# FISHERY REGULATIONS ISSUED FOR THE YEAR

## Pending Appeal to Privy Council Dominion Rules Alone to Govern

(From Friday's Daily)

Yesterday's issue of the Provincial Gazette contains the fishery regulations for the coming season, and it will be noticed that they differ considerably from those in force last year both as to the amount of the licence and the character of the regulations to be observed.

It was felt by the attorney-general that, in view of the decision of the full court last year which held that the province had no jurisdiction to attach conditions to their licences, it would be purposeless to re-impose these regulations until the Privy Council has had an opportunity to pass upon the whole matter. Questions covering the points in dispute between the Provincial and Dominion governments in fishery matters will be submitted to the full court at the coming session, and thence taken to the Privy Council for a final determination. It is considered probable that in view of their decision in the Fraser river prosecutions last year that the full court will rule against the contention of the British Columbia government, and so an appeal to the last court of appeal appears inevitable. Thus it happens that this year the provincial licences are issued subject to the provisions of the Dominion regulations.

Another change is in the question of fees. Instead of there being a fee of $2.50 payable by each man in the boat, a licence of $5.00 will be required from each boat and net, the licencee being always a British subject. Thus there will be no restrictions upon boat pullers. It is understood that last year the law was evaded in many instances, and that the new rule will have a better effect from a treasury point of view.

Again there will be no licence demanded from employees working in fish traps, but instead each trap will pay a licence of $25. This will, it is thought, be more easily collected and work more smoothly than the other system. The text of the new regulations follows:

10th March, 1909.

**Salmon Fishery Regulations.**

1. In the following regulations "take salmon" shall mean the taking or catching of salmon by means of a boat and net, or by fish trap, and a person shall be deemed to take salmon and to require to obtain a licence under these regulations who takes salmon by means of a boat and net, or by means of a fish trap.

2. No person shall take salmon of any kind in any of the waters of this province unless authorised so to do by a licence issued under the provisions of these regulations.

No fishery licence shall be granted to any person unless he be a British subject and resident of the province.

A licence to take salmon by means of a boat and net for one year, from the first day of January until the thirty-first day of December, may be obtained from the Commissioner of Fisheries, upon payment of a fee of five dollars.

A licence to take salmon by means of a fish trap for one year, from the first day of January until the thirty-first day of December, may be obtained from the Commissioner of Fisheries upon payment of a fee of twenty-five dollars.

Such a licence shall authorise the licensee to take salmon of the kind, at the time and in the manner prescribed by the Dominion Fishery Regulations.

A licence issued under these regulations shall be in the form prescribed from time to time by the Commissioner of Fisheries.

Any person who shall take salmon without a licence issued under these regulations shall be guilty of an offence against these regulations and the "British Columbia Fisheries Act, 1901," and amending acts.

# WILL INCREASE CAPITAL

The capital stock of the Victoria Fruit Growers' association, which has been increased to $10,000 is being rapidly subscribed for by fruit growers throughout the island. By the amendment made to the Farmers' Institute act, under which the association is incorporated, the power to increase the stock was granted and this further increase will be made as soon as the business of the association warrants. A meeting was held in the Board of Trade rooms on Wednesday. There was a good attendance of members and the opinion was general that with the increase in capital the benefits will materially be enlarged. Half of the new capital has already been subscribed.

# LUMBER TRADE

## Probable Effect of U. S. Duty Reduction on Canadian Business—Prairie Demand Active

Vancouver, March 19.—That the proposed reduction of $1 per thousand in the United States tariff on lumber will have little effect on the local market at the present time, even if the new tariff went into immediate operation, is the expressed opinion of several leading lumbermen of the city.

"The new tariff will undoubtedly have a stimulating effect on the local mills in the near future, if not at once," said one prominent mill man this morning.

"The prices on the other side are certain to right themselves before long. Just now they are lower than prices in Canada, but as soon as they are raised there will be just that much advantage to the Canadian mills, as they will wish to ship to the United States. At present, local mills figure that if they are heavily overstocked they can always ship the surplus to the other side, preferring the small loss to keeping the stock on hand. There can be no doubt that the reduction in the American tariff in the long run greatly assist operators in British Columbia, even if it may have but little effect at once."

"In all my twenty-seven years' experience on the prairies, I have never seen the demand for lumber so active. If present conditions continue, as they are almost certain to do, I intend to build a new sawmill this summer just east of the site of my former mill on the south side of False creek. It will have a canacity of 75,000 feet a day, and will employ sixty men. The mill will cost $125,000," said Mr. John Hanbury, the well known sawmill owner, of Brandon, Manitoba.

# MANY COMMISSIONERS ARE BEING APPOINTED

## Can Take Affidavits For Election Purposes For Current Year Only

(From Friday's Daily)

The appointment of commissioners for the purpose of taking affidavits under the Provincial Elections act goes on apace, and the current issue of the Gazette contains a large number of new appointments. They hold good for the balance of the year only and enable the holders to take affidavits of persons desiring to place their names on the voters' lists.

The new appointment are:

New Westminster City Electoral District—A. E. Kellington, S. Malcomson, R. Buckland, James Anderson, Edward Falk, Robert Fenton, Andrew Halcrew, C. C. Cameron, John Murphey, Edward Mercer, Robert Mills, J. H. Jones, J. W. MacDonald, J. C. Digby, P. W. Luce, C. B. Deans, Alfred Hardman, and George Mackie.

Esquimalt Electoral District—William Payne, Goldstream.

Saanich Electoral District—H. E. Tanner and Ralph Fowke, of Keating; James A. Grant and John George Elliott, of Royal Oak; John Parker Hancock and Cornelius Pointer, of Maywood; Earl Chandler, Strawberry Vale; W. J. Williamson and John Irvine, of Cedar Hill, Mount Tolmie; J. D. McDonald and John L. Colbert, of Oak Bay; and David Stevens.

Vancouver City Electoral District—James Preston Nightingale, of Vancouver.

Victoria City Electoral District—H. H. Maloney, Arthur Berwick, James Angus, Robert Moore, Edward Logan, William Galt, Albert Ward, Stephen S. Court, Geo. Whitefield and Allan Francis Wylie, all of Victoria.

Similkameen Electoral District — George Wardle, Princeton; O. H. Carle, Keremeos.

The Islands Electoral District—Joseph Nightingale, Henry Caldwell, John Topham Collins, John Cannon Scovell, Geoffrey Scott, Ernest George Borradaile, Cecil Walter Abbott, Abraham Reed Bittancourt, Wm. T. Cotsford, George Demaine, Benjamin Lundy, Henry O. Allen, Alfred Raynes and Edward Walter, all of Ganges Harbor, Salt Spring Island; James Bennett, George L. Paddon, John L. Paddon, James Oscar Heck, and Stanley Howard Robson, all of Mayne Island; Washington Grimmer, Arthur Rood Spalding, Elijah Pollard, Evan Hooson, Sweaney Basil Colston, James Auchterlonie, Gerald Francis Richardson and John McKinnon, all of Pender Island; Finlay Murcheson, William McCoskrie, James Warnock, Harry Vollmers, Hector Ouelette, John Shaw, Joseph Burrill and Frederick James Burrill, all of Galiano Island; Henry Burchell, Arthur Parry Wood Nixon, Peter Hunter and Arthur Dearman Ianson, all of Thetis Island; James Gray, John Easthon, William Chappell, James Lewis and Daniel McConvey, all of Gabriola Island; John Cox, of Mudge Island; Harry Digby Payne and Gerald Fitzroy Payne, of Saturna Island; Ralph Geoffrey Grey, of Samuel Island; James Wesley Brethour, Mark Hewitt, Peter Imrie, Henry Hooten, Rufus Philip Horth, Samuel Fairclough, Charles Sidney Birch, Philip Ernest Brethour, William Robert Armstrong, John Billings, James H. Collins and Frank Haynes, all of Sidney, North Saanich.

Ymir Electoral District—William Alexander Calder, of Edgewood; and Ross Walter George Macdonald Fleming, of Fairview.

# JAPANESE CRUISERS DUE MAY 12TH

## Will Spend Three Days at Esquimalt on Arrival From Honolulu

(From Friday's Daily)

The Japanese four-funnelled cruisers Aso and Soya, ex Bayan and Varyag, now on the way across the Pacific, are to arrive at Esquimalt on May 12, according to the schedule issued at Tokyo by the naval department shortly before the sailing of the Japanese steamer Iyo Maru, which reached port yesterday morning from the Orient. The Aso and Soya were at Yokosuka being outfitted for their long voyage of 13,340 miles to be accomplished before they return to the Japanese naval yard again, on August 7.

After the Japanese custom the itinerary of the cruise of the training squadron has been mapped out and the visits to the various ports of call will be "as previously arranged." Honolulu will be reached April 1 and the two warships will remain at the island port until April 10 when they will sail for Hilo, where four days will be spent and the two vessels will weigh anchor for San Francisco on April 14, arriving on April 25 and remaining until May 8.

The Golden Gate will be left on May 8 and the Aso and Soya will proceed to Esquimalt, where they will drop anchor on May 12, and remain here for three days, leaving on May 15 for Vancouver, where they are to stay until May 22, and will then sail for Tacoma, arriving May 23 and leaving for Seattle on May 27.

The two warships will await the opening of the Alaska-Yukon-Pacific exposition at Seattle and on June 10 after their Seattle visit is ended they will proceed direct to Honolulu and after eight days at the island port will steam for Hakodate in North Japan, arriving there July 20 and sailing four days later for Ohminato, where they will remain until August 4 and will return thence to the naval base at Yokosuka, arriving on August 7.

Mr. Roosevelt has apparently loaned his "big stick" to Mr. Bryan, with instructions to keep it in good condition until he returns from Africa. Speaking at Chicago the great Democrat said: "One of the evils of the modern day is speculation on a large scale," said he. "I hope the time will come when instead of confining our crusades to petty gambling, we will turn to the great stock exchanges that teach men to embezzle money. When a man uses enormous capital to bankrupt society, as do some of those big speculators, he ought to be made amenable to the criminal law. Men who have earned millions by service to society have been so busy earning them that they have not had time to collect them, while men who have collected millions have been so busy collecting them that they have not had time to earn them."

# JUDGMENT DELIVERED IN TOPPING VS MARLING

## Mr. Justice Martin Accepts the Old-Time Version of the Transaction

Mr. Justice Martin yesterday gave judgment in favor of the plaintiff in the case of Topping vs. Marling, in which Col. Topping, known to old-timers of the Kootenays as the "Father of Trail," was suing for a balance due on a promissory note given in respect of some timber licenses. The defense was that fourteen licenses were to be delivered, whereas only twelve were received, and that the defendant was consequently entitled to a rebate on the purchase price. His lordship did not accept the version of the transaction put forward by the defendant, and gave judgment for the defendant.

The text of the decision follows:

"This is an action upon a promisory note, given under contract for the purchase of certain timber license. The note is admitted, but in answer to the demand for the payment of the balance due thereon, the defendant sets up a new agreement between the parties which is stated to be 'partly in writing and partly verbal," and the effect of the same is alleged to be shortly that the defendant was to receive 14 licenses for the price of 12 only, subject to certain additional payment in the event of a specified sale "and if such sale did not take place as aforesaid the defendant was to pay to the government of the province of British Columbia the license fees for the said licenses."

In support of this contention a conflict of evidence arose between the defendant and the plaintiff, who gave their respective accounts of what was said at the time of the execution of the later writings, and the defendant put forward one Charles Goss in corroboration of his story, and in his evidence in chief Goss testified in a manner which told against the plaintiff, but in cross-examination he broke down and gave such an unsatisfactory and uncertain account of the transaction that I cannot accept him as a safe guide to my conclusions. He does not seem to have any reliable recollection of what was said, apart from his lack of frankness about the payment of the commission. It is clear that there never was any agreement by the plaintiff to pay the license fees either under the original contract of the 31st July, 1907, or subsequently.

"In my opinion the defendant has no meritorious defence legally or equitably, though he appears to have entertained the genuine belief that the plaintiff was liable to repay him the amount he paid for the licenses under part of said contract. Though in one sense it is not strictly necessary to decide that point, yet in view of the subsequent disagreement between the parties, I think it is not out of place to say that there was under said contract clearly no obligation upon the plaintiff to recoup the defendant for the amount he "advanced" to pay for the license. It seems unfortunate that the defendant did not apparently take legal advice upon this point before requiring the plaintiff to do something he was not lawfully called upon to do, thereby bringing about this litigation. The only obligation upon the plaintiff under the contract was to sell so much timber land for a specified price and to execute the necessary transfer thereof. I am happy to be able to say that in putting forward this untenable contention I feel satisfied the defendant did not seek to take undue advantage of the plaintiff's anxiety for a settlement, though it had that result. On the whole evidence I am of the opinion that the defence to the payment of the note has not been established, and therefore judgment must be entered in favor of the plaintiff.

ARCHER MARTIN, J.

Victoria, March 19, 1909.

# NEWINGTON TURNED OVER TO DEPARTMENT

## New Lighthouse Tender Reached Port Yesterday to Be Made Ready For New Work

(From Friday's Daily)

The steam trawler Newington which has been purchased by the marine and fisheries department for lighthouse and buoy work in British Columbia waters with the steamer Quadra steamed into the government wharf from New Westminster at 1 p. m. yesterday with her flags flying to be turned over to Capt. Gaudin, local agent of the department, who returned from the Fraser river on her, in command of Capt. P. Shadforth. The Newington will be turned over at once and will be fitted out for her work as early as possible.

Since the purchase of the Newington there has been considerable commotion among the men of the lighthouse service with regard to the appointments to be made for the new vessel. Whether promotions from the Quadra will be made is not known. There are three applicants for the position of master of the new steamer, two at present in the employ of the marine department and the other a local shipmaster.

The Newington was berthed at the government wharf on arrival from the Fraser river, alongside the derrick scow which is to be towed by the Newington when she enters commission. The steam trawler, while having limited carrying capacity, is a substantial little seagoing vessel, with a capital engine. She was built by a company owning a number of fishing smacks engaged in the North Sea and acted as tender to the smaller vessels carrying their catch to Grimsby. She was brought to British Columbia three or four years ago and for a time engaged in the halibut fishing business in northern B. C. waters. She is a good vessel for towing purposes. R. J. Fader owned the steamer, which was sold to the government for $42,000.

Mr. Sifton has sent a letter to the editor of the Vancouver News-Advertiser in which he says: "In your issue of February 28th, a copy of which has been sent to me by a friend, I find a report of a speech made by Mr. Joseph Martin, of Vancouver. In this report Mr. Martin is represented as making the following statement: 'I tell you that Mr. Sifton sent $60,000 to this province to a committee of three gentlemen, whose names I can give, if necessary, for the purpose of defeating all the candidates that were running on my behalf.' I desire to say that the statement thus quoted is entirely untrue. There is not the slightest foundation for such a statement."

Miss Davie left town on Friday evening on a visit to Kamloops.



# BUILDING TO COST ONE HUNDRED THOUSAND

## Y. M. C. A. Plans Active Campaign to Raise Funds For Structure

(From Saturday's Daily)

The projected Y.M.C.A. building will cost in the neighborhood of $100,000. Such was decided at various conferences held yesterday.

Mr. C. W. Wilcox, the Y.M.C.A. secretary for the State of Washington, arrived in the city yesterday afternoon, and in reference to the proposed new Y.M.C.A. building, held four conferences.

At 3.30 o'clock he conferred with the members of the Ladies' Auxiliary, at 7.30 o'clock with the boys and youths at 8 o'clock with the young men members of the association, and at 8.30 o'clock with business men of this city.

It was definitely decided that the new building shall cost $100,000, and be equipped with all the very latest methods and improvements for the accomplishment of the high purposes for which these most useful and popular organizations exist. While it was further determined that every class in the community shall be most vigorously canvassed, and induced to take a healthy and most active interest in this thoroughly up-to-date and advanced proposition.

The organization of the Women's Auxiliary for this object was begun yesterday afternoon, although it has not been finally settled to what precise extent they shall contribute towards the general funds.

The young men and the business men were also organized later in the evening, although further additions will yet be made in these particulars.

In a general way it may, however, be stated that all these various classes in the community will be divided into teams which will devote their attention to their own particular sections. The active and general canvassing of the city will probably begin towards the middle of the month of April.

In each instance during these most interesting and successive conferences in the afternoon and evening, the most complete enthusiasm was exhibited by all, not the slightest doubt being felt that the sum mentioned, very considerable though it unquestionably is, could be raised through the general and combined effort which will be made with the assistance of a thoroughly complete organization so arranged that no useful stone within the limits of the city and its environments will be left unturned.

At least ten teams or committees will be chosen from the representatives of each class that has been indicated, while each team or committee will comprise at the very lowest estimate, ten members; i.e., the ladies will appoint ten, the youths ten, the young men ten, and the business men ten. Making in all at least 40 teams each of ten persons, and in the aggregate, at least 400 persons, and as an indispensable auxiliary, even the aid of the boys of from 10 to 14 years of age will be enlisted in the work, with the view of arousing a wider and a more hearty co-operation in this important undertaking.

It is further understood that the city will not be divided off into distinct sections, although each particular team will be allotted its definite individual assignments, for whom they will become and be held absolutely responsible.

The good people of Comox are alive to the necessity of railway development on the Island. At a recent meeting some of those present favored connection with the Mainland by way of Beecher Bay to Port Angeles; others favored connection by way of Seymour Narrows. What's the reason why we cannot have both? We suggest to those who discuss railway connection with British Columbia Mainland that they leave out of consideration for the present the construction of a continuous line of rail by way of bridges, and content themselves with advocating a car-ferry connection across one of the narrow channels north of Cape Mudge, so far as a connection in that vicinity is concerned.

# PRAIRIE SETTLEMENT

## Interior Department Map Shows Progress of Homesteading in Recent Years

Ottawa, March 19.—The interior department has just issued the seventh edition of the map showing the progress of homestead settlement in Manitoba, Saskatchewan and Alberta. It is corrected to Jan. 1, 1909.

As in previous editions, the homesteads of the year 1908 are shown in special red color, and the patented and unpatented homesteads of earlier date than 1908 are shown in distinctive colors. The total number of homesteads, pre-emptions and purchased homesteads on even sections in 1908 was 31,476, as compared with 29,215 homesteads in 1907.

Timber berths and forest reserves are also shown, and among the new features are the lands covered by grazing leases, which are brought out in distinctive colors. An odd-section map, a companion to the one just issued, is in press and will be issued in about three weeks. This map will show by a system of coloring the result of the provisions of the Dominion lands act of 1908, under which odd-numbered sections were opened to pre-emption and homestead entry on Sept. 1 last.

# SHORT IN ACCOUNTS

## W. A. Coulson, Secretary of Retail Merchants' Association Suddenly Leaves Winnipeg

Winnipeg, March 19.—W. A. Coulson, who for three years has been secretary of the Retail Merchants' association, has left the city and a warrant has been issued for his arrest. The association has maintained offices in the Travellers' building, where it was explained that Secretary Coulson left the city several days ago. He left his affairs in the hands of his solicitor, with a power of attorney.

The membership of the association covers the three prairie provinces. The number is close on 1,600. In Winnipeg there are 400 members. A split occurred between the local members and those outside the city. The dissatisfaction with the crooked methods in connection with the insurance work on the outside are declared to have caused the split in the ranks.

The trouble developed last fall, and is said to have been due to the operations of the Western Retail Merchants' Mutual Insurance association, an entirely separate concern conducted by the secretary. At that time E. B. Nixon, a well known local business man, was president. He resigned on account of the feeling, and W. C. Pinton, of Cautallot, Sask., was elected president. Mr. Nixon constantly opposed the insurance scheme which Coulson was directing. The climax of the trouble occurred when the secretary disappeared from his office and a warrant was issued for his arrest. He is well known around the city and was a member of one of the influential clubs. He came here from Ottawa three years ago to take the secretaryship of the Retail Merchants' association and has displayed much activity.

Coulson is said to be short in his accounts for a large amount.

## Appeal to Earl Grey

Ottawa, March 19.—Hon. Robert Rogers and Hon. C. H. Campbell paid a visit to Government house yesterday afternoon and interviewed the governor-general. It is stated that they laid Manitoba's case before Earl Grey and appealed to him for justice for the province. The Manitoba ministers, while they would not deny these stories, refused to discuss their visit to the governor-general.



# COPPER TEMPERING METHOD DISCOVERED

## Halifax Man is Latest to Claim That He Has Found Process

Halifax, March 18.—A Halifax founder is said to have discovered the lost art of tempering copper, and is about to promote a company to make further experiments along this line. For some years he has been busy experimenting, and he now claims that he has the correct process. Some time ago he was in New York, and had a talk with the Guggenheim brothers. He has a hardened piece of the copper and made a razor with an edge keener than the best steel would take. Blocks of copper have been tempered that are harder to file than iron. Not only has Mr. Douglas been successful in tempering copper, but he has also made a casting of copper and lead that will stand many times the pressure that the ordinary roller bearing castings will stand.

## One Man Acquitted.

Nashville, Tenn., March 19.—When the jury today returned a verdict of acquittal for John D. Sharp, charged with the murder of former U.S. Senator E. W. Carmack, and declared it was "hopelessly tied as to the Coopers," it was generally conceded that the end of the famous case had all but been reached. Nothing daunted by the expressive firmness of Foreman Burke's declaration of a disagreement as to the guilt of Colonel Duncan B. Cooper and his son Robin, jointly charged with Sharp with slaying Carmack, Judge Hart sent the twelve men out for further deliberation, and announced that he would not discharge them until he was convinced that an agreement could not be reached.

## President's Aide Injured.

Washington, March 18.—Lieut. Reid, U.S.N., aide to President Taft, was probably fatally injured late today while riding with several other naval officers in Rock Creek park. His horse stumbled and fell on him, crushing his left thigh and injuring him internally.

# DOMINION ASSETS

## Commons Public Accounts Committee Opens Inquiry Into Their Present Value

Ottawa, March 19.—The Commons public accounts committee this morning opened an inquiry into the condition of the assets of the Dominion, for the purpose of discovering whether certain of these are worth a hundred cents on the dollar.

Mr. Ames, at whose instance the inquiry is being made, explained that his object was not for political purposes, but to introduce a resolution in the house asking for the appointment of a committee to fix a new valuation on the assets of the Dominion. This had been done in 1882, and he thought he might show that the time had arrived when the task should again be performed.

Deputy Finance Minister Boville, examined, said the gross debt of the Dominion was $408,207,158 and the net debt $277,970,859. The loan of $14,075 to the Alberta Railway was looked upon, he said, as an asset worth 100 cents on the dollar, but no interest had been paid since 1887, nor had any special effort been made to collect it. Grand Trunk Preference stock was also an asset which was taken over at confederation. The dividends were paid over to the government. Forty-one million dollars is the special reserve of the Dominion.