

H BURGLARY.

TURNED FOR TRIAL.

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REMITTED ACTION FOR £200.

(FROM OUR CORRESPONDENT.)

A rather interesting remitted action at the instance of Sergeant Larkin, R.I.C. to recover from a former named Thomas Needham, damages of £200 for injuries alleged to have been inflicted on plaintiff's son, a boy of about nine years of age, through defendant's neglect, and for assault, also stated to have been committed on the youth, came on for hearing at the Nenagh Quarter Sessions, before his Honor, County Court Judge Anderson, and the following special jury—Edward Coyne, F W Day, Joseph Gleeson, Richard Jones, J Rogarty, and J Ryan. The occurrences complained of were stated to have taken place on the 12th of December, at Lorrha, where plaintiff, who is now in charge of the Birdhill Barracks, was stationed. Proceedings were brought in the Superior Court to recover damages, but the action was remitted before the Chairman and a special jury.

Mr A Nolan, solicitor, appeared for the plaintiff, and Mr E X M Gleeson, solicitor, for the defendant. The first witness called was the boy, James Joseph Larkin, who, after satisfying the Chairman as to his knowledge of the nature of an oath, gave evidence that on the day in question he left school at 3.30, in company with his brother, John Thomas, and another boy named Dwyer; they went to play in a laneway, through which defendant was drawing corn with a horse and cart and donkey bar; defendant had no one assisting him to guide the animals; a gap led from the laneway to the haggard, and witnesses brother was on the wall by the gap, but got down when he saw defendant coming; defendant left the donkey with its load standing in the middle of the lane, while he led the horse through the gap up to the stack; defendant then called Dwyer to lead the donkey up to the gap, which Dwyer did witness got on the wall by the gap, when his brother came down; he was on the wall when defendant returned from the donkey and when the donkey load was being taken through the gap it knocked witness off; defendant then passed on to the stack, but came back and told witness to get out of the place; witness laid his arm was broken, and defendant carried him to the barrack.

Cross-examined by Mr Gleeson—Witness stated he did not see another man helping defendant; I fell behind the load; when I was getting on the wall I said "I bet he will not turn the donkey."

John Thomas Larkin deposed that the defendant had nobody but himself guiding the horse and donkey on the occasion; his brother was on the wall at the gap, and when the load passed through he saw his brother lying on the ground; the defendant passed on to the rick and returned in about two minutes; during which witness's brother was on the ground; a policeman took the injured boy to the barrack; defendant went on when he saw his (witness's) brother fall, and he did not return for about two minutes; witness denied having heard his brother offer to bet that defendant would not put him off the wall; defendant did not turn witness off the wall.

Thomas Dwyer, who was accompanying the young Larkins on the occasion, gave evidence touching the details of the occurrence as deposed to by the other witnesses; he did not know whether it was possible for defendant to have seen young Larkin on the fence just as the load of corn was being taken through the gap; it was possible he could not see the boy; half a minute had not elapsed from the time the boy fell until defendant came to him; he felt his arm, and ran to the barrack to tell Sergeant Larkin of what had occurred.

Cross-examined by Mr Gleeson, plaintiff said the boy was injured on the 12th of December, but Dr Boxwell was not sent for until the 22nd of February; Dr Boxwell pronounced it a permanent injury, and plaintiff sent for a bonesetter; defendant was not very friendly with the plaintiff before the occurrence, but plaintiff always spoke to him; witness did not tell Dr Boxwell that the injury was the result of an accident.

His Honor—Whether it was an accident or not does not alter the case.

Cross-examination continued—It was owing to my wife's illness that no action was taken in the matter; when she got better proceedings were commenced.

Dr Boxwell deposed that he was called in to see the boy; he ordered the arm to be put in a sling, and when he called again he found a bandage on it; having heard that the boy had been attended by a bonesetter, he took no further interest in the case, but before that, on discovering that the arm was fractured, he ordered it to be bandaged; there was, in his opinion, a likelihood of the arm being permanently injured, but it might be made all right if re-broken and set again.

Cross-examined—If properly treated at first it would not be a permanent injury—it would not be as bad as it is at present.

This concluded the evidence of the plaintiff, and the defendant, Thomas Needham, was sworn and examined. He gave evidence that the boy should have fallen off the wall on the laneway when the cart might have gone over his arm without his (defendant) having noticed it.

In reply to Mr Nolan, he said he knew the children were playing about the place, and he took every precaution to prevent an accident; he did not see the boy on the wall at the gap.

THE LATE MR. WILLIAM LEVERS.

In the Melbourne Age of February the 20th we find the following notice of the death of a gentleman who was born in Limerick, which he visited some years ago—

We regret to announce the death of Mr William Levers, M.L.A., which took place last evening at Miss Macartney's private hospital, East Melbourne, after a painful and somewhat protracted illness. Mr Levers died just five months after his re-election for South Carlton, in contesting which the first symptoms of the malady to which he succumbed were manifested. The contest necessitated more than ordinary exertions, and the weather at the time being unusually inclement, he caught a severe cold, from which he suffered more or less ever since. Little or no fears were, however, entertained as to the result even after he had submitted to a serious operation, until within the last few days, when he fell into a state of semi-consciousness, in which state he gradually grew weaker, and died without having regained his faculties shortly after 8 o'clock last evening. Mr Levers was born in Limerick in 1845, and came from a good county family. He was 10 years of age when, with his parents, he arrived in Victoria in 1855, and shortly afterwards they settled in Carlton, with which suburb they have ever since been identified. Mr William Levers, sen., established the business of an estate agent in the locality, and acquired considerable property. The subject of the present notice attended St George's schools, and while still a young man entered the firm of Messrs William Watson and Son, where he acquired an extensive knowledge of commercial affairs, and owing to his ability and energy was appointed to the position of one of the most important branches of the establishment. His father's business having in the meantime increased in extent and importance, young Mr Levers was taken in as a partner, and so continued up to the time of his death. Though modest and unpretentious privately, he readily took to public life. He was a member of the City Council for over 15 years, and was an active member of 15 local committees. He represented all that time south ward (Carlton South), and was returned at every election unopposed. He was also a useful working member of the Metropolitan Board of Works. He contested Carlton unsuccessfully on two occasions, but in 1890, when the electorate was divided, he was returned, heading Mr Leonard by a large majority. At the last general election he was opposed by Mr Reginald Thompson, but won the seat by over 600 votes. In politics he was a Liberal, and never swerved from his principles or his party, with whom he was a favourite. Mr Levers was also President of the Royal Commission on Banking. Unfortunately, however, he was able to attend only a few of the earlier meetings when he became prostrated by illness. What serves to render his death the more regrettable was the fact that just prior to his illness he had become engaged to a young lady resident in Victoria. He was ordinarily very healthy, but some years ago he sustained an injury through collision with an eight-oared boat while sculling on the Yarra, and this is supposed to have given a predisposition to the ailment which proved fatal. His medical attendants were Dr Chas Ryan, by whom the operation was performed, assisted by Dr G A Byrne, Dr O'Sullivan and Dr Felix Meyer. His case was one of a very complicated nature. The abnormal heat of the last fortnight prejudicially affected his condition while in Miss Macartney's private hospital, where he received every attention and kindness. He was subject to frequent collapses, and his heart's pulsations rose to 170 per minute. Yesterday the symptoms were again disquieting. In the afternoon the doctor stated he could not survive more than a few hours, and notice having been given to the members of his family they assembled round him and watched him as life slowly ebbed away, breathing his last shortly after 8 o'clock.

The remains of the late Mr William Levers, M.L.A. (we say the Argus) interred yesterday in the Roman Catholic portion of the Melbourne General Cemetery with all the ceremonies befitting the position of the deceased and the universal respect in which he was held by all classes of the community. The ceremony opened with a Solemn Mass and Requiem Mass for the repose of the soul of the departed, which was celebrated at St George's Church, Carlton, by the Rev Father O'Connell. Thence the cortege proceeded to the Melbourne General Cemetery, headed by the members of the Hibernian Society, after whom came the carriage of the Archbishop of Melbourne, followed by a white-plumed hearse, a brougham conveying the immediate relatives, four mourning coaches, and a long line of private vehicles. The Archbishop read the service at the grave. The Government was represented by Mr Best Minister of Trade and Customs; the Upper House by Messrs N. Levi and E Reid, and the Assembly by Sir James Patterson, Mr Fink Mr J Anderson, Mr Zox, Mr Bromley, Mr Harper, and Mr Trenwith. Amongst the mourners were the members of the City Council, the Harbour Trust, the Metropolitan Board of Works, the Tariff Board, the Carlton Benob, and the local athletic societies. The pall-bearers were Mr Best, M.L.A.; Mr J Anderson, M.L.A.; Alderman Stewart (acting mayor), Mr J Clayton (town clerk), Mr Fitzgerald, M.L.C., Mr E G Fitzgibbon, Mr W Madden, Mr S Leon, Mr J F Deegan, Mr C Ryan, the Rev J Reid, and Dr O'Sullivan. The mortuary arrangements were carried out by the firm of John Daley.

The India Office yesterday received a further telegram from India. The latest message conveys a slight increase in a former despatch.

THE SUPPLIES TO MILITARY CANTEENS.

In the House of Commons on Tuesday,

Mr Flynn asked the Secretary of State for War whether he was aware that the General Commanding the Cork District had issued an order directing that every corps and regiment shall, from the 1st prox, obtain its canteen grocery supply through a firm in Cork, and also whether such order was justified by the regulations of the service, and by what authority could a General Commanding give this preference to a particular firm?

Mr Abraham—Before the right hon gentleman answers the question I wish to ask him whether he has received the copy of the resolution adopted by the Town Commissioners of Fermoy with regard to this order, and whether he considers that this order, if carried into effect will not only not be prejudicial to the soldiers but will also effect very seriously the traders in small towns?

Mr Campbell-Bannerman—This is a repetition of three questions already on the paper. I must ask honourable members to take this one answer to them all. The general principle as regards canteens is that the canteen Committees manage their own affairs and obtain their supplies where they can be had most advantageously for the soldiers, and I should view with regret any large departure from a system under which considerable local relations subsist between the troops and the townspeople in their neighbourhood. At the same time it is the duty of General Commanding to see that the canteens of his district are so administered as to give the greatest benefit to the soldiers for the amount of money they expend. In the Cork District it was found that in many cases the goods were supplied, especially at outlying stations, at prices much higher than the terms on which large firms in the district were ready to sell goods of equal, if not superior, quality. While leaving for the local market the large items represented by milk, vegetables, eggs, malt liquors, meat and bread, the general decided to concentrate into one order the demands of the different canteens for the general articles, and to entrust in each case the supply to some one firm not necessarily in Cork. No monopoly is created, no contract entered into, but on comparison of the prices of different firms an order is given for one month only. I give the General Commanding the greatest credit for the effort he has made to reduce the prices and enhance the quality of the goods supplied to the canteens in his district. The result has been a great improvement in quality and a reduction in prices, amounting in some cases to as much as 53 per cent. I do not wish, however, to disguise my own opinion that it is better the canteen should manage these matters for themselves, and if the canteen committee do their duty properly I see no reason why they should not realize equally satisfactory results by adopting similar methods.

Mr Flynn—Might I ask the right hon gentleman whether, if the order of the Commanding General should remain in force, notwithstanding what has been said in reply to the question, we are to understand that there will be no monopoly confined to any one particular firm?

The Secretary for War—Certainly not; and the arrangement is made only for one month. Capt Donohue—Can the right hon gentleman say whether any complaints have been received by the military authorities in Cork as to the prices and quality of the goods supplied by local traders, and whether a similar order has ever been issued in the Cork district?

Mr Campbell-Bannerman—I am not aware of that, because, as I have said, the general principle has been what I think is the wholesome principle, that each canteen should manage these matters for itself; but in this case, it has been found, as I have stated, that the prices which were being paid, and paid sometimes to suppliers outside the district altogether, were largely in excess of the prices at which some articles could be obtained from within the district, and I may add also that the quality has been greatly improved, because, for one thing, it was found that a large number of the canteens were obtaining and selling margarine as butter.

Mr Crean—Are local traders precluded by this order from competing for the supply of the canteens?

Mr Campbell-Bannerman—Not at all, as I understand there was no open invitation of tenders; but the price lists of the different local firms were compared, and action was taken upon them.

Mr Darling—Can the right hon gentleman inform us whether the complaints which we have heard originated with the troops or the shopkeepers?

Mr Campbell-Bannerman—It depends upon what the complaint is.

Mr T M Healy—Can the right hon gentleman tell us what is the practice in England. Has any English General said to any regiment that it must buy goods from the Army and Navy Stores?

Mr Campbell-Bannerman—There is no question of the Army and Navy Stores. Not one particle of these goods is being obtained from the Army and Navy Stores. They are all obtained from traders in the district. I have already said that is a new departure on the part of an energetic and public spirited General Commanding in the district, who saw his way to accomplish, and has accomplished, considerable benefit for the soldier by this process. I have already expressed my opinion that notwithstanding this benefit it is the sounder principle to allow each canteen to manage its own affairs.

Mr Healy—Will the right hon gentleman answer my question? Has the principle ever originated in England. The Secretary for War—I think I have already