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the northwest corner correct the corner west 20 chains, thence west 20 chains, there west 20 chains, there along the coment ncement.
July. 1902.
ALFRED LYB.

TWICE-A-WEEK EDITION, \$1.50 PER YEAR, TO ANY ADDRESS IN CANADA OR UNITED STATES

To GPEAT BRITAIN, POSTAGE PREPAID, \$2.50 PER YEAR, PAYABLE INVARIABLY IN ADVANCE

VOL. 33.

RURGLARS IN MANITOBA

lealousy the Cause of a Giri's Suicide-

Rev. W. B. Cummings Inducted

at Carberry.

another point the previous evening.

A party of Dunkards from the United

rict, where they located 18 home

eads and bought 40 sections of land.

Call to Hamilton.

Old Odd Fellew Dead.

Solicitor's Shortage.

New Principal.

A Challenge.

WILL NOT WITHDRAW BILL.

ment Intends to Drop Education

draw its Education Bill, Premier Bal-

four authorized the statement that

"there is no foundation whatever for this rumor." A similar denial was made by Colonial Secretary Chamber-lain, who added

lain, who added with reference to the

attitude of the Birmingham Liberal

Unionists that "Only two hundred per-

STEAMSHIP LINES.

deport of Acceptance of Britsh Syndi-

cate's Offer For Atlantic Service

may take pr

sons attended the meeting."

Measure.

enge has created a stir.

rch at a salary of \$2,200.

of the order for 68 years.

ts in the United States.

irch, Carberry.

es returned from the Indian Head

VICTORIA, B. C., TUESDAY, OCTOBER 7, 1902.

Feeling That it Will Result in the Settlement of the Coal Strike. Washington, Oct. 2.-It has been de-

TO-DAY'S CONFERENCE.

ided that Attorney-General Knox shall attend the conference to-morrow between the President, the coal operators and Mr. Mitchell, of the miners' union. He will be the only member of the cabinet who WERE DISAPPOINTED will be present. Carroll D. Wright, commissioner of labor, who recently made an investigation of the strike situation, will attend on the invitation of ed with the administration is extremely reticent concerning the coming conference, there is a feeling of hope among those close to the President that it is going to result in the settlement of the strike. This hope is based on the acute ness of the situation and the necessity that exists for a settlement, along with Winnipeg, Oct. 2.-The safe in the Bank of Hamilton branch at Plum Couthe known determination of the Presiblown open by unknown burglast night. There was very little great labor controversy, if such a thing ney in the safe, as it had been sent

The Post to-morrow will say that the coal presidents at the conference will decline to accept any plan of strike setwas used by the robbers and tlement which proposes to treat with President Mitchell, but that they have considered a tentative plan according to which the coal presidents will propose that the men return to work with the understanding that their grievances as individuals shall be submitted to a board of arbitration, and that the coal All will be settled at once. The Dunk-ards are said to be the finest agriculturpresidents will agree to abide by the decision of this board, the members of which shall be appointed by the Presi-

Hon. Mr. Blair, minister of railways. Mitchell Declines to Talk. Wilkesbarre, Pa., Oct. 2.-President Mitchell, of the United Mine Workers, accompanied by district presidents Nicholls, Duffy and Fahey, left here this evening for Washington via Phil-Rev. W. B. Cummings, formerly of anaimo, B. C., was this evening fornally inducted in the pastorate of Knox adelphia. Mr. Mitchell conferred with the district presidents through the day. It is not known what policy the executive board of the miners' union will pur sue at the conference. Mr. Mitchell de-Hamilton, Ont., Oct. 2.-The congreation of Knox Presbyterian church has clined to express any opinion. All he would say was that he hoped for the cided to call Rev. E. Henory, of Brann, Man., to the pastorate of the best.

Opinion at Scranton. Scranton, Pa., Oct. 2.—Sentiment among the representatives of the coal C. Neaden, the oldest Odd Fellow in country, is dead. He was a member operators here has undergone a change since yesterday regarding the action of President Roosevelt in assuming the role Solicitor's Shortage.

It is estimated that the deficit of Alfred McDougall, solicitor of the treasury of Ontario, in connection with the Wilson succession dues, will exceed \$25,000. Unless the matter is settled criminal proceedings will be established against him.

Cimmitted Suicide.

President Roosevelt in assuming the role of intermediary to settle the strike. Yesterday they said the only effect of the President's action would be to put off the surrender of the miners as many days as there were in the interim between the first announcement of his intention to intermediate and the announcement of the result, or the lack of result of the conference. To-day these same men say the White House conference. Cimmitted Suicide.

London, Ont., Oct. 2.—Minnie Gooday, 17 years of age, daughter of John Gouday, 188 Albert street, committed suicide by drinking laudanum and carbolic acid. She was displeased with her sweetheart because of attentions which he accused him of couring to earth.

he accused him of paying to another A prominent individual coal operator said to-day that he stood ready to guarantee that the operators would agree to a sliding scale basis of pay comprehend-Oct. 2.-At the next meeting ing a two per cent. rise for every ten cents advanced on coal above \$64.50 f.o.b., if the miners' union would agree of the governors of Upper Canada col-ege, Hon. Richard Harcourt, minister education for Ontario, will recommend to put up the bonds to indemnify the appointment of Rev. J. O. Miller, operators for damages resulting from ipal of Bishop Ridley college, St. arines, to succeed Frincipal Parkin, strikes caused by the discharge of men retiring to organize the Cecil the union. causes other than connection with

Ther was no disorder reported to-day and no claims from either side as to gains or losses of the working force of John A. Nichalls, the Dominion Allithe colliers. All interest is centred in lecturer, has challenged Edwin to-morrow's conference.

It is now almost certain that John

ickie, secretary of the Ontario liquor nen, to name any day he chooses to dis-Mullen, a non-union man who was run over by a trolley car at Smithville last night, was stunned or killed and then placed on the track. His own razor, with blood on the blade, was found cuss the Ontario Liquor Act. The chalremier Balfour Denies That Governnear the spot, and no cuts that a razor could have made was to be found on the body. It is supposed he was attacked and drew the razor to defend nimself. Coroner Berge says it was a London, Oct. 2.-Replying this evencase of murder. ing to an inquiry whether it was true government intended to with-

DENIED PAPERS Japanese Cannot Become a Citizen of

the United States. Chicago, Oct. 3 .- After vainly searching for some legal precedent that would justify a different decision, J. G. Carter has refused to grant naturalization pap The general body of the Presbyterian and Baptist Independent ministers held ing a citizen on the United States.

special meeting this evening, adopting resolution calling upon the govern-The statute on naturalization, said Judge Carter, reads that any free white to withdraw the Education Bill and declaring, "We will do everything man or any native of Africa, or any our power to defeat the reactionary alien of African descent may be naturalgrannical proposals of the measure, which vast numbers of loyal subjects ed, but that does not apply to Mongol which vast numbers of loyal subjects will be conscientiously compelled to resist to the utmost, even to refusing the Dayment of rates." find, was one made by a Massachusetts court, and that was to the effect that an application from such source could not be granted.

SIR WILFRID LAURIER.

London. Oct. 3.-Premier Laurier and London, Oct. 3.-The Associated Press Finance Minister Fielding, of Canada, a position to deny the statement he Daily Dispatch, of Manchester, have returned here from Paris, and to day called at the colonial office, and rethat the terms of a British icate for the establishment of a ported the results of their interviews steamship service between Canada with the officials of the French foreign d England have been accepted. Nothin in this connection is expected to be in this connection is expected to be canadian Premier to Lord Aberdeen, the former Governor-General of Canada, has been given up. The Premier will open the new Produce Exchange at Liverpolishment of a Canada-Jamaica service by take precedence over the proposed produce Exchange at Liverpolishment of a Canada-Jamaica service by take precedence over the proposed mada-England line.

With the officials of the French foreign the General for the General for the General for the General of Canada, has been given up. The Premier will open the new Produce Exchange at Liverpolishment of a Canada-Jamaica service by take precedence over the proposed and of the General for the Gener

OFFICIAL STATEMENT ISSUED THIS AFTERNOON

the President. While everyone connect- President Roosevelt's Remarks at the Opening of Meeting With Operators and Miners' Official.

Washington, Oct. 3.-The second step in President Roosevelt's efforts to effect dent to bring about a settlement of the a settlement between the anthracite coal magnates and the miners was taken today. At ten o'clock every person who had been invited to participate, except President Oliphant, of the Delaware & Hudson road, who sent as his personal be postponed. The President, during the conference, was seated in a large invalid chair, his left leg resting upon a cushion. The President most cordially greeted each of his guests as appeared. When all were assembled, he stated to them in a brief, preliminary way, his object in calling them tagether. In a lindicates that the proceedings are being taken down. At 4:45 representatives of coal railroads came down stairs and went into a room which had been set apart for them object in calling them together.

Fully realizing the importance of the carefully worded paper, setting forth in detail his position on the controversy. The President said:

by the situation in the anthracite trade: The operators, the miners and the general "I speak for neither the operators nor The questions at issue which led to the but the situation itself vitally affects the public. As long as there seemed to be could be adjusted between the parties it did not seem proper to me to intervene in any way. I disclaim any right or duty to intervene in this way upon legal grounds, or upon any official relation that I bear to the situation; but the urgency and the terrible nature of the catastrophe impending over a large portion of our people in the shape of a winter fuel famine, impel me, after much situation; but the men are returning to work in small batches, probably starved into acceptance of the employers' terms. They were the poorest and lowest paid laborers in the United States."

Transaction was a most important one, it is said to have been consummated after only about two hours' conference. The interest controlled by Gen. Hubbard has already, Mr. Dunsmuir says, passed under his control, and he is now the sole owner of these interests.

Between the parties. ter fuel famine, impel me, after much anxious thought, to believe that my duty

Strike in Sympa

appreciate. The evil possibilities are so far reaching, so appalling, that it seems peratively requires that you meet upon the public. With all the earnestness without a day's unnecessary delay, meet titles at low prices.

the crying needs of the people. "I do not invite a discussion of your respective claims and positions. I appeal to your patriotism, to the spirit that sinks personal considerations and makes individual sacrifices for the general

When the President had concluded the reading of his statement, he said that he did not expect that either party would be ready to submit propositions at the time, but he asked them to take into consideration what he had said and to return at 3 o'clock. He said that he hope that a proposition might be presented at that time which would furnish the basis of an adjustment. The first conless than 15 minutes. It was understood that each party to

what the President had said, or that each would be prepared with a reply to present to the President when the congrant regulations to the letter, and other minated nearly an hour's private conference with the President. The secretary same class as those transported

for some satisfactory outcome to the negotiations instituted to-day. Will Submit Statements

were driven from the White House to their special train, in which they remained at the Baltimore & Ohio station until it was time to leave for the second conference. Each representative will submit a separate statement, which they will present to President Roosevelt when the conference reassembles, and which they will make public as soon as the President has seen it. They declined to discuss the situation on the ground that it would be discourteous to the Pres dent to disclose their intentions or make a statement previous to submitting it to him. President Baer was asked if there was any prospect of a settlement of the strike. He replied that he could not tell, as the company would submit a separate statement to the President.

Conference Resumed. Washington, Oct. 3.-All the parties to the conference were at the White House

representative David Wilcox, vice-president and general counsel of the road, and

from Indianapolis, has transacted such progress about long enough for the readfrom Indianapolis, has transacted such necessary public business as could not necessary public business as could not necessary public business as could not necessary correlator to necessary correlator to necessary correlator to necessary correlator to necessary public business as could not necessary necessa tary Barnes, who is an expert stenog-rapher. This indicates that the proceed-

The representatives of the coal roads communication that he was about to make, the President had prepared a carefully worded paper, setting forth in the careful worded paper, setting forth in the careful worded paper. was given out it would have to come from the President.

"I wish to call your attention to the fact that there are three parties affected Mr. Mitchell said, when he came out: At the close of the coal conference, "There has been no settlement."

Orders For Coal. London, Oct. 3 .- Inquiries made at the miners, but for the general public.

The questions at issue which led to the situation affect immediately the parties concerned—the operators and the miners; getting freights, the rates for which have been increased \$1 in the present week.

The president of the Miners' National a reasonable hope that these matters could be adjusted between the parties it did not seem proper to me to inter-

strike in Sympathy.

Birmingham, Ala., Oct. 2.—Three thousand five hundred miners in the employ of the Tennessee Coal, Iron & Hailroad Company, stopped work to-day on orders from the executive board of the situation and say that its gravity is such that I am constrained urgently to insist that each one of you realize the heavy burden of responsibility upon him.

We are upon the threshold of winter with an already existing coal famine, the future terrors of which we can hardly yet

Strike in Sympathy.

Iames Dunsmuir and the Pacific Improvement Company, Mr. Lindsay says there has never been any misunderstand. Here has never been

New York, Oct. 2.-President Fowler, to me that you are not only justified in of the New York, Ontario & Western sinking but required to sink for the time railway, said to-day in regard to the being any tenacity as to your respective coal situation in New York, that by an claims in the matter at issue between arrangement among themselves, the coal you. In my judgment the situation imperatively requires that you meet upon the common plane of the necessities of the public. With all the earnestness city were also to be taken care of, he there is in me, I ask that there be an immediate resumption of operations in the coal mines in some such way as will, without a day's proposed as well, ple in this city without a day's proposed as well, ple in this city with the coal managements. ple in this city with coal in small quan-

Teamsters' Strike Over. Chicago, Ill., Oct. 3.-The strike of coal teamsters, that for a time threatened to deprive the public schools of their fuel supply, has been settled. The anthracite and bituminous coal company which supplies coal to the schools on the Northwest conceded all the teamsters terms.

UNDESIRABLE IMMIGRANTS. French Shipping Agents Will Be Asked to Exercise Strict Supervision.

Paris, Oct. 3.-The correspondent here for the Associated Press saw the secreference then broke up. It had lasted tary of the French Trans-Atlantic line to-day regarding Immigrant Commissionthe conference would formulate some proposition during the interim, based on what the President had said or their what the President had said or their mediate future in Victoria. He positive mediate future in Victoria.

agents have instructions to take all pos- received a good offer, and accepted." At 12:30 o'clock Secretary Root tersons. Our immigrants come from the was in an optimistic mood when he left the White House. He said he could not Eastern Europe. Among the thousands communicate anything further than that we transport weekly it is possible that already given to the press, but he did occasionally a pauper may escape our not object to expressing his individual surveillance. However, in view of Mr. pinion that the prospects were bright Williams's criticism I shall issue fresh instructions to our agents to exercise the closest supervision.'

he strike.

The representatives of the railroads TR. DUNGLIK HAS

The E. & N. Railway and the Island Collieries Are Now His Exclasive Property.

Hon, Jas. Dunsmuir arrived in the at 3:15 o'clock and the meeting was then he attended the coronation ceremonies in session without result. The news from the inside was that the coal presidents had prepared statements which they introded to a statement which taken occasion on the inside was that the coal presidents had prepared statements which taken occasion on the introded to the provident of the provident to the provident of the provid At 3:38 the coal conference was still in the capacity of Premier of this prodents had prepared statements which taken occasion on his way from Enghand to enter into negotiations for the to mean that they had resolved to maintain their position, and felt called upon tain their position, and felt called upon tain their position, and felt called upon tain their position. President Cassatt, of the Pennsylvania tain their position, and feit caused upon to explain to the public their reasons for to explain to the public their reasons for the stock, and the American has two-solvents and the public their reasons for the stock, and the American has two-solvents are stock, and the American has two-solvents are stock, and the motive being the stock, and the motive being the stock, and the stock, and the motive being the stock.

of Jas. Dunsmuir.

cludes all the coal mines known as the dia, Canada and Australia." Dunsmuir mines. These are, roughly speaking, situated at Union and at Extension, and in connection with them are many miles of railway, forming a very complete system for the transporting of the production to the bunkers for shipment at Comox wharf and Ladysmith.

The transaction is one which involves an immense sum of money, though the exact sum paid by Mr. Dunsmuir is not made known. Mr. Dunsmuir is responsible for the transaction, having entered into arrangements with Gen. Hubbart while in New York. In dealing with Gen, Hubbard he was negotiating with the controller of the Pacific Improvement Company's stock. Although the ment Company's stock. Although the in any of the mining camps who had a transaction was a most important one, prevance against the operator of that

Between the two interests formerly

Ocinpany. The latter gentleman was unable to give any information on the place. Gen. Hubbard he said, controlled one-half of the stock of the Pacific Improvement Company, but he had received no information upon the subject, and it was impossible, he said, to presume what had taken place.

The transfer of the other interest to

Mr. Dunsmuir will not likely occasion any change in connection with the conduct of the business. This has all along been left in the hands of Mr. Dunsmuir. A. D. Shepherd himself stated a little ime ago that it was not proposed that the conduct of either the railway or the mining business should be taken out of his control, but all they wished was that these businesses should be run on modern business principles. Mr. Dunsmuir has, therefore, been allowed to run the business largely as he desired in the past, and the transfer of the remaining stock to his control should in nowise affect it. A dispatch from the Times correspond-

at at San Francisco says:
"A. D. Shepherd, manager of the Pacific Improvement Company, states that the sale of the company's half share in the E. & N. railway and in the Wellington and Ladysmith coal mines to Mr. ly refuses to state the amount to be paid Mr. Dunsmuir. Mr. Shepherd says his company was not anxious to sell, but

ELECTRICAL STATIONS.

American Company Will Equip Two

London, Oct. 3—A contract to the streets of Caracas. When some of the will say I am hiding myself, that I am American company for the entipment the men thus gathered in attempted to am a coward; yes, a coward, he repeatof two generating stations in the Clyde escape, being in favor of the Matos reed, "and you know well I'm not."

THE TOBACCO BUSINESS.

r. P. Rvan Tells of Agreement Between American and British Com-\ panies.

New York, Oct. 2 .- An authorized statement regarding the agreement be tween the American and British Tobacco companies was made to-day by Thomas | DEVELOPMENTS IN P. Ryan, who returned on Tuesday from OTHER INTERESTS London. As to the conditions under which the new agreement was formed, Mr. Ryan said to-day: "The agreement made between the epresentatives of the Imperial Tobacco

Company of England on the one hand; and the Consolidated Tobacco Company on the other was mutual in its character and entirely satisfactory to both sides. It was accomplished by friendly con-ference after full consideration of the interests of all parties affected. The agreement has an international character, which has not belonged. I think, to any previous trade arrangement. The Consolidated To Jacco Company will purcompany will not encounter the competi-Mr. Dunsmuir and other officials of the companies concerned were seen this companies concerned were seen this company and 12 of the American, with morning, and assured the Times that the Mr. Duke as its president, who remains E. & N. railway and the Wellington Col- British-American company will take liery Company are now the sole property over the entire business of the Imperial company, and of the Consolidated company in all foreign countries and in the The Wellington Colliery Company in- colonies of Great Britain, including In-

NO SETTLEMENT.

Coal Strike Situation Remains Unalter ed-Operators Refuse to Listen to Proposal From Mitchell.

Washington, Oct. 3 .- The coal confersettlement of questions involved in the strike to a committee to be appointed the operators vehemently expressed their election to fill the seat in the legislation Cisapproval, and said that they would not listen to any proposition of any char-acter emanating from Mr. Mitchell. They said, however, that any individual miner particular mine might submit his grievance to a judge of the district court of that district, and they would abide by the result. They would not, however, recognize Mr. Mitchell nor union in the

No other conference is looked for and the matter remains substantially as it was in the beginning, no concessions hav-

Elmer E. Johnson is looking after the nessee Coal, Iron & Railway Company turned from Chicago, where he was mar-Elmer E. Johnson is looking after the interests of the Pacific Improvement at the Blue Creek and Blockton mines of the Pacific Improvement at the Blue Creek and Blockton mines ried to Mrs. Young, the divorced wife cuspend work on Monday next. About of a Montreal dentist. This is the first unable to give any information on the latter gentleman was unable to give any information on the latter gentleman was at the Blue Creek and Blockton mines of a Montreal dentist. This is the first latter gentleman was unable to give any information on the latter gentleman was at the Blue Creek and Blockton mines of a Montreal dentist. This is the first latter gentleman was unable to give any information on the ber of strikers over 4,000. The strike grows out of the refusal of

> to paying it. No Coal. Lancaster, Pa., Oct. 3.-The Susque harna rolling mill, of Columbia, Pa., was compelled to shut down to day on account of being out of coal. It employs

about 400 men. HOLDS STRONG POSITION.

President Castro Is Waiting an Attack by the Revolutionists.

Willemstad, Island of Curacao, Oct. 2.—The revolutionary army under Gen. Matos have affected a junction with the commander of the revolutionary general, Luciano Mendoza, near Camatagua, in the state of Miranda, 50 miles south of Caracas. The combined forces of Generals Matos and Mendoza now to-

Last Wednesday the revolutionists were at San Juan de Losmores, near Villa de Cura. At this point the government forces under President Castro, amounting to 4,000 men, retreated precipitate.y before the vanguard of the There have been many desertions from

President Castro's army. Castro is now at Los Teques, a very strong strategical position, but a few hours' ride from Car- eventualities, which I am far from acas, and which is considered impreg- seeking." American Company Will Equip Two nable. It is awaiting an attack by the revolutionists. During the past three days the government has been forcing recruiting for the army day and night on the street of County of Count of two generating stations in the Civil escape, being in favor of the Matos revaller, intended to supply electrical powers for industrial purposes over an area of 755 square miles.

YUKON GOVERNORSHIP.

Ottawa, Oct. 3.—Fred. Wade is bere to Cha, in the state of Miranda, and flow of which she appreciated, all the great-Ottawa. Oct. 3.—Fred. Wade is hore to-under Gen. Rolando, is now locate Oday. His name is mentioned for the Yu-le kon governorship, but nothing has yet been done about it.

Another revolutionary a under Gen. Rolando, is now locate Cua, in the state f Miranda, and are five miles south of Caracas. Cua, in the state f Miranda, and they of which she appreciated all the great-

MAY BE ENTERED

NO.29

COLLINGWOOD AFFAIR

Sydney's Exports to the United States -Very Little Coal on Hand at Ottawa.

Toronto, Oct. 3 .- A Collingwood special says the accusation against W. H. Brown of conspiracy to murder bis' patch declares that the authorities have secured evidence which they believe will warrant the more serious charge of mursame as alleged in the present case, to secure the old man's life insurance, the chief link in the chain of circumstances deal has been consummated, and that the abroad to perfect the organization. This | indicating that Brown had poisoned his father has been supplied by the prisoner's mother.

Population Increases. Brantford, Ont., Oct. 3 .- The population of Brantford, according to assessment returns, is 17,931, an increase of 336 during the year.

Quebec Elections.

Coteau Landing, Que., Oct. 3.-The bye-election in Soulanges county to fill the vacancy in the legislature caused by ence to-day failed to come to any agreement for a settlement. During the conbonais, was held to-day, and resulted in ference Mr. Mitchell offered to refer the the return of Mr. Bissonnette, Independent, by 11 majority over Mousseau, the by the President. To this proposition Liberal candidate. The Stanstead byecaused by the death of Mr. Lovell, Lib eral, took place to-day and resulted in the election of G. H. St. Jierre, the Conservative candidate, by 421 majority over T. B. Rider, the Liberal opponent

Sydney's Exports. Sydney, w. S. Oct. 3.-The declared value of exports from this port to the United States for the three months ending September 30th, was \$442,568.05. The exports consisted chiefly of steel billets, pig iron, coke and other products

Halifax, Oct. 3.-Mrs. Michael Mc-Askill died yesetrday, aged 105 years.

Ottawa's Coal Supply. Ottawa, Oct. 3.-Inquiries show only 2.500 tons of coal on hand with Ottawa dealers..

Indian's Marriage.

Montreal, Oct. 3 .- Dr. Angus C. Patded to those already out in the Pratt tribesman has married a divorced wommine division, will make the total num- an. The Indians are much exercised as to whether such an innovation in Indian customs will be allowed by the the company to withhold assessments superintendent of Indian affairs at Otmade by the Miners' Union, who object tawa.

WILL NOT ATTEND.

Appearance of Dreyfus at Zola's Funeral Might Lead to Disorders.

Paris, Oct. 3.—Contrary to previous announcements Capt. Dreyfus will not attend the funeral, because his presence might lead to disorders. Dreyfus was anxious to attend the funeral, considering it to be a duty which he owned to the memory of Zola, but he had a pathetic interview with the widow this morning, and she expressed to him her apprehensions that unseemly demonstrations might occur if he attended both during the ceremony at the cemetery and afterwards. "The perfect

of police," she said, "is also in fear that your presence may lead to disturbance and for nothing in the world would I have the funeral of my lamented husband marked by regrettable incidents.' Dreyfus replied, expressing his deep respect and devotion for Madame Zola. but said it would be most painful to him to fail in what he considered to be an imperious duty, and Zola, everything was a man of duty, and of duty in spite of everything, would cer-tainly have approved my intention," adding: "I ought not take into account