CONVICTED OF HAVING GAME IN POSSESSION

Evidence Taken To-day-S. Perry Mills, K .C., Raises Interesting Point.

(From Wednesday's Daily.) Before Magistrate Jay in the office of the superintendent of provincial police this morning, the adjourned case against Charles Brown, of Shawnigan Lake, charged with an infringement of the game laws at Shawnigan Lake on Wednesday last was continued.

At the previous hearing evidence was given that Brown had been arrested by Game Warden Heald with game and a gun in his possession. Brown, in his defense, said the gun

had been left at his cabin by Mrs. Jacobson for repairs, and that having repaired it he was taking it back to their place, when at the crossing, where parcels were left, picked up a bag which he thought was for Jacobson. There was game in the bag. The case was adjourned to allow Brown to bring witnesses to testify for the defense. The first witness heard this morning

S. McGeary, foreman of the an Lake Lumber Company. on Wednesday last he did not ised, but another man came to e on that day asking for work. ribed the man. I have seen who generally wears a canvas e is differently dressed now. e to give a description of the an. He had no gun, nor any hunting about him. "I know cabin is down at the lake, and cels left at the crossing are y addressed. He said he had Brown with a gun lately. He y the man about 11.30, and he und till after lunch, about 1 and then went off up the track he mill was about 30 minutes om the lake. He had no gun, about 22 years old. He came

Mrs. Gundar Jacobson called, said she had known Charles Brown for eight years. When she came from town and had a lot of parcels she left at Welch's crossing and wen them at Welch's crossing and went back for them and last Wednesday she own's cabin. She carried a gun She wrote a note and put it in the gun and as she did not see him left the on the shelf by the door. She said in the note, "fix the gun and leave it at Fitzgeralds." She saw Brown later as she got on the train and said, cabulary w
"Fix the gun." She had not seen the
"Montreal." She did not see the young man who ate at the mil

There is an absence of that mens rea, which is an essential element in every criminal offence, and the accused should be accusted. cused should be acquitted on the merits. If the Game Act is to be conas an absolute prohibition and bona fide mistake or an act done

ntly is no defence, then it is re-nt to the criminal law of Can-The provincial legislature canman, who looks as though he might be
a near relative of Johnson, the puglist,
appeared in the puglist,
appeared in the police court this morning on a charge of having assaulted
Roy Baldwin, an erstwhile friend, and

crimes in themselves. The possession of game contrary to the provisions of a statute in England and elsewhere, was and is treatand and elsewhere, was and is treat.

ed as a public wrong or misdemeanor, i. e. criminal law and punishable as such, and therefore the like provisions

on a charge of assault. At the time of the fair last summer he was sent down usual amount, \$6 or ten days in jail.

Dawson has been remarkably well be-

provincial legislature.

Whilst conceding that the proprietary right in the game birds on crown lands are in the province, and that the owner of land on which game birds

grounds. The assault took place in Johnson's cabin on Pembroke street, Johnson is about three times the size of the youth whom he beat up.

After Johnson had pleaded guilty the are found has a special right of pro- complainant was called to the stand perty therein, the regulation of the possession, shooting, etc., of them and other such like provisions in the Game cabin occupied by Johnson, and the Act are ultra vires of the provincial owner had asked him for two bits and

Ontario vs. The Hamilton Street Rail- the bed and when he refused the last way Company and others" A. C. 1903, demand Johnson jumped on him and

would walk along the track half a mile kill him with it. Johnson was stopped with a bag without looking inside it. on his way to the kitchen to get the He said the province and railway com- knife. He owed Johnson some money pany go to great expense to protect on a gambling debt, game as it is a hard thing to get a conviction. Here is a man caught redhanded. If the province or the com- a charge of assault, and had been given pany can not get a conviction, they three months on that occasion. never would. He asked for the heav-



The Big Black Plug.

est sentence that can be imposed if he was guilty. Magistrate Jay thought that any one

n picking up a sack and having a mile to go would look into the bag and as-certain if it were worth while to carry it. It appears that accused did not. The evidence shows there was another

sen, that she left it there for Brown CITY SOLICITOR GIVES to repair and the evidence of the game warden showed that the birds must have been killed at a very early hour.
"I think I must find the accused guilty," he said, and fined him \$25 or ten

Judgment was suspended for fourteen days to give Brown's counsel time to give the proper notice of appeal.

BELGIAN VISITOR

PUT TO INCONVENIENCE

He Was Prevented From Leaving for the United States This Morning.

(From Wednesday's Daily.)

Owing to carelessness on the part of he management of the Empress hotel, a foreigner reputed to be a wealthy traveler, was subjected to the annoyance of being turned away from the gang plank of the Princess Beatrice at Fullerton, who said he had seen by the 8:30 this morning as he was about to press that an attempt was to be made to quash the salt water by-law, and board the boat for Seattle.

The traveler, J. Blonchaux, of Dinant, Belgium, arrived at the Empress the passage of the measures. The only hotel from Vancouver last night, and result of any such action would be t this morning notified his intention of leaving at once for Seattle.

Through the hotel management failing to follow out the usual instructions and precautions necessary for the embarkation of foreign passengers who are unable to converse readily in tified in going on calling for tenders the English language, as required by in connection with the proposed works.

the II S emigration authorities the City Solicitor Mann could not say. Empress' guest was this morning coms are left generally every day crossing. Parcels for the mill at the crossing. We have lost cited and distressed condition propelled to miss the boat and in an exceeded uptown in search of the Belhe will straighten matters out.

The U.S. emmigration officials reked me for a meal," he said. quire that any traveler from a foreign country who is unable to speak Engout question, shall only need to be attended at the point of embarkation by a person who can speak English and who can intimate to the emigration officials the name and nationality and

destination of the traveler.

The officials of the U. S. immigration office here say that the management of the Empress hotel has already been notified that these simple prec are all that is necessary, and that, had they sent a porter or a clerk along with Mr. Blonchaux in time to have the necessary questions answered be would have been no objection to his being allowed to proceed on the jour-ney. As it was the Belgian appeared person at the gang plank mable to understand or to make the officials understand as he possesses at the present time a very meagre English vo cabulary which consists of one word,

Understanding that he was allowed man who ate at the mill.

In answer to Magistrate Jay, Game Warden Heald said that the birds had not been killed on the same day as he arrested Brown with the gun and the game in his possession.

S. Perry Mills, K. C., counsel for the accused, went over the evidence before the magistrate and submitted the following points for the defence:

to reach Vancouver Island, but not allowed to leave it, through the intervention of a man in uniform the distressed foreigner decided to seek out the consul, and after pointing excitedly to the Empress hotel across the road for the benefit of the immigration officials the stranger turned his steps towards Government street in search of the consul of his native land.

(From Wednesday's Daily.) Edward Johnson, a colored gentle-

then for 50 cents with which to buy The cases decided on the Game Act something to drink. He had refused to in the several provincial courts of the the several provincial courts of the up town. Johnson then asked him for \$1 ed the luxury of a drive in the patrol wagon he got off with a fine of \$5, or of lands; J. J. Turriff, his predeces 524, must be considered as overruled.

H. H. Shandley in addressing the court, said was it likely that Brown said he would get a knife and would

Magistrate Jay, addressing Johnson

eminded him that this was a serious

harge. He had tried to take money from the complainant and had then threatened him with a knife. Johnson asked for permission t make a statement, and when it was given said that Baldwin owed him noney, and when he had refused to pay him he had ordered him out. When refused to go he had "slapped" him. Magistrate Jay: "I fine you \$20, or

in defaut one month in jail."

Johnson said that he would pay if given time, as he was working. He would pay \$10 each Saturday for the next two weeks.

The court, however, couldn't see mat-

ters in that light, and Johnson was led

THINKS BY-LAWS ARE ALL RIGHT

VIEWS ON THE MATTER

Says Action to Quash Measures Will Fail in Court.

The attempt to quash the by-laws passed by the people last Thursday which it was announced by the Times last evening is to be made, came up or some discussion at last night's neeting of the city council, when City Solicitor Mann assured the counci they need have no fear of the action eceeding in the courts. In the meanime the announcement may have the effect of placing the council in an awkward position as regards procee ing with the works for which the money was voted. It is felt that operations will be tied up until the courts pass upon the matter, after which is the by-laws are quashed they will

with it the others, an action that any one could take within thirty days of tie up the council in getting down to work provided for by the by-laws. I was too bad that some people coul not accept the verdict of the ratepayers in such matters instead of rushwould like to know from the city solicitor whether the council would be jus The talk of action might have no foundation in fact. In other years the

practice of placing more than one ballot on the same sheet of paper had ceeded uptown in search of the Belgian consul with whose aid it is hoped The object in taking the vote as had liminary skirmishes, which led up to clerk in the hark The object in taking the vote as had been done was to save money and it had worked well. The law said that a separate vote be taken on each by-law. This, however, he believed, was provided in the manner in which the vote had been taken. He did not believe lish, and whose repute and objects in had been taken. He did not believe al applications and tenders for some entering the United States are with-

whether the council should go on. He title to their property was the papers on the files of the department, the original applications and tenders should not posed works would be undertaken at the produced to become a part of the miss Munroe explained the procedure once and tenders called for with the procedure.

for the high pressure system at the same terms as that company had department by the clerk of the House diary to Mr. Turriff and he opened the same terms as that company had given the city for the pipes for the new distribution system as the price had been especially favorable. He thought the two departments should get together in the matter. One way out of the difficulty would be to use pipes intended for the distribution system for the salt water mains and replace them when pipes bought for the latter pursuing size of the committee of the committee in the given the salt water mains and replace them when pipes bought for the latter pursuing size of the committee in the given the salt water mains and replace them when pipes bought for the latter pursuing size of the committee in the given the salt water mains and replace them when pipes bought for the latter pursuing size of the committee in the given the salt water mains and replace them when pipes bought for the latter pursuing size of the committee in the given the salt water mains and replace them when pipes bought for the salt water mains and replace them then brought down in accordance making a memoranda of the names and mines branch to be formally awarded to the lighest tenders. Wr. Turriff declared that he had never furnished inside or the salt water mains and replace them when pipes bought for the latter pursuing the salt water mains and replace them to the timber and mines branch to be formally awarded to the lighest tenders.

Ald. Fullerton questioned whether the council could buy pipe from the Staunton company as suggested. He was under the impression that tenders must be called for all material that would cost over a certain amount.

Ald. Henderson took the view that Ald. Henderson took the view that ed there for several days.

and the city solicitors.

TWELFTH TIME IN COURT.

William Dawson Is Making a Record For Himself in Police Circles.

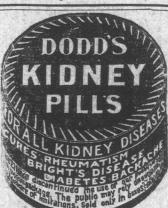
(From Wednesday's Daily.) For the twelfth time in nine years William Dawson appeared in the police court this morning on a charge in the Game Act are ultra vires of the grounds. The assault took place in time he has been up for a year, but street. previous to that time he was a regular accounts committee opened on March

ship, be kind enough to grant me a few days' grace and I will pay my fine. I work along the water front and will the tenders, but in the summer of 1902

pearance in court on a charge of days; and R. H. Compbell, of the fordrunkenness, but as he had not enjoyed the luxury of a drive in the patrol W. Greenway, the present commissioner in default ten days.

HUSBAND'S CRUELTY.

Ottawa, April 22.—Mrs. Marguerite ed their efforts to prove that in the Arnott, wife of George Arnott, a C. P. bridge foreman, has taken out a writ for W. Fraser, on behalf of the Imperiai







LEE-HODGINS CO., Limited

CHARGES WERE **BLOWN TO WINDS**

INTO TIMBER DEALS

Tory Members' Futile Attempt to Discredit Government Department.

The investigation into the sale of timber limits is now closed, and the evidence will be reported to the House of use of double cheques, it was a precau-Commons at an early date. The pre- tionary measure to prevent the amount

the council could afford to disregard it.

The matter came up again later in jected to by the minister of the interthe meeting when Ald. Fullerton once more asked for information as to of the rights of the owners, whose only the course was followed in respect of the council could afford to disregard it.

The matter came up again later in jected to by the minister of the intertior on the ground that in the interests of the opening of tenders.) A simillar course was followed in respect of the council course was followed in respect of the council could afford to disregard it. once and tenders called for without delay, especially for the pipes and other
plant for the high pressure system.

Ald. Cameron thought the water
commissioner might get into touch
with the Staunton Iron Works of Nottingham, England, and get the pipes
to produced to become a part of the
records of parliament and to be lost to
those of the department, as they would
if produced in a certified cheque or cash, it was first
outtions mentioned. After some discussion the several motions were amended
in the safe. She kept a record of the
to provide that although laid on the
tenders received and the date and time
the light pressure system. when pipes bought for the latter purpose arrives.

The committees of the fixed value of the committee in the custody of an officer of the department, in order perial Pulp Co.; that he had never re-

and darkened room," but in his office as the city had just bought a large quantity of pipe they could just increase their order and the law would in any case be complied with The matter was then allowed to drop, but will be discussed later in improper influence in connection with interior but these were gradually whit- ing tenders was handed over to him by with the city controller the securing or awarding of timber 1902, remarked that it was within his berths. In the first place it was alleged that J. G. Turriff, M. P., when commissioner of lands, gave information to for the future. Theodore A. Burrows, M. P., and the Imperial Pulp Company as to what when he tendered, attended the meet amounts competitors had tendered at, and, in the second, that Mr. Turriff had filled in the figures on a signed form call him. supplied by Mr. A. W. Fraser, K. C., on

behalf of the Imperial Pulp Co., and had, moreover, in other cases, accepted supplementary cheques after the tenders were opened to enable Mr. Burrows and the Imperial Pulp Co. to defeat their competitors.

visitor at the court in the role of a the 6th, when G. U. Ryley, formerly chief clerk in the timber and mines When called to plead Dawson admitted his guilt, but added: "Your Worship, be kind enough to grant me a few at one time the deputy winited Andrew Devine made his fifth ap-

The inquiry was continued over four largely attended. The deceased was the estry branch, A. W. Fraser, K. C.; J. and Miss Munroe, the secretary to the commissioner, also gave evidence

bridge foreman, has taken out a writ for separation and interim alimony until the case is tried of \$40 a month. Mrs. Arnott is in a hospital here, suffering from interim alimony in the companied the tender was handed in after the competing tenders had been opened; (2) that in the case of husband beating her.

W. Fraser, on behalf of the imperiation of the west wing was in a blaze when discovered, but prompt action by the attendants quelled the patients' fears until the fire was extinguished.

The city, for betting the city of the west wing was in a blaze when discovered, but prompt action by the attendants quelled the patients' fears until the fire was extinguished.

The story as told name of W. H. Nolan of Montreal, on behalf of the Imperial Pulp Co., was originally a blank form and the figures vere filled in by the commissioner of were filled in by the commissioner of lands; (3) that in the case of berth 1031 and Queen Alexandra arrived here yester-day from London on a visit to the Danish Royal family. They were welcomed by King Frederick and Queen Louise, the diplomatic corps and the naval and military dignitaries. The streets through which their majestles drove to the palace were gaily decorated and crowded with

Mr. Fraser swore that the figures were gaily decorated and crowded with \$7,000 in the tender for berth 1122 were people. in his own handwriting and said the cheques of \$6,000 and \$5,000, which made up the bonus of \$11,000, were supplied by Mr. Burrows. He had received W. H. Nolan's permission to use his signa- Police Carroll has been dismissed from ture, and he did so accordingly. There the force for reasons which are not was nothing unusual in tendering for disclosed, but which he himself contimber berths and other matters timber berths and other matters in somebody else's name, and, as to the hensible conduct."

Distinctive Quality



Refined Design

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Persistently Demonstrate Their Goodness

BUILDERS OF YACHTS, LAUNCHES, TOW BOATS STEAM AND GASOLINE ENGINES and complete

and, as far as he could recall, the two cheques were made out on the same

IN MEMORIAM

painter, died in St. Mary's hospital on

ceased was a young man, and was a

well known resident of Central Park

The funeral of Mrs. Elizabeth Bry

son took place yesterday and was

mother of J. S. Bryson, a well known

hardware merchant, and was 80 years

OTTAWA HOSPITAL BLAZE.

cipline prevented a panic when fire

ROYALTY ABROAD.

Copenhagen., April 22.-King Edward

POLICE CHIEF DISMISSED.

Sunday from diphtheria.

where several sisters reside.

MARINE AND STATION ARY EQUIPMENT

in sizes from 16 ft. to 30 ft AT ALL TIMES

LAUNCHES IN STOCK

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Hutchison Bros & Co.

ENGINEERS & FOUNDERS

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Victoria, B. C.

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MADE OF STANDARD QUALITY DENIM We recommend them for their PERECT FIT, and being DOUBLE SEWN and RIVETED. they are STRONG.

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POWDERS

For Children Relieve FEVERISH HEAT. Prevent FITS, CONVULSIONS, Etc.

Preserve a healthy state of the Constitution.

CONTAIN NO POISON. Please observe the EE in STEEDMAN. Made only at WALWORTH,

CHARGES AGAINST

New Westminster, April 21.-The PROFESSIONAL MEN funeral of the late Duncan Robertson of Vancouver, whose death occurred in this city on Saturday, was held this afternoon to the Mountain View Local Doctor is Alleged to Have cemetery, Vancouver, E. Holt

(From Wednesday's Daily.) This afternoon warrants were issu for the arrest of Dr. Arthur J. Garesche dentist, of this city, and of Dr. R. H. Carter, late of this city, but for some time past a resident of the United States, the former on the charge of securing the performance of a criminal operation on a Ottawa, April 22.-Only perfect dis- girl and the latter of performing the operation. The case promises to be one broke out in the Protestant general of the most sensational in the history of

Been Responsible for Crim-

inal Operation.

discovered, but prompt action by the Garesche, who has occupied a large place The story as told is that the girl question worked for Dr. Garesche, Dr. Carter, it is alleged, was called in to perform an operation, which in the eyes of the law is regarded as criminal.

The girl's family eventually becam aware of the facts, and another doctor was called in and the girl was taken to
St. Joseph's hospital. Following this
Maintained on the highest standard;
rates \$1.50 to \$2.50 per day. Free 'bus. effect a settlement, and rumor has it that one was arrived at. The authorities however, refused to recognize the settlement, if one was made, and warrants for both men were sworn out.

hospital yesterday afternoon. The roof the city, for both men occupy prominent

f the west wing was in a blaze when positions in the city, particularly Dr.

MAY DOCK AT THREE RIVERS. press liners at Three Rivers this year, this, longshoremen will be paid a bont owing to the refusal of the ship laborers of 2½c. per hour, providing they wo



BUGGIES, CARTS. WAGGONS BROODERS, SCALES, KITCHEN CABINETS, from

D. HAMMOND 1423 DOUGLAS ST. P. O. Box 194 VICTORIA, B. C.

COAST LAND DISTRICT.

Take notice that E. N. Brynlidsen, of Bella Coola, occupation, farmer, intends to apply for permission to purchase the following described lands: Commencing at a post planted at northwest corrier of Lot 251, thence west 17 chains 42 links to shore line, thence in an easterly direction to the west line of Lot 251 thence north 2 chains west line of Lot 251, thence north 3 chains to point of comme February 29th, 1908. BRYNILDSEN.

LONGSHOREMEN'S WAGES.

Montreal, April 22.—Steamship lines rading to Montreal yesterday issued a MAY DOCK AT THREE RIVERS.

Quebec, April 22.—According to the Chronicle, the C. P. R. will dock the Emperhour for night work. In addition to of 2½c. per hour, providing they work throughout the whole shipping season.

VOL 36

Awful

Avalanche o Notre

telegraph nor tel ion details of the hard to get. Req to Buckingham for

nearby village. hurled down the the river and con eral houses in the

GOLD FAMINI

Firms Failing Financial a Dep

Madrid, April 2 partly to the fac the stringency i ton, which offe taken up in Bar of this a great lowed and at th Several already

FINANC Wealthy Manuf

New York, Ap sell, a wealthy himself on Satur self from a sev the Vandyck ap-street, where he He had been gre cial matters, me declare, and had insomnia. Mrs. him on Friday r to sleep. Early he asked his wife milk, and while room he threw hurled himself instantly killed.

China Says Surreptitio

ACT

Powel

PROTEST AC

Pekin, April formal protest by Japan of Korea to inclu tory, the distric China, the sove dispute. China accomplished manner, and sa control streng Marquis Ito, re who is represe three officials of

Baron Hayas ister to China, in the report Chen Tao 500 men, but that the reorga ese authorities expansion in a