a big strike has been made by a man named Grant. He has a number of ledges in a slate formation, carrying free gold and black sulphurets, and one specimen I saw would run into thousands of dollars. "In British Columbia they have what we call 'lode' and 'placer' mines, and considerable local capital for the development of their mines. A man who takes a claim can go to Vancouver or Seattle, and mine and sell for a good price. Times are improving very rapidly at Vancouver and they have not felt the depression as we did here. Some good brick and stone are being quarried as well as a number of handsome residences towards the park.

"An accident happened on Powell river the day we came out, which I have not seen in any of the newspapers. A prospector, named McDonald, of Union B.C., was downed while attempting to cross the rapids in a canoe. He struck a rock, his canoe was smashed to pieces and he never rose to the surface."

FLOATED IN LONDON. The Sunshine Mining Co. of Lardeau, B. C., was floated in London on May 3. The properties owned by this company comprise the Silver Cup, Sunshine and the Towser claims, all in the Lardeau country. Preparations are already being made to develop them on a large scale. The directors are the following: E. S. Barnard, Thomas Dunn, William Farrell, J. H. Payne, R. Home-Payne, R. Northall Laurie and Hon. Forbes G. Vernon. The Adventurers of British Columbia, with the most capital of \$25,000, have had their stock largely subscribed in London.

FROM NANAIMO LAKES. In the window of the Free Press office at Nanaimo can now be seen a fine specimen of gold and silver bearing rock, taken from a ledge recently discovered at Green Mountain, Dunsmuir District, about 20 miles distant from the Nanaimo Lakes. The ledge was traced for a width of 50 feet, and for a distance of three miles. An assay of the surface rock gives \$7 in gold and over \$2 in silver to the ton. Already six claims have been located, viz.: Pittston, Fire Fly, Sunderland, Victoria, Jubilee and Pet. Just as soon as the prospecting is completed to allow of pack animals taking in tools and supplies, active work will be commenced.

THE GOLDEN CACHE. A telegram received by Mr. J. M. Macdonald, president of the Golden Cache Company, states that four carloads of mine, with two more to follow immediately,

NOTICES.

CERTIFICATE OF REGISTRATION OF A FOREIGN COMPANY.

"Companies Act," Part IV., and Amending Acts. "The Gold Fields of British Columbia, Limited" (Foreign).

Registered the 9th day of April, 1897. I HEREBY CERTIFY that I have this day registered "The Gold Fields of British Columbia, Limited" (Foreign), under the "Companies Act," Part IV., and Amending Acts, and the "Gold Fields of British Columbia, Limited" (Foreign), under the "Companies Act," Part IV., and Amending Acts. The head office of the said Company is situated in England. The objects for which the Company is established are:— (1) To prospect and explore for the purpose of obtaining information, and also to acquire and enter into treaties and contracts of every kind, whether absolute or conditional, with respect to mines, mining rights, minerals, lands, forests, harbours, water rights, rivers and property of every or any nature situated in any part of British Columbia or elsewhere, and to negotiate for and acquire concessions, privileges and rights, absolute or conditional, from any sovereign powers, rulers, governments or states, or person or persons, or from any corporate or other body, and to enter into any arrangement with any government, ruler or authority, municipal or otherwise, for any purposes or to any effect, and from time to time to alter and vary the same accordingly: (2) To carry on mercantile, commercial, trading and financial business of any and every description, either as principals or agents, and to buy, sell and enter into contracts and claims (whether absolute or conditional) in respect of stocks, shares, debentures, debenture stock, bonds, obligations, options and securities of every or any description in any part of the world: (3) To purchase, take on lease, or acquire by exchange, licence, hire or otherwise, lands, forests, buildings, harbours, mines, mining rights, patents or other rights or claims (whether absolute or conditional, or in part conditional or limited) and of any kind of property in any part of the world, and to carry into effect any and every business which may be deemed to be in the interest of the Company, and to do all such other things as may be necessary or expedient for the carrying on of the business of the Company: (4) To work, win, quarry, convert, manufacture, use, crush, wash, smelt, reduce, refine, or otherwise treat and render marketable any mineral, metallic, or other products and precious stones and produce every description: (5) To carry on and transact the business of merchants, contractors, carriers by land and water, farmers, graziers, traders and manufacturers of all kinds of merchandise, goods, provisions and articles, and to carry on the businesses of bankers, capitalists, ship-owners, managers of estates, farms, mines, railways or other properties, and financial agents and brokers in their respective branches, and the business of engineers, millers, miners, and any other businesses directly or indirectly connected with or ancillary to the above, and to do all such other things as may be necessary or expedient for the time being or objects of the Company: (6) To erect, construct, establish, or acquire by purchase, hire or otherwise, and to carry out, maintain, improve, develop, manage, work, control and superintend any works, buildings, machinery, reservoirs, water-works, gas works, electric works, farms, canals, tramways, railways, wharves, docks, harbours, and other hydraulic works, factories, warehouses, ships, steamers, tugs, barges, masts, and other apparatus and plant, and to contribute, to subsidize, and otherwise aid in the construction, maintenance, and operation of any such works or operations: (7) To cultivate lands and properties, and to carry on the business of planting and developing the resources thereof by building, reclaiming, farming, planting and otherwise, upon such terms or on such conditions as may be deemed expedient, and to do all such other things as may be necessary or expedient for the time being or objects of the Company: (8) To do all such acts and things as are incidental or conducive to the above objects: (9) It is expressly declared that the intention is that the objects set forth in each of the foregoing paragraphs of this clause shall be construed in the most liberal way, and shall be in nowise limited or restricted by reference to any other paragraphs, or by any inference drawn from the terms of any other paragraph: (10) The word "Company" in this clause, when not applied to this Company, shall be deemed to include any partnership or other body of persons, whether incorporated or not, and whether existing or hereafter to be formed. The capital stock of the said Company is £500,000, divided into 500,000 shares of 1s each. Given under my hand and seal of office at Victoria, Province of British Columbia, this 9th day of April, 1897. S. Y. WOOLTON, Registrar of Joint Stock Companies.

THE NANIIMO EQUITY CITY IS WINDING UP ITS AFFAIRS.

C. W. IRELAND and his associates have been appointed liquidators of the Naniimo Equity City, which is winding up its affairs. The Naniimo Equity City is a company which was formed in 1884, and has since that time been engaged in the business of mining and prospecting in the Naniimo district. The company has been unsuccessful in its operations, and has accumulated a large amount of debt. The liquidators have been appointed to wind up the affairs of the company, and to distribute the assets to the creditors. The company's assets are estimated to be worth about \$100,000, and the liabilities are estimated to be about \$200,000. The liquidators have been appointed to manage the company's affairs, and to see that the creditors are paid as far as possible. The company's affairs are expected to be wound up within a few months.

THE MINERAL CITY TOWN ONLY STOCK MARKET.

Rev. P. H. McEwen, D.D., has been appointed to the position of Minister of the Gospel at the Mineral City Town. He is a well-known and respected member of the community, and is expected to bring a new era of prosperity to the town. He is a native of Scotland, and has spent many years in the study of theology. He is a member of the Faculty of Divinity at the University of Edinburgh, and has held several positions of honor in the church. He is expected to arrive in the town in a few days, and to begin his duties immediately.

THE BATHURST CASE.

Mr. Wilson's argument in the Bathurst case, and no one can say what conclusion they will arrive at upon the facts of this. The policy of the City Council in its adverse decision, when they might settle it for simple madness. Counsel on both sides concurred with His Lordship in the opinion that a compromise settlement could have been reached for a most moderate sum a short time ago, and that—Mr. Wilson suggested—insurance companies as usual, would have willingly assisted.

THE CHIEF JUSTICE REFERS AGAIN TO THE ADVANTAGE OF A COMPROMISE SETTLEMENT.

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- 1. Q. What was the proximate, that is to say, the immediate cause of the accident?
- A. We find the accident was caused by the negligence of the Corporation, and proved by the fact that one was broken, and no other strain so great could have been put upon it at the time of the accident as that caused by the car passing over it; we further find the missing hanger strengthened this conclusion.
- 2. Q. Was the Corporation blameable for such cause, and how?
- A. Yes, because having been made aware of the bad condition of the bridge, through the report of the engineer and otherwise, they neglected repairs, but the work was not done sufficiently well to strengthen the structure. In our opinion it was their duty to first, strengthen the carrying capacity of the bridge before allowing such heavy cars to pass over it.
- 3. Q. Was the negligence of any act or negligence on the part of the railway company, and, if so, describe such act or negligence?
- A. No.
- Q. After having answered the above questions, please say whether in your belief any of the substituted struts put in by the Corporation were, either at the welds or otherwise, and how?
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- (b) Q. If not, could the Corporation have readily acquired that information, and did they refrain from so doing?
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- A. Yes, January 8, 1892.
- (d) Q. Did the Corporation first begin to run big cars on the bridge before or after the Corporation assumed control of the bridge?
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- A. Yes, because having been made aware of the bad condition of the bridge, through the report of the engineer and otherwise, they neglected repairs, but the work was not done sufficiently well to strengthen the structure. In our opinion it was their duty to first, strengthen the carrying capacity of the bridge before allowing such heavy cars to pass over it.
- 3. Q. Was the negligence of any act or negligence on the part of the railway company, and, if so, describe such act or negligence?
- A. No.
- Q. After having answered the above questions, please say whether in your belief any of the substituted struts put in by the Corporation were, either at the welds or otherwise, and how?
- A. There is no evidence to show, but in our opinion the substituted struts put in must have broken at the welds, otherwise it would have been found attached to the floor beams.
- (a) Q. Did the Corporation at the time of the repairs made in 1892 know the plan and design of the bridge, the method of construction, and the nature of the material employed and the capacity of the bridge?
- A. No.
- (b) Q. If not, could the Corporation have readily acquired that information, and did they refrain from so doing?
- A. Yes.
- (c) Q. Did the Corporation assume the entire charge, control and management of the bridge, and if so, when?
- A. Yes, January 8, 1892.
- (d) Q. Did the Corporation first begin to run big cars on the bridge before or after the Corporation assumed control of the bridge?
- A. Yes.
- (e) Q. Did the Corporation, with a view to increased traffic and the use by the company of larger cars, effect any alterations in the bridge?
- A. Yes.
- (f) Q. Were such alterations (if made) done properly, having regard to the intended use by the company of large cars such as the one in which the deceased was carried?
- A. No.
- (g) Q. Did the then company, in 1892, with the consent of the Corporation, make any alterations in the bridge?
- A. Yes.
- (h) Q. Were such alterations by the company proper, having regard to the intended use by the company of large cars such as the one in which the deceased was carried?
- A. They might have been better.
- (i) Q. Was the bridge, after the changes made by the Corporation and Company, strong enough to carry the large car alone? Ditto, when loaded to their fullest capacity?
- A. No.
- (m) Q. Was the car in which the deceased was carried overloaded at the time of the accident?
- A. No.
- (n) Q. Did the Company, with the consent of the Corporation, use cars of a size and weight beyond the strength of the bridge to carry?
- A. Yes.

THE NANIIMO EQUITY CITY IS WINDING UP ITS AFFAIRS.

C. W. IRELAND and his associates have been appointed liquidators of the Naniimo Equity City, which is winding up its affairs. The Naniimo Equity City is a company which was formed in 1884, and has since that time been engaged in the business of mining and prospecting in the Naniimo district. The company has been unsuccessful in its operations, and has accumulated a large amount of debt. The liquidators have been appointed to wind up the affairs of the company, and to distribute the assets to the creditors. The company's assets are estimated to be worth about \$100,000, and the liabilities are estimated to be about \$200,000. The liquidators have been appointed to manage the company's affairs, and to see that the creditors are paid as far as possible. The company's affairs are expected to be wound up within a few months.

THE MINERAL CITY TOWN ONLY STOCK MARKET.

Rev. P. H. McEwen, D.D., has been appointed to the position of Minister of the Gospel at the Mineral City Town. He is a well-known and respected member of the community, and is expected to bring a new era of prosperity to the town. He is a native of Scotland, and has spent many years in the study of theology. He is a member of the Faculty of Divinity at the University of Edinburgh, and has held several positions of honor in the church. He is expected to arrive in the town in a few days, and to begin his duties immediately.

THE BATHURST CASE.

Mr. Wilson's argument in the Bathurst case, and no one can say what conclusion they will arrive at upon the facts of this. The policy of the City Council in its adverse decision, when they might settle it for simple madness. Counsel on both sides concurred with His Lordship in the opinion that a compromise settlement could have been reached for a most moderate sum a short time ago, and that—Mr. Wilson suggested—insurance companies as usual, would have willingly assisted.

THE CHIEF JUSTICE REFERS AGAIN TO THE ADVANTAGE OF A COMPROMISE SETTLEMENT.

A case of vital interest to the city and citizens of Victoria was before Chief Justice Davis all Thursday in the Supreme court, upon motion by Mr. Charles Wilson, Q.C. of Vancouver, for judgment in the action of Gordon v. the Corporation—the first of the damage suits arising out of the Point Ellice bridge disaster. All evidence had been taken in the matter at the recent trial in Vancouver when a series of questions was left with the special jury, to which they returned the following answers, in the main affirmatory of the statement of the witness:

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- 1. Q. What was the proximate, that is to say, the immediate cause of the accident?
- A. We find the accident was caused by the negligence of the Corporation, and proved by the fact that one was broken, and no other strain so great could have been put upon it at the time of the accident as that caused by the car passing over it; we further find the missing hanger strengthened this conclusion.
- 2. Q. Was the Corporation blameable for such cause, and how?
- A. Yes, because having been made aware of the bad condition of the bridge, through the report of the engineer and otherwise, they neglected repairs, but the work was not done sufficiently well to strengthen the structure. In our opinion it

THE CITY.

expediently any debentures, debenture stock or securities of the Company...

(17) To sell, lease, charter, or otherwise dispose of any property...

(18) To subscribe for, purchase or otherwise acquire any shares...

(19) To pay for any rights or property acquired by the Company...

(20) To make any arrangement for the operation, management or control...

(21) To enter into partnership or into any arrangement for sharing profits...

(22) To make and carry into effect or execute any arrangement...

(23) To make any arrangement for the operation, management or control...

(24) To undertake and execute any trusts, the undertaking whereof may seem desirable...

(25) To pay any commission or brokerage for the purchase or sale of any property...

(26) To exercise the powers given by the Companies (Colonial Registration) Act...

(27) To do all such acts and things as are incidental or conducive to the above objects...

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THE CITY.

The Nansimo Equitable Pioneers Society is winding up its affairs.

C. W. Inland and G. S. McArthur have made application to be called to the provincial bar.

Princess Lodge No. 20, K. of P., located at Kamloops, has incorporated under the Benevolent Societies Act.

The Mineral City Townsite Co. is the only joint stock company formed this week.

Rev. P. H. McEwen officiated yesterday at the funeral of the little daughter of Mr. and Mrs. W. Disher of Hillside avenue.

A telegram from Clinton to the provincial police department announced that James Moore, convicted last Tuesday of the murder of Indian Annie, has been sentenced to imprisonment for a very many months.

Mr. Gibson, the man injured Wednesday night through being thrown from a freighted horse in front of an approaching car on the Esquimalt road, proved, as expected, to be but slightly injured.

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AN ACTIVE SHIPYARD.

A Fleet of Vessels at Present Receiving Alterations at Turpel's Ways.

Cargo and Passengers of the "Empress of Japan"—Light Passenger Traffic.

Turpel's shipyard is one of the few on the Pacific coast continually busy.

In this centre of activity at present the old steamer Isabel is being overhauled.

The building of a new freighter steamer for Captain Carvin is in progress.

The repair of other vessels is advancing rapidly.

The Isabel is to be converted into a barge for carrying coke.

This object in view she is being stripped of the copper that has done service on her ever since she was built thirty years or so ago.

She is to be re-calced and copper band is to replace the former coating of metal.

A new shear strain is to be put on her beams, new stanchions are to be placed in position.

bulwarks erected and the deck gone over. In the case of Captain Carvin's craft the work is understood.

will soon be rapidly pushed to completion and the vessel launched in July.

The steamer Rainbow, one of the fleet that was on the way, was floated last evening and proceeded at once to the Fraser river with canvas supplies.

She received a new shaft and propeller, and is now ready to resume her Texada island route on Thursday.

The tug Hope, which is to be handed out today, is to receive a new tailpiece, and the tug Advance, which is to come out of the water at the same time, will have a new propeller adjusted.

THE NEW TUG HOPE.

The steamer Pathan, which is expected to arrive today or tomorrow, will probably have a considerable amount of this year's tea, and with the arrival of the next vessel, the Braemar, in 14 days hence, the tea importing season will open in earnest.

The Braemar is reported to have a very large amount of the newest leaf. Following her, other ships will arrive in quick succession, and for three months or more an army of men will be kept busy bustling the chests from the ships to the warehouses, and again from the sheds to trains that will deliver the tea to all parts of the United States and Canada.

J. E. Macrae, agent of the line, A. F. Haines, general passenger agent of the N.P. railway, and Geo. F. La Farge, still another official, arrived from Tacoma last evening in expectation of the Pathan's arrival.

TRAVEL NOT YET BEGUN.

Judging from the comparatively small number of passengers embarking here on the Umatilla last evening, Victorians have not yet begun to fully realize the cheap rates now in vogue between here and San Francisco.

Up till late yesterday the only passengers ticketed at the local office were Joseph Acton and son, W. E. Wheeler, T. E. Ladner and wife, F. Reilly, Wm. Edwards, Mrs. E. Elliot, Mrs. James Colquhoun, and Mrs. Simpson.

In addition to a small quantity of miscellaneous freight the ship carried as cargo from Victoria 800 tons of tea, and 100 tons of flour, San Francisco.

WARRIOR MOVEMENTS.

Early yesterday morning the Japanese man-of-war, or training ship, Hyeal left Esquimalt for Seattle, where she will spend a fortnight before proceeding to San Francisco.

Her departure leaves the only H.M.S. Commodore in port, but on Saturday it is probable the Imperieuse will be the first of the British fleet to call at Victoria, and 150 tons for Puget Sound ports. It includes a small shipment of silk.

THE "JAPAN'S" LOAD.

The Empress of Japan, which sailed from Yokohama for this port last Friday, has the exceptionally large number of 130 saloon passengers, most of whom are on their way to London to attend the jubilee celebration.

She has also a very large number of Asiatics, who are for overland, Pacific Coast points and Havana. The cargo consists of 1,325 tons of overland freight, 100 tons of Victoria, and 150 tons for Puget Sound ports.

THE ISLAND RAILWAY LANDS.

(From the News-Advertiser, Vancouver.)

On behalf of the Esquimalt & Nansimo railway, Mr. James Dunsen has announced the terms on which the company will dispose of its lands to miners and others.

It will sell tracts of fifty acres at the price of five dollars per acre, of which half is to be paid in cash.

This will include surface rights and all minerals except coal and iron in cases where these exist in large bodies.

These terms should be satisfactory to all parties. They get rid of any question of the ownership of the base metals and of the royalty—insignificant in itself and too small to cut any figure in the operation of a mine where ore is not in such quantities—even if of low grade—as to make it profitable to work it.

It was considered objectionable from a sentimental rather than a practical point of view. The price now stated is the same as that fixed by the land laws for the surface rights of mineral claims located on crown lands, although the terms of payment proposed by the railway company are easier than those demanded for crown lands, which are required to be paid for in cash.

We are glad that the railway company has reached this decision, as by it a matter which has for years been a sore to the community and irritation is settled.

If the lands contain deposits of gold and silver there is no obstacle in the way of the prospector and miner whose claim and working the ore for his own benefit without interference by anyone. The conditions appear to us to be fair and reasonable, and any further complaints about these lands will find little sympathy from those who understand the whole question.

The railway company acquired the lands by bargain and connection, the secretary reported that the former has fulfilled its part of the contract by building the railway. That the line has not been of the benefit to the country or to the City of Victoria, which some of those who advocated the carrying out of the scheme supposed at the time it would be, is nothing to the

A DOG ASSASSINATOR.

The following is a letter sent to the Colonist by an Indian correspondent at Albert Bay, in reference to an incident which caused some excitement among the tribe.

The heading and address are the Indian writers, and a conclusive evidence of the civilization of the race may be seen in the fact that the signature has adopted the city man's mode of plume of "An Observer."

(Special to the Colonist.)

"DOG SHOOTING AT KING COLELINE."

"ALERT BAY, B.C., May 29. (Before His Worship W. Halliday and E. A. Bird, Justices of the Peace.)"

"Two weeks ago a white setter at King Coleline near the Indian reservation shot three dogs belonging to an Indian and one of the Indian dogs died near a cabin belonging to one Smith farmer. An inquiry was made by the Indian, but resulting in nothing, he then took the dog to the ranch, which was then the dog's home."

"The chief sent an Indian police to bring the dog to the ranch, but before they got there the dog had been shot. The police then went to the ranch and found the dog lying on the ground. The police then took the dog to the hospital and it died there."

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A JUBILEE ATTRACTION.

Captain T. P. H. Whiteless, who is directing the wrecking operations going on about the one-way San Pedro, is according to what he can hear about the Jubilee celebration a great success.

He is leaving untouched that portion of the ship which is to be used as a memorial to the Jubilee celebration.

That the sight will be worth seeing is as a result of the fact that the ship is to be used as a memorial to the Jubilee celebration.

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SEALERS DISAPPEAR.

A Boat's Crew Belonging to the Schooner "Geneva" Given Up as Lost.

Death of a Well-Known Hunter—Catches of the Japanese Coast Fleet.

"No news, good news," is an old proverb that has been consolation to those who have been anxiously waiting to hear from the sealers on the Japanese coast...

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DOCTORS COULD NOT AGREE AS TO THE TROUBLE.

A New Brunswick Lady the Victim—Suffered For Thirty Years—The Attack Caused Partial Blindness and a Feeling of Semi-Paralysis.

Mrs. E. P. Ross, of Riley Brook, N. B., says: "I have been a sufferer for thirty years from a disease which has caused partial blindness and a feeling of semi-paralysis..."

SLEEP.

Lonely I wander while the white road glitters in its brilliant through the mists afar.

Peace reigns Supreme. Mine is Earth's only right. What do I wait for? What do I regret? I wait for nothing. Having drained Life's cup...

CLIVE PHILLIPS-WOLLEY. Victoria, B. C. in Fall-Mall Magazine.

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THE "AORANGI" DETAINED.

It was a disappointed crowd of C.P.R. officials, hotelmen and hotelkeepers who gathered at the outer wharf at about 5 o'clock yesterday morning in expectation of the Aorangi's arrival.

The steamer Yamaguchi Maru arrived in Seattle from Japan on Wednesday, with 18,737 packages of general merchandise. In mentioning her arrival the Seattle Post-Intelligencer says: "The steamer made a fast run from the Orient of fifteen days, making good time in spite of rough weather..."

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Dr. CHASE CURES FATHER AND CHILD

Both afflicted with Eczema of a very troublesome type and cured in a remarkably short while by Dr. Chase's Ointment.

"I was troubled for ten years with eczema on one leg; the itching was something terrible; would scratch until I was almost blind. How I came to know the value of Dr. Chase's Ointment, I have a little girl two years; when she was one year old the same disease began to show upon her face. It was long before she was cured. I tried several doctors, but in vain. I then began to read leading druggists. The first application I noticed a change. It was then I began to think about myself. With four or five applications, to my surprise, I am completely cured. Now my daughter is cured. I have a face to-day clear of all the scabs. I am only too glad to inform any person what a blessing Dr. Chase's Ointment has proved itself."

"Hiram Frey. Wheel Maker, Washington Star."

CANADIAN BRIEFS.

Rev. J. C. Speer left on Friday for Victoria to assume the pastorate of the Metropolitan Methodist church there.

Dr. F. M. Strange, one of the best known men in Toronto and practically at the head of the medical profession there, died suddenly yesterday morning at his residence. He was a member of parliament for North York from 1878 to 1882.

G. Boon has been committed for trial at Wilton, Ont. about a charge of blood poisoning with intent to kill, which may be changed to one of murder. The wounded man is W. Liversee, of Albemarle.

Joe Maloney, a Green Mountain man, is in hospital at St. Catharines suffering from a gunshot wound inflicted by his father in a quarrel. The father has been arrested.

"I must say," said the young woman, "that billiards is a very silly game. But you've never tried it," expostulated the young man. "I'm sure I don't intend to try it. What excuse is there for it?" "Why, there's ever so much science in it."

"Ob, I've heard all about that. But there isn't any science that goes with it." Washington Star.

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The petition was only forwarded from here in December last, and the promptitude which the British authorities have displayed in dealing with it has surprised the petitioners. It has secured claims from Victoria sealers have been in the hands of the United States government for years, without result.

In the Beatrice case, Collector Milne has been directed to undertake the duty of investigating the claims and distributing the sums awarded. He will proceed without delay to examine the claims separately and the amounts found owing will be paid as promptly as possible.

"The seizure of the Beatrice is still fresh in the minds of many. She was boarded by Lieut. Ballinger, second lieutenant of the U. S. cutter, on August 20 in lat. 54° 54' 03" N., and long. 168° 31' 21" W. According to the official log, he had not been on the vessel while there were really 147 seals on board. He reported to Captain Hooper of the Rush, this discrepancy, and the omission in the log, and the vessel was forthwith seized. Captain Oleson, of the Beatrice, had asked leave to make the entries after the Lieutenant had examined the vessel but was not allowed. The Captain also produced a note-book containing the missing date but this was ignored. In explanation of the log book's incompleteness the Captain claimed that the weather from August 14 to 20 was mostly cloudy, windy or foggy, and that he consequently had to be on deck all day. He would have made his entries in the official log the first day, and neither he, the crew nor the men would have derived any benefit from the entries not being made. If he had not been seized he would have remained month longer in Behring sea and his catch would, under ordinary circumstances, have been about 300 skins. He did not know that the skins must be entered in the official log every day, so long they were correctly entered during the voyage. The Merchant Shipping Commission required the ship's log to be entered up at least twenty-four hours after arrival in port, and his license did not specify that the seal skins must be entered each day.

The trial of the schooner at which the above evidence was produced took place in the Admiralty court, before Chief Justice Bayne, on November 13, 1895. His lordship dismissed the charge against the schooner. He took the view that the arrest was not warranted, and far from considering the captain guilty of neglect, he held that the vessel was lawfully arrested and the action for condemnation wholly failed. As in my judgment the charge upon the schooner was not maintained, and as something for which arrest could not legally be made, no question of reasonable ground for the arrest arises, and as the ship was arrested in pursuit of a legal and profitable employment she is entitled to recover damages

The Colonist.

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TERMS: THE DAILY COLONIST. Published Every Day except Monday. Per year, postage free to any part of Canada...

ADVERTISING RATES. REGULAR COMMERCIAL ADVERTISING, as distinguished from everything of a transient character...

MAXWELL VS. HEINZE. Mr. Maxwell, M.P., of Vancouver, is reported as having said that if Mr. Heinze is recognized the granting of a subsidy for a railway from Rosland to Penticton the government may count on his most active opposition.

GREAT BRITAIN AND THE EASTERN QUESTION. The telegraphic news service from Europe comes, as every one knows, through American channels and is consequently colored to suit the notions of the people for whom it is compiled.

BRITISH COLUMBIA'S INNING. The building of the Crow's Nest Pass railway has been assured. We suppose it is not unreasonable to expect the road to be completed before the winter of 1898.

THE STAR IN THE EAST. A correspondent sends us a pretty conceit regarding "The Star in the East," which we print to-day. There is possibly only a sentiment in it, but there may be something more.

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"A Weak Man Is Only Half a Man." TO HIM THE JOYS AND PLEASURES OF this world are dull and tasteless. His sense of enjoyment is dulled by a weak, depressed nervous system; his intellect is slow, his memory poor, his energy is low, his vitality is weak, his blood is thin, his circulation is weak and the disease in the kidneys and stomach.

DR. SANDEN'S ELECTRIC BELT. It is Nature's cure for weak men. It restores the body every day by a volume of animal magnetism and restores the power of the nerves and all vital parts. He cures—why, there is no man in this State which knows not a cure by this famous belt.

TO WEAK MEN. Why will you overlook such absolute proof of the fact that here is a cure for you. Surely no man enjoys being deprived of the most precious element of strength. Every man should be in this respect as long as he has a fair constitution physically. Regain your health. It will be sent by mail, closely sealed from observation, free. Address: DR. A. T. SANDEN, 285 Washington Street, PORTLAND, Oregon.

DR. SANDEN pays the duty on all goods shipped to this Province. The project of damming the Strait of Belle Isle, which separates Newfoundland from Labrador, is revived. The claim is made that it would greatly improve the climate of Quebec, the Maritime Provinces and New England by shutting off the Polar current which flows through the Strait. It is doubtful if it would have any considerable effect in this way, for the Strait is narrow and the Polar current does not always flow south through it, but changes daily with the tides.

How much of the recent events in regard to British Columbia railways is to be attributed to the three defeated candidates who have lately seized the federal capital? The Times says that the Hon. Mr. Turner in the deal; but where has the hand of the gentleman referred to been? Can it be that in seeking for plums for himself he forgot the interests over whose alleged betrayal he is now lamenting?

The proceedings in the case of Durrant, the San Francisco murderer, show that a monstrous farce the administration of justice has become. The case of this man ought to have been disposed of months ago. The loopholes through which a criminal may escape in the American courts are almost innumerable. Their existence puts a premium upon crime.

Is 1896 the enormous quantity of 16,238,218 tons of freight was carried through the Suez Canal. This is about twice as great as what passes through the Suez canal.

BY WAY OF VARIETY. Mother—What in the world ever possessed you to give Mr. Bingo a shaving set? Daughter—He never seems to realize how tender my face is.—Detroit Free Press. "I surely had a royal and noble time," said he, recaptulating. "I had four kings and in the row that ensued I had to put up my eyes, and the upshot of it all was that I was indicted on three counts."—Indianapolis Journal.

With the blood full of humors, the heated term is all the more oppressive. Give the system a thorough cleansing with Ayer's Sarsaparilla, and a dose or two of Ayer's Pills, and you will enjoy Summer as never before in your life. Just try this for once, and you'll not regret it.

HUDYAN. In the light that will bring a great big glow of happiness to you. By it you will see how strong made. Hudyan is for man. A weak body can be made to be strong by the Hudyan Medical Institute. This wonderful discovery has made the medical specialists of the old famous Hudyan powerful vitality make. It is so powerful that it can cure it from anywhere but from the Hudyan Medical Institute. Hudyan for circulation and vitality.

HUDYAN is purely vegetable. Strengthens and invigorates and tones the entire system. It is as cheap as any other remedy. HUDYAN cures debility, nervousness, exhaustion and restores weak organs. Pains in the back, loaves by day or night, stopped quick. Over 300 private letters sent for similar and testimonial.

TAINTED BLOOD—Impure blood, due to serious private disorders, carries with it a host of sore-producing germs. Then comes the throat, pimples, copper-colored spots, ulcers in mouth, old sores and skin eruptions. You can save a trip to Hot Springs by writing for "Blood Buds" to the old physicians of the HUDSON MEDICAL INSTITUTE, Stockton, Market and Ellis streets; SAN FRANCISCO, California.

Cariboo and Lillooet STAGE TRAVEL. Stages for the undermentioned points leave ASHCROFT as follows: Clinton and Way Points.—Monday, Wednesday and Friday. All Points in Cariboo, connecting with Str. "Charlotte" at Sooke Creek. Lillooet, Direct.—Monday and Thursday. Lillooet, via Clinton.—Wednesdays. Through and Round Trip Tickets at Reduced Rates. Special Conveyances Furnished.

BRITISH COLUMBIA EXPRESS CO., Ltd. HEAD OFFICE, ASHCROFT, B.C. my1-daw. Gold is King. Plant your home claim with Steele, Briggs & Co. "High Grade" Seeds, sold by leading dealers. Ask for them. Safe investment. GOLDEN RETURNS. CATALOGUES FREE. The Steele, Briggs & Co. TORONTO, ONT.

Men Made Manly. The new remedy "Oriental Pills," for all weakening disorders of the male sexual system, is potency, etc., is highly endorsed by leading physicians as being the only satisfactory and reliable treatment. Remedies heretofore employed prove most discouraging to the patient. The Oriental Pills encourage from the first dose and give most satisfaction at the finish. Securely mailed to any address for \$1.00. Plain practical pointers for self-cure sent with each package. OVIARIO SUPPLY CO., 77 Victoria St. Toronto, Agents for Canada. my16

THE CANADIAN PRESS. HOW ROSLAND IS HANDICAPPED. The mines have been compelled time and again to suspend stopping and even to close down altogether owing to the inability of the two railways to haul away their product. The Columbia & Western railway has been kept in operation at all times, but owing to its being a narrow gauge road with heavy grades and curves, with but three small engines in its equipment and with a heavy passenger and freight traffic to take care of, it has never, under the most favorable circumstances, been able to handle more than 250 tons of ore per day on the average. The Red Mountain railway has been of little service in moving ore so far on account of blockades and wash-outs in the spring and lack of a bridge across the Columbia since the river rose.—Rosland Miner.

They Beat Him. Hanged Him as Corpse Will. PRINCESS ANNE, a young Andrews, a young felonious assault upon Kelly, was taken from and beaten into a tree immediately after his court and sent to prison. Andrews, who was here from May 25. When he assaulted upon Mrs. deavored to Lynch hurriedly taken to a jail in night, when he was trial. Shortly before drew was taken from court house and arr Page to plead. frightened, and in pleaded guilty. Judge him to be hanged. Andrews, who was here from May 25. When he assaulted upon Mrs. deavored to Lynch hurriedly taken to a jail in night, when he was trial. Shortly before drew was taken from court house and arr Page to plead. frightened, and in pleaded guilty. Judge him to be hanged.

A LAKE TRAGEDY. ATHENA, Mich., J steamer Pawabic had a search extending the wreck was lost expedition from the steamer H. A. B southeast of Thund feet of water, and is of steamers. The per deck are entirely wrecks are standing wreck of the inting in good shape. ed to the wreck and careful investigation Smith is certain that that of the Pawabic through her centre ing.

The Root expedite by the American V Company of Milwaukee new diving bell pa Smith. The diving searchlights, teleph pling, boring and t mirably. The contrag a contract with the recovery of the wr latter consisted larg rely on the main de

EX SHIP. 60 bbls. E 65c. IN Elephant V \$5. Pure White \$6. Pure Mixed \$1. Roof Paint \$1.0 5 Tons Ba Mellor's REQUIRES VAF J. W. MEL 76-78 Fort WALL PAPERS, G