PRIVY COUNCIL GIVES REASONS

TEXT OF JUDGMENT IN CHEHALIS CASE

Lord Gosell Says Mr. Justice Martin Carefully Considered Facts.

The full text of the judgment in the Chehalis case has come to hand. A summary of the judgment was published in these columns some time ago, but owing to the large amount of interest taken in the case the full judgment, as delivered by Lord Gorell, is given:

The appellants in this case are the Canadian Pacific Railway Company, the owners of the steamship Princess Victoria which came into collision about or near the Partia Shoal off Brockton Point near Vancouver at about 2.20 on the 21st July, 1906, with the steamer Chehalis, and in consequence the latter vessel sank, and some of her passengers and crew were drowned. Six actions were afterwards brought in the Supreme court of British Columbia against the appellants by certain passengers and members of the crew of the Chehalis or their personal representatives to recover damages for loss of life and personal injuries and loss of effects, on the alleged ground that the collision was caused by the negligent navigation of the Princess Victoria.

The appellants denied that the collision was caused or contributed to by any negligence in the navigation of the Princess Victoria.

The actions were consolidated and tried in February, 1907, before Mr. Justice Martin, the local judge in Admiralty for British Columbia, assisted by two nautical assessors, and on the 22nd May, 1907, the learned judge, after a very long trial held, with the concurrence of the assessors, that the collision was caused solely by the negligent navigation of the Chehalis, and he dismissed all the actions with costs.

On appeal to the Full court of the Supreme court of British Columbia, sitting without assessors, it was held by a majority of the judges that the Princess Victoria was to blame for the collision, and damages and costs were awarded to all the palintiffs except the plaintiff, Cyril James Eldridge House, the master of the Chehalis, whose appeal was dismissed.

The Chief Justice held that the Princess Victoria was solely to blame, Clement, J., held both ships to blame, and Irving, J., held the Chehalis was solely to blame, House's appeal failed, because he was responsible for the navigation of the Chehalis, and the result of the judgments was that he could not recover, and he has not appealed against this decision.

The facts are simple, and it is difficult to understand why the trial should have lasted so long as it did.

The Princess Victoria, a twin-screw steamship of 1,943 tons gross register, left the wharf on the south side of Vancouver harbor bound to Victoria, with passengers, mails and baggage, and a crew of about 100 hands, at about 2.05 p.m. on the day of the collision. The weather was fine and clear. A strong tide about two hours' flood was setting to the eastward through the Narrows of Burrard Inlet. The Princess Victoria proceeded at a speed of about 14 knots through the water, between Burnaby Shoal and Brockton Point, and rounded the point under starboard helm so as to straighten down the Narrows.

The Chehalis was a small screw tug of about 54 tons register, with a crew of six hands, House being her master. She left the wharf at Vancouver about 1.20 p.m. with passengers, and, after crossing to North Vancouver and picking up some more passengers, left that place at about 2.05 p.m., bound to the westward through the Narrows for Blunden harbor. House was in charge, and was at the wheel in a closed wheel house, steering, giving such orders as were required, attending to the whistle and keeping the look-out. There was no one else on the look-out. The Chehalis proceeded at about nine knots through the water down the inlet, being steered by the land and not by any compass course.

The appellants' case was that, after rounding the point, the Princess Victoria was steadied so as to pass to the northward of a steam launch and to the southward of the Chehalis, which was then proceeding on the starboard bow of the Princess Victoria some distance off on a course nearly parallel to that of the Princess Victoria, that two blasts were then sounded on the Princess Victoria to indicate that she was intending to pass to the southward of the Chehalis, but that the Chehalis suddenly came off to port towards the Princess Victoria, causing a risk of collision; that thereupon both engines of the Princess Victoria were put full speed astern, and her helm hard-a-starboard, and that the Chehalis came rapidly to the southward, and, although she ported at the last moment, she struck the starboard bow of the Princess Victoria and afterwards sank, and seven persons were drowned.

Broadly stated, the case on the other side was that the Chehalis was proceeding on her course out of the Narrows, and that, after she has passed Brockton Point, her master heard a whistle behind him, and on looking through a stern window in his wheelhouse, saw the Princess Victoria coming down on him, that he saw she was coming right into him, and that he threw his helm hard-aport and gave a short blast of the whistle, but that in a few seconds the Princess Victoria struck his vessel.

The main question in the case was purely one of fact, viz., whether the Chehalis starboarded or was improperly allowed to swing over to port across the course of the Princess Victoria, or whether the latter vessel came too clos to the Chehalis and ran into her or was allowed to be sheered into her by the tide.

The learned judge who tried the case and saw the witnesses accepted the account of the officers of the Princess Victoria as being substantially correct. He found that, beyond doubt, there was ample room for her to have passed between the launch and the Chehalis, and in the course of his judgment said:

"I am satisfied that the officers in the pilot house of the Princess did keep a proper and continuous look-out and that at the time the two blasts were blown she, having just then freed herself from the anticipation of any danger from the launch close to her port bow, which had caused a momentary but immaterial deviation from her course, was steadied on a course W. by N. ½ N., within a quarter of a point, so as to just clear Prospect Point and take her straight down the Narrows, which course was, roughly, parallel to that of the Chehalis. Had these respective courses and speeds been maintained, there was at that time no reason to anticipate any danger of collision, though the courses would probably have ultimately converged. . . . But I find that while said blasts were being blown, or immediately thereafter, the Chehalis suddenly altered her course at least three to four points from west to southward, thus bringing herself across the bows of the Princess. . . . I have very little, of any, doubt that it was owing to the fact that Captain House, as he admits, only kept a look-out ahead, and I believe he was startled when he heard the signal and made a wrong movement of his wheel at a critical moment in the strong tide. There must have been something of the kind, for House did not take the position that he was thrown out of his course by an unforseen eddy or current or otherwise."

The learned judge further held that the Princess Victoria had not committed a breach of anw of the regulations for preventing collisions in Canadian waters, which are similar to those made under the Imperial Act, though the statutory sanction is defferent (cf. sec. 916 of Revised Statutes of Canada, 1906, chap. 113, and sec. 419 (4) of the Merchant Shipping Act, 1894). In particular upon the point which appears to have been much discussed, that is to say, whether the Princess Victoria had broken Article 25 of the regulations — the narrow channel rule—he stated that, having regard to the relative positions of the three vessels after the Princess Victoria had rounded the point, the mid-channel course which she took was the only proper one for her to take as a matter of good seamanship, as he was advised, consistent with her own safety, and it would have been unreasonable to expect her to have gone to the north of the Chehalis, already on the northerly course, and under her stern.

On the appeal to the Full court the chief justice differed from the finding of fact by Martin J., that the Chehalis altered her course across the bows of the Princess Victoria, and he considered that that vessel was to blame under Articles 22, 23, 24 and 25 of the regulations. Clement, J. held that he could not, having due regard to the principles which should guide and appellate tribunal in reviewing a judgment as to matters of fact, say that the learned judge was wrong in finding Captain House to blame, i.e., guilty of contributory negligence; but he held that the Princess Victoria had broken Article 25, and that that was "the larger inducing cause of the catastrophe." Irving, J., supported the judgment on all grounds.

There are two different matters to consider in this case. The first is, what were the facts and the second, upon the facts, whether either or both of the vessels were to blame?

Their lordships consider that the facts appear to have been very fully and carefully investigated by Martin, J., with the assistance of assessors, and that no adequate ground has been shown for an appellate court to take a different view of the facts from that taken by the learned judge. He had the great advantage of seeing and hearing the witnesses, and unless it could be shown that he had taken a mistaken or erroneous view of the facts or acted under some misapprehension, or clearly came to an unreasonable decision about the facts, he should not, in accordance with well recognized principles, be overruled on matters of fact which depended mainly upon the credibility of the witnesses.

An examination of the evidence in this case shows that, not only was the learned judge entitled to come to the conclusions of fact at which he arrived, but that the weight of the evidence is in favor of those conclusions, and that the real cause of this unfortunate collision was that there was no adequate look-out kept on board the Chehalis, and that her master was unaware of the presence of the Princess Victoria until she was about to pass him, and improperly put his helm to starboard, or allowed his vessel, which had just entered that part of the Narrows where he began to feel the full effect of the tide, to fall off her course towards the Princess Victoria. Broadly speaking, there can hardly be the least doubt that, if House had seen and been aware of the presence of the Princess Victoria, the collision would never have happened. It seems almost incomprehensible that he should not not have noticed her even before she rounded, and as she was rounding the point, unless he never looked anywhere except straight ahead of his vessel.

The finding of the learned judge upon this point really makes an end of the case, but it is desirable to deal briefly with the other points made on this appeal.

It was urged that the Princess Victoria broke Articles 22, 23, 24 and 25.

Article 22 is the crossing rule, and Article 24 is the overtaking rule. The 24th article is that which was applicable, for the Princess Victoria was an overtaking ship, but the charge is disposed of by the finding that there was ample room for the Princess Victoria to pass the Chehalis, and that there would have been no collision but for the improper action of the Chehalis and her breach of Article 21, according to which she was bound to keep her course and speed.

Article 25 is the narrow channel rule, which provides that "in narrow channels every steam vessel shall, where it is safe and practicable, keep to that side of the fairway or mid-channel which lies on the starboard side of such vessel."

The collision took place somewhere about midway across the channel, which their lordships consider had been correctly stated to be a narrow channel within the meaning of the article. Then the configuration of the locality and the circumstances with regard to tide, etc., have to be considered. The learned trial judge held that the course taken by the Princess Victoria was justified by the circumstances, but the chief justice and Clement, J., appear to have considered that she should have gone outside the Burnaby Shoal, or at any rate under the stern of the Chehalis.

The Princess Victoria appears to have followed the usual course in passing through the narrow channel between the Burnaby Shoal and Brockton Point, and to have rounded the point in a proper course to prevent herself from being swept out by the very strong tide which she would have had on her port broadside, if she had attempted to pass directly across to the north side of the channel leading outwards, and a similar effect would have been produced upon her if, having regard to the position of the vessels, she had proceeded to attempt to pass under the stern of the Chehalis.

Their lordships are advised by the experienced assessors who have assisted them on the appeal that the Princess Victoria pursued a proper course having regard to the locality and tide, and was, in the circumstances, justified, as a matter of good seamanship, in taking the mid-channel course between the two other vessels, and therefore they do not agree with the views expressed on this point by the majority of the Full court. They further do not consider that the course pursued by the Princess Victoria can be held to have caused or contributed to the collision, which was solely brought about by the improper action of the Chehalis.

With regard to Article 28 the point made under it against the Princess Victoria was that she did not sound her whistle when she began to round the point, and improperly failed to indicate by whistle signals the course she was taking. There does not seem to have been much, of any, argument on these points in the courts below. It is to be noticed that when proceeding to round the point, the Princess Victoria was acting in the ordinary course of navigation, and that it has been but faintly suggested that she did anything wrong at a later time with regard to her whistle. A breach of the article does not seem to their lordships to be made out in the circumstances.

The conclusion at which their lordships have arrived is that the decision of Martin, J., was right and should be affirmed. It would seem from the order of the Full court that some dealings have taken place between the appellants and the plaintiffs William James Crawford and Ruby Crawford, with regard to withdrawing the appeal of these plaintiffs to that court, and any arrangement between the parties should remain unaffected by His Majesty's order.

Their lordships will therefore humbly advise His Majesty to allow the appeal, to set aside the judgment of the Full court dated the 18th February, 1908, except so far as it relates to House, to restore the judgment of Martin, J., dated the 22nd May, 1907, and to order that the present respondents do pay to the present appellants their costs of the appeals to the Full court, but that His Majesty's order be without prejudice to any arrangement which may have been made between the appellants and the said William James Crawford and Ruby Crawford.

The respondents who have contested this appeal must pay the appellants' costs thereof.

There were present at the hearing Lord Macnaughten, Lord Collins, Lord Gorell, Sir Arthur Wilson; Montreal assessors, Admiral Sir Archibald L. Douglas, G.C.V.O., K.C.B., Commander W. F. Carborne, C.B., R.N.R.

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SUSPECTED OF MURDER.

Butte, Mont., Aug. 20.—Search is being made to-day for Jos. Nevins, who is wanted in connection with the murder yesterday at Armsted of Shattuck Doyle, a San Francisco boilermaker.

It is allegel that following a quarrel, during which Doyle accused Nevins of stealing his watch, the latter roused Doyle out of bed and shot him three times.

—The president of the local Theosophical Society, Mrs. M. King, and the secretary, Mrs. E. Dresser, are going over to Seattle to meet Mrs. Annie Besant, president of the Theosophical Society. Several other Victorians will go either to Seattle on Sunday or Monday, or to Vancouver on Tuesday next to hear the talented author lecture.

COMMISSION SITS AT NANAIMO CITY

Lumbermen Give Evidence on Question of Conservation of the Forests.

Nanaimo, Aug. 20.—The first session of the Forestry Commission at Nanaimo opened in the court house yesterday afternoon. J. A. Harvey, K. C., O. Plunkett and Mr. Austie were present as representatives of the Coast Lumbermen's Association, Mr. Fulton presiding.

Three witnesses appeared before the commission, viz.: Mr. Regan, timber cruiser for the C. P. R.; Mr. J. W. Coburn, manager of the Ladysmith Lumber Company, and Mr. A. T. Smith, manager of the Red Fir Lumber Company.

Mr. Regan was the first witness called on and when asked if he had any statement to make, replied "No, but he would answer any questions put to him." Mr. Regan stated he was timber cruiser for the C. P. R. and his duties took him over the E. & N. land grant which he cruised back and forward with the exception of two pieces of land which he had not been over. He estimated the grant contained 200,000 acres of good timber land averaging 20,000 feet to the acre, and about 100,000 acres which would average 8,000 feet to the acre. As to the nature of the timber about 75 per cent. was fir, 5 per cent. cedar, 15 per cent. hemlock and 5 per cent. balsam.

As to the age of trees he gave it as his opinion that a tree 18 inches in diameter would be about 150 years old. A big tree would be at least 500 years old. A ten-inch tree would require at least 50 years for its growth.

Speaking of burnings, he said the timber appeared to grow after fires, but mostly it was hemlock that sprung up. It must be the seeds in the ground that caused the growth, and it was a condition peculiar to British Columbia, probably due to the moisture of the climate.

He did not favor the government selling the timber lands outright. They had a revenue from the licenses, and they would lose this if they sold outright. He did not think the government could do better by investing the money obtained from selling outright. It would not be a good thing, he thought, in the interests of the country.

Asked as to the policy of the government compelling timber men to establish mills on lands for which they had taken out a license, he did not think it would be a good thing. It would result in the lumber markets being overstocked. He thought the lumbermen should assist the government in protecting the forests against fires. About half the cost would be a fair proportion.

J. W. Coburn, manager of the Ladysmith Lumber Company, was the next witness. He thought the tenure of licenses should be extended indefinitely, the government reserving the right to suspend if thought necessary. If made perpetual, holders of licenses would log off all the timber and have little waste in the woods, but under present regulations a logger only has a certain time to run and he is bound to pick the best within that time.

Commissioner Fulton stated the estimated forest wealth of B. C. was 140 billion feet, the annual cut was one billion feet, and 17,000 licenses had been issued. He asked Mr. Coburn if in his opinion the loggers would hold back and wait for a future market, provided the timber licenses were extended. In reply Mr. Coburn stated he thought such would be the case, as the mill men would prefer holding their timber. It would clear the land, and give a new growth a chance to grow. Of course precautions would have to be taken to safeguard the virgin forests.

Replying to Commissioner Flumerfelt, Thos. A. Smith, manager of the local mills operated by the Red Fir Lumber Co., stated he thought the 21-year lease should be extended, the extension to depend on the state of the market. If the market was good probably an extension of 10 years would be sufficient in which to log off the limit being operated. Under present conditions the timber limits were only being slaughtered, and he did not think any mill was making money. The present cut of the Red Fir mill was 1,000,000 feet a month, and the market was principally in the northwest. A ready sale was found for cedar lumber, and the demand could not be supplied. About 20 per cent. of the output was No. 1 lumber, which was exported, a certain amount of No. 2 was used in sash and doors, the balance being turned into shiplap. He thought the present American tariff would prohibit the export of Canadian shingles to the United States, and did not think it a good plan for the government to sell limits outright as this would be disadvantageous to small mill owners, who while able to pay the $120 a year could not buy outrigh[t] [th]ink it a good thing [t] to erect mills and o[th]is would increase t[h] lumber, while it w[a]s the demand, and would be glutted. Th[e] for B. C. lumber, wi[th] of heavy timbers, di[s]t of Fort William, a[n] he competition was [e]r. In cutting an ave[r]d was common lumber, [t]he United States levied a duty of $1.25 per 1,000 feet.

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CONCERT AND DANCE.

Cedar Hill Dramatic Club Provided Enjoyable Entertainment Last Night.

The Cedar Hill Dramatic Club held a very enjoyable entertainment last evening, which was followed by a dance. The following took part in the programme: Instrumental duet, Misses Carson and Miller; vocal solo, C. E. King; recitation, Mr. Williams; vocal solo, A. W. McMorran; vocal solo, Miss Offerhaus; quartette, Misses Miller, Carson and Offerhaus. Miss Mabel Miller acted as accompanist.

Early in September this enterprising club will put on the boards a four-act comedy, "What Became of Parker?" Rehearsals are steadily going on and everything points to a most successful presentation of the play, which is a most amusing one.

FRUIT INSPECTORS ARE APPOINTED

Dominion Government Has Put Five New Men on Staff.

New fruit inspectors have been appointed by Hon. Sydney Fisher, minister of agriculture, at Regina, Lethbridge, Grand Fork and Nelson. An assistant inspector has also been appointed at Winnipeg. These inspectors are each given a certain district to cover, and with the present additions to the staff the inspection in the prairie provinces and in British Columbia will be much more comprehensive than it has been in the past. Formerly the inspectors lost a great deal of time in travelling, much of which is eliminated by this subdivision of the territory.

Importers of American apples will be held responsible for the proper grading and marking of the packages in accordance with the provisions of the Canadian law.

SETS NEW RECORD.

Mauretania Covers Short Course Across Atlantic in 4 Days 14 Hours 38 Minutes.

New York, Aug. 20.—The Cunarder Mauretania anchored off quarantine last night after a run over the short course which now gives her all records, for eastward and westward bound. She did the 2,783 knots in 4 days 14 hours and 38 minutes, as against the best performance of her sister ship the Lusitania, over the same course of 4 days 15 hours. Her record over the long course, which is 110 miles longer, is 4 days 15 hours and 55 minutes. She would undoubtedly have been able to land her passengers last night if her agents had wished, but the orders were to drop anchor. Lord Strathcona is among the passengers.

TITAN TO TAKE MUCH OIL AND SALMON

Coquitlam Here This Morning With 5,000 Cases for Blue Funnel Liner.

(From Friday's Daily.)

Steamer Titan, which is expected here to-morrow evening from Vancouver via Nanaimo, will take a very large amount of cargo from this port before leaving for Puget Sound to complete her loading for the Orient and United Kingdom. At the outer dock she will load considerably over three thousand barrels of whale oil, and it is understood that she will also take 27,000 cases of salmon.

This morning the steamer Coquitlam arrived from Smith's Inlet with 5,000 cases of salmon, which she discharged at the outer dock for the Titan. These were put up at Hickey's cannery. The Tees is also on her way from the West Coast with more oil for the Titan.

FEW IDLE STEAMERS IN BRITISH PORTS

Captain Dunn of Floriston Says There is Decided Revival in Trade.

Captain Dunn, of the steamer Floriston, which arrived in Esquimalt on Friday, speaking of the shipping industry in the Old Country, said that there was a decided revival in trade, there being at present very few steamers lying idle. While freights were not very high, yet most of the craft were strong. A year ago vessels were tied up in every port but that was a thing of the past. He looks forward to a still greater improvement, when the freights will be higher and an impetus will be given to the shipbuilding and shipping industry.

Captain Dunn is a Conservative of an advanced type, who places all the ills of the nation on the shoulders of the present Liberal government. He is proud of the achievements of British shipping men and has great hope of his countrymen waking up and continuing the lead which they still have in the world.

—Building permits were issued on Thursday to Mrs. E. Woolridge for a dwelling on Denman street to cost $1,500, and to D. Madden for a house on Fisguard street to cost $1,400.

EMPRESS OF IRELAND MAKES FAST TRIP

Passengers Include Number of Members of British Association.

Quebec, Aug. 20.—With another splendid voyage added to her bulky list of noteworthy performances, the Empress of Ireland, of the C.P.R., the flyer of the fleet, swung into her berth at the Quebec breakwater at 7.45 last night. This voyage of the Empress of Ireland was marked not only by the fast time made, but by the distinguished list of passengers on board, there being over forty members of the British Association bound for the coming meeting in Winnipeg, Hon. G. P. Graham, Minister of Railways and Canals; Hon. W. J. Hanna, Provincial Secretary of Ontario; Dr. Schwegel, representative of the Austrian government in Montreal; and many other well known people in Canada and the British Isles. In all the Ireland brought 255 first, 337 second and 735 third class, in all 1,627 passengers.

Two cases of measles and one of chickenpox in the steerage necessitated a stop of an hour and a half at Grosse Isle, thus spoiling what would undoubtedly have been a record passage of the season. The whole of the 753 steerage passengers had to be inspected at Grosse Isle and the ship was thus delayed. The enforced idleness was the more annoying, as the Ireland passed over the famous Crane Island flats with the full flood tide, and was making one of the fastest runs of this or any season between Rimouski and Quebec.

The British Association party contains some distinguished men and women, there being quite a number of the latter. Sir J. J. Thompson, of Cambridge, president of the association, who since the death of Lord Kelvin, has taken front rank among British scientists, spoke of the great good accomplised by the holding of meetings of the association elsewhere than in England. He recalled the pleasure it gave him to renew his acquaintance with Canada, he having attended the meetings of the association in Montreal and Toronto. Another distinguished member of the association is Hon. John W. Moore, of Dublin, who is accompanied by Lady Moore. Sir John is an ex-president of the Royal College of Physicians. Among other well known British scientists on board were Prof. Marchant, of Liverpool; Prof. E. J. McWeeney, of Dublin; Dr. C. W. Kimmins, London; Miss G. T. Mills, Dublin; Miss F. M. Gladstone, London; Dr. Otto Hahn, Berlin; Prof. Herdman, Liverpool, secretar[y] the association.

NOTICES IN THE OFFICIAL GAZETTE

A Number of Minor Appointments—New Companies Incorporated

In Thursday's issue of the Provincial Gazette, notice is given of the following appointments:

Richard Whitfield Large, of Rivers Inlet, M.D., J.P., to be a stipendiary magistrate in and for the county of Vancouver.

George Ernest Hunter, superintendent of Yoho Park, Field, to be a justice of the peace.

To be resident physicians: Leonard F. Houghton, M.D., at Salt Spring Island, in the place of G. R. Baker, M. D., resigned, and H. Gross Kemp, M. D., at Van Anda, in the place of J. H. McDermot, M.D., resigned.

To be members of the board of directors of the Royal Inland hospital at Kamloops: Frederick Edwin Burns, in the place of Wm. Henry Evans, resigned; and George C. Tunstall, S.M.

To be assistant horticulturists and assistant inspectors of fruit pests: Morris S. Middleton, of the city of Nelson, B.S.A., from the 1st day of June, 1909; and Benjamin Hoy, of the city of Vernon, B.S.A, from the 1st day of July, 1909.

To be commissioners for taking affidavits under the Provincial Elections' Act: Michael Sullivan, Percy Dunkerly, J. R. Randall, Archibald E. Campbell, James Sibbald, A. J. Martin and A. F. De Gagne, of Trail.

Articles of incorporation have been granted to the following: The British Columbia Wine Co., Ltd.; with a capital of $25,000; the Western Soap Co., Ltd., with a capital of $250,000; the Granville Syndicate, Ltd., with a capital of $150,000; the Pioneer Poultry Ranch, Ltd., with a capital of $100,000, to take over as a going concern the business of fruit and poultry farmers now carried on by Joseph F. Westerman, Charles A. White and George Threfall, near the city of Kamloops; the Beaver Mining Co., Ltd., with a capital of $600,000; the Western Gypsum Co., with a capital of $300,000; the Conroy & Wasmansdorff, Ltd., with a capitl of $25,0000; the Coalfields Water Works Co., Ltd., with a capital of $25,000.

The following have been registered as extra-provincial companies: Greenshield, Ltd., with head office in Montreal; the Unuk River Mining & Dredging Co.

A meeting of the executive council will be held in the parliament buildings on Wednesday, September 1st, to consider the final plans for the Coquitlam dam to be constructed by the Vancouver Power Co.

Tenders are called for the erection and completion of a new highway floor system over the bridge across the Fraser river at New Westminster.

—J. E. Smart, secretary of the B. C. Agricultural Association, is expected back in a day or two from Seattle, where he has been engaged in arranging to secure some special attractions from the forthcoming fall fair. It was Mr. Smart's intention to secure some of the leading features which are exhibiting on the Paystreak at the Alaska-Yukon-Pacific exposition. He has also been interesting the horsemen of the Sound city in the meet which will be held here in connection with the fair.

OFFICIALS TURN DOWN VANCOUVER'S PROTEST

Terminal City Players' Plea for Victoria Referees Thrown Out.

The protest entered by the Vancouver Lacrosse Club regarding the appointment of Percy Peele as an official in the last match between Vancouver and Westminster was dealt with Friday night at Westminster and the protest lost.

The protest was entered on the ground that Peele was not one of the original six men whose names were entered on the official list as appointees. According to protest regulations the constitution calls for a deposit of $25 to accompany all protests. The Vancouver protest was not accompanied by the fee and was held irregular. The meeeting, however, decided that the president had the right to appoint any person he chose when the regular appointed man failed to act.

George Rennie's conduct on the field to the referee and judge of play was dealt with, and the Westminster player will be obliged to apologize to both W. Moresby and P. Peele for his indiscretion.

The selection of referees for the next game between Vancouver and Westminster, August 28th, at Westminster, was left to the two captains. Vancouver asked for Victoria officials, but the other team delegates held that the Capital City men had been out of the game too long to be familiar with the fine points and new dodges. Should the captains fail to select referees by the Tuesday before the game the matter will be decided by the delegates.

DICK HYLAND IS DEFEATED BY FRAYNE

Monte Attel Gains an Easy Victory Over Percy Cove.

San Francisco, Aug. 21.—Johnny Frayne, of San Francisco, earned a clean cut decision over Dick Hyland, being awarded the decision by Referee Smith at the end of the twenty rounds. Frayne outclassed his opponent and had a lead in every round after the tenth. The fight up to that period was rather tame and uninteresting, with the advantage belonging to neither man. After the tenth the fight was Frayne's. He tore lose and gave Hyland a systematic beating. Frayne's work was of the highest olass, and he dazed Hyland with his speed and cleverness. His punches were clear and forceful. In the tenth round he all but sent Hyland to the floor with a terrific left and right smash to the jaw and upper cuts to the body. The fight to-night brought one of the largest gatherings that ever attended a fight in the city. Hyland was a 10 to 8 favorite.

Attell Gets Decision.

Monte Attell, of San Francisco, retained the bantamweight championship by defeating last night Percy Cove, of Seattle, in the tenth round of a schedulea 20 round bout. Attell made a chopping block out of his opponent, and after the second round had things practically his own way. Referee Ed. Smith stopped the fight in the tenth round after it was evident that the Seattle man had not the slightest chance to win. That he lasted so long was due to his indomitable gameness and ability to assimilate the Attell's punches. Cove's face was cut into ribbons, while Attell on the contrary emerged from the scrimmage without a mark. Attell's victory was clear cut, although some of the crowd hissed Smith for ending the battle, Cove showing flashes of fighting spirit.

—The meeting of the Natural History Society next Monday evening promises to be a very interesting one. Professor Macoun, who has been doing field work up the West Coast of Vancouver Island, is expected to be present and to give an informal talk. F. Napier Denison will also give some "Notes on Earth Tiltings," which will prove exceptionally interesting. There will also be the usual examination of specimens and other business.

—At the special meeting of the City Council, to be held this evening, representatives of the V. & S. Railway Company will be present to further explain the proposals made relative to the company abandoning its present quarters in the Market building, Cormorant street, and erecting new terminals on Blanchard street. The city solicitor, to whom was submitted a draft of the amended plans of the company, will submit his report on same at this evening's meeting.