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# The Semi-Weekly Colonist.

VOL. L. NO. 386. VICTORIA, B. C., FRIDAY, SEPTEMBER 9, 1910. FIFTIETH YEAR

## DISCRIMINATION IN RAILWAY RATES

### Judge Mabee Tells President of White Pass and Yukon Railroad That Act Has Been Violated

### CHARGES ON MINING SHIPMENTS EXCESSIVE

### Interesting Evidence Relating to Workings of Northern Road Submitted to Board of Commissioners

VANCOUVER, Sept. 7.—The grievances of Alberta farmers in shipping over the C.P.R. to interior British Columbia and coast points will be investigated at the same time as the question of shipments from the coast cities to points in the prairie provinces. This promise was given at today's session of the Railway Commission. This means that the cases will not be heard for several weeks, as the C.P.R. has yet to prepare its defence. Judge Maybee asked Mr. Bowers, of Red Deer, Alberta, to submit on behalf of the farmers of Alberta a statement specifying all their complaints as to a discriminatory rate.

The White Pass and Yukon Railway occupied the attention of the Railway Commissioners during most of today's session. The railway has two complaints to defend, the complaint of the Board of Trade of Dawson City, Yukon, and of the White Horse Board of Trade, alleging exhorbitant freight and passenger rates, and second to defend the complaint of Col. J. H. Conrad, alleging excessive freight rates charged on the carriage of ores from Carcross to Skagway and on mining machinery and camp supplies from Skagway to Carcross. Mr. S. H. Graves, who is the president and general manager and solicitor of the railroad, defended his company, and during the course of the afternoon everything was legally orthodox, involving the presentation of a mass of figures which would require the services of an expert accountant to understand. During the course of a discussion relative to a preferential agreement between the White Pass and the Pueblo mine, Judge Mabee asked Mr. Graves if he had filed a copy of the tariff.

"No," said Mr. Graves.

"Then," said Judge Mabee, "are you aware that you have violated the Railways Act. You want to do what you please, and the law says you cannot. It is against these secret bargains and contracts that the law is striking. A man who ships a ton of hay for the maintenance of one cow is entitled to the same rate as the man who ships a thousand tons for the upkeep of a thousand cows. That principle has limitations, but a secret contract in the teeth of a printed tariff certainly does not come within those limitations. If it was left in the hands of the railway companies to decide it would allow them to discriminate to the enrichment of one locality and the impoverishment of another. Surely you, as president and manager of a railroad, are acquainted with the Railways Act. I would advise you to buy one and study it."

**Rate on Mining Shipments**

At the opening of the late afternoon session Mr. Graves, dealing with the Conrad complaint, continued his defence. He stated that last year the road carried 12,193 passengers and 27,000 tons of freight. Judge Mabee asked Mr. Conrad what he thought would be a fair rate and Mr. Conrad replied that the Pueblo mine had a rate of $2 per ton, and he thought he was entitled to half that rate of transport. The tariff rate was $3.50 per ton, whereas the Pueblo mine had a special rate of $2.50 per ton. This, Mr. Graves stated, was due to the fact that the Pueblo mine had guaranteed a large daily tonnage, which enabled the railroad to carry the ore at this reduced rate, but he was more emphatic in stating that they could not carry spasmodic shipments of less than car load lots at this special rate.

The Dawson City and White Horse complaints were then proceeded with. Owing to the failure of the application for a postponement the two cities were unrepresented legally. Mr. Graves based his defence on the presentation of facts and figures relative to the maintenance of the railroad. During his presentation of costs, etc., an item of fifty thousand dollars for the upkeep of an office in London caught the eye of Judge Mabee, and he asked Mr. Graves what they did with this amount to keep up an office in London when all the books were kept at Skagway. Mr. Graves replied that the London branch had a fine suite of offices, where they also kept a set of books and also attended to the transfers, as a large number of stocks and bonds of the company are dealt in there. The case was not concluded.

Mr. Graves argued that Dawson and White Horse exist under very different conditions. Dawson City is closed up for eight months in the year, while White Horse can receive supplies every day in the year. In consequence of this he had made a commodity rate for Dawson City to induce the merchants to stock their supplies during the month of July and the early part of August, when the water was high in the river and they were in a position to handle the freight with facility. This commodity rate to Dawson is less than the White Horse class rate, and as a consequence he gave the commodity rate to White Horse during this special period of six weeks.

Col. Conrad, during the morning session, stated that he went ahead with mining on the assurance that he would be charged an average freight rate of $2.50 per ton on incoming shipments, and $2 per ton on ore shipments on tide water to Skagway. The mining companies in which he is interested employ several hundred men and a concentrator in operation has a capacity of 200 tons a day. The mines are not shipping ore in the meantime until the commission reaches a decision respecting freight rates.

Col. Conrad added that he had raised the question of excessive passenger rates because his miners nearly all walked out in the fall to Skagway rather than pay a rate of 18 cents a mile to the railway. He also laid great stress on the fact that he had already spent $800,000 in development work at his mines, and asked for relief.

## PHOENIX PARK MURDERS

### Jarvey Who Drove Victims to Scene of Famous Crime Dies in Workhouse

DUBLIN, Sept. 7.—James Fitzharris, better known by the name of "Skin the Goat," who drove the car containing the assassins of Lord Frederick Cavendish, chief secretary of Ireland, and Mr. T. H. Burke, permanent undersecretary, to the scene of the crime in Phoenix park on May 6, 1882, died today in the workhouse. Fitzharris was released in 1903, after serving twenty years of a life sentence for his share in the tragedy.

## MAINLAND MURDER CASE MYSTERIOUS

### Provincial Police Searching for Husband of Woman Foully Done to Death at Clayburn

VANCOUVER, Sept. 7.—The dead body of Mrs. George Reid of Clayburn was found in her home on the south side of the Fraser river late on Tuesday evening. Her throat had been cut by a razor and the Provincial police believe it is a clear case of murder. The woman's husband had disappeared when the body was found and the police were busy hunting for him all day yesterday.

But little seems to have been known of the Reids at Clayburn as they only came to the village about a week ago and no one in the neighborhood was well acquainted with them. The pair appeared to live much to themselves and the neighbors were unaware of any trouble between them. Since their arrival the husband has been engaged in logging about one mile from Clayburn.

The woman's body was discovered by some B. C. Electric workmen who were living at the same house as the Reids. They arrived home shortly after 6 o'clock to find the place locked. One man climbed in through the window and in an upstairs room and found the body of the unfortunate woman. Her throat had been cut and her head brutally battered with a hammer. The body was quite cold and the coroner was of the opinion that it must have been dead since morning.

The dead woman was about 29 years of age. The husband was a total abstainer, so that the trouble between them, if there was any, could not have been caused by drink. A telegram was received in the city by Sergeant Murray of Provincial police, yesterday morning and he lost no time in putting men on the chase for the missing man.

The description of the husband as given to the police is: five feet, 9 inches in height, about 30 years of age, clean shaven, and 140 pounds in weight. When last seen he wore a grey coat, dark trousers, and a black soft hat.

**Big Explosives Company.**

LONDON, Sept. 6.—The British Canadian Explosives Company has been formed with a capital of two million pounds.

**Victim of Auto**

BINGHAMPTON, Me., Sept. 7.—Former Congressman George W. Weymouth, of Fairhaven, Mass., was killed in an auto accident here today.

**Condemn Mr. Ballinger**

MINNEAPOLIS, Minn., Sept. 7.—The condemnation of Mr. Richard A. Ballinger, in the administration of the department of the interior of which he is secretary, and a declaration that he should no longer be retained in that office, are contained in a resolution adopted today by five members of the Congressional committee which has been investigating the Ballinger-Pinchot controversy. The five democrats and one Republican, assert that their vote is binding upon the committee as a whole. This, however, is disputed by the other three members of the committee who were present today.

## AWARD FAVORS BRITISH CLAIMS

### The Hague Tribunal Announces its Decision in Famous Newfoundland Fisheries Case

### SUSTAINS CONTENTIONS DOMINION GOVERNMENT

### Ruling in Minor Clauses in Favor of United States—Hecate Straits and Hudson's Bay Affected

THE HAGUE, Sept. 7.—As a result of the decision handed down today by the arbitration tribunal in the Newfoundland fisheries dispute Great Britain practically wins all that she contended for. The decision was in the nature of a compromise. There were seven points of difference of which Great Britain wins number one and five and the United States the remaining five. However, the very points on which the decision favors Great Britain were those on which the keenest argument was had and on which greatest stress was laid by the eminent council engaged by Great Britain and Canada.

Great Britain's contentions with respect to the measurement of the three-mile limit and the regulations of the fisheries by Newfoundland laws, the methods of taking fish, the style of nets to be used and a number of other more or less important points were upheld by the tribunal. These were the most important points in dispute. The United States secured the right to employ Newfoundlanders on fishing vessels and a number of minor concessions. The court was unanimous on nearly all points though there was some difference of opinion over the question of excluding American fishermen from waters which were claimed to be within British jurisdiction.

**Canada Pleased**

OTTAWA, Sept. 7.—The decision of The Hague tribunal in the Newfoundland fisheries case has been a source of great satisfaction here and is taken to be a virtual triumph for Great Britain. From the Canadian standpoint by far the most important rights contended for have been gained. The decision means that the Dominion can now exercise control over the fisheries in the Hecate Straits, Straits of Georgia and in other waters along the British Columbia coast. It also disposes of the contention of the United States that Hudson's Bay is not exclusively under the jurisdiction of Canada.

By the decision the right of Canada to make regulations binding on all foreign fishermen fishing within her territories is established. Those points on which the decision of the tribunal favored the United States are comparatively unimportant so far as the Dominion is concerned though having a more important bearing from the standpoint of Newfoundland in so far as the Dominion is concerned though having a more important bearing from the standpoint of Newfoundland in so far as the latter is locally affected.

**May Appeal Decision**

WASHINGTON, Sept. 7.—A substantial victory for Great Britain in perhaps the two most important points, a consolatory triumph for the United States in the other five points with a prospect of another arbitration later at the instance of the United States government is the way the decision of The Hague tribunal in the Newfoundland fisheries case is viewed here.

The decision eliminated the right of the United States to share in, the making of or the enforcement "of the reasonable regulations" governing the fisheries in the disputed territory and it is said that the qualification "reasonable" may permit this government to re-open the question. The state department has not been officially advised of the decision and therefore declines to comment upon it.

The treaty of 1818 around which the whole controversy resolves, declares the United States' right to "take, dry and cure" fish on these coasts, to "dry and cure" only on any of the unsettled bays, harbors and creeks on the rest of the southern Newfoundland and Labrador coasts. Under the treaty Great Britain conceded the rights just mentioned, and the United States renounced any claims to "cure, take and dry fish" within the three-mile limit not included in this specified territory.

## SPYING OUT THE LAND

### German Army Officer Arrested While Sketching British Fortifications

PORTSMOUTH, Sept. 6.—The German army officer who was arrested yesterday while engaged in sketching the fortifications here is still detained at Fort Purbrook. The man's name is supposed to be Elmer. He is connected with the construction division of the German land forces. Documents found on the alleged spy are said to include sketches of the forts all along the Thames. The papers have been despatched to the war office.

## VOLCANO THREW ASHES ON SCHOONER'S DECK

ANACORTES, Sept. 7.—The Fanny Dutard, of the Anacortes fishing fleet, belonging to Capt. J. A. Matheson, with Capt. Norman N. Matheson in charge and a crew of 36 men, arrived in port yesterday afternoon. The vessel brought a cargo of 183,000 fish.

Members of the crew describe a burning crater on June 12 on Mount Cishaiden, which was throwing ashes for miles into the sea. The falling ashes covered the deck of the Fanny to a depth of four inches, while at night the burning stream that flowed down the mountainside resembled a lighted river of oil.

The vessel made the return trip from Unimak Pass in 14 days. The early part of the season was very rough, but as the summer passed the weather became ideal for good fishing. Many of the fish were caught in the bay at Fort Miller, which is one of the farthest points north.

## TO MATCH EUROPEAN AND AMERICAN CARS

INDIANAPOLIS, Ind., Sept. 7.—Officials of the Indianapolis Motor Speedway today announced plans for an automobile race to be run May 27, 1911, in which American cars will be pitted against the best of Europe for a purse of $25,100. The contest as announced will be for 500 miles and is to be known as the Indianapolis Motor Speedway 500 miles international sweepstakes.

The purse offered is double any in the history of motor racing and is divided into three prizes, the driver winning first will be awarded $10,000, the largest prize ever offered a motor race winner, second $5,000 and on down to $500 for the driver finishing tenth.

In addition a trophy will be given for each position.

Entries will be limited to cars showing a record of at least seventy miles an hour. The cars must be under 600 cubic inches displacement, and weight at least 2,300 pounds. American Automobile Association rules will govern.

## AWAIT ARRIVAL OF ENGINEER

### Final Arrangements for Island Section of Canadian Northern is Held Pending Mr. Wickstead's Arrival

Mr. William Mackenzie, president of the Canadian Northern and the Canadian Northern Pacific railway companies, spent a very considerable part of yesterday in close conference with Premier McBride as to the route and arrangements generally for the Vancouver Island section of the new transcontinental line, primarily as to what has been generally termed the Victoria & Barkley Sound division.

The proposals of the railway company were fully explained and elaborated, and it was eventually decided to permit final arrangements in this regard to await the arrival here of Mr. Wickstead, chief locating engineer of the Canadian Northern, who will reach Victoria to confer with Mr. Garrett Hughes, the company's chief engineer for Vancouver Island, on or before the 1st of October proximo.

Contracts for construction of the Island section will be let and work begin immediately after Mr. Wickstead's arrival, the question of grade necessarily figuring largely in the ultimate determination of the route.

Mr., Mrs. and Miss Mackenzie, with Dr. Mackenzie (the railway president's brother and chief of the railway medical corps of the Canadian Northern) and the others of the party left again for the east this morning.

## ENTHUSIASM OF VISITORS TO CONGRESS

### Cardinal Vannutelli Will Tell His Holiness of Cordial Attitude Towards Great Gathering Now at Montreal

MONTREAL, Sept. 7.—Cardinal Vannutelli, of Rome, has been profoundly impressed by the extraordinary enthusiasm manifested by visitors to the Eucharistic congress here. The cardinal today requested the Associated Press to make known his appreciation.

"I am almost overcome by the devotion and the loyalty of the Catholics who have assembled here," he said, "and have noted the cordial attitude of those who are not of our faith. Say for me that I shall not fail to make this known to the Holy Father."

Cardinal Vannutelli fainted tonight in the midst of a brilliant reception given in his honor by the Canadian government.

## REGULATION OF RAILWAY TRAFFIC

### Canada and United States to Work in Harmony if Governments Ratify Basis of Agreement

### RESPECTIVE BOARDS AGREE ON METHODS

### Mr. J. P. Mabee, Chairman of Canadian Commissioners, Says Joint Jurisdiction Will Cover Telegraphs

VANCOUVER, Sept. 6.—"Joint regulation of international railway traffic by the United States Interstate Commerce Commission and the Dominion board of railway commissioners is in sight. At a recent conference I had in New York with Mr. Knapp, chairman of the American board, we reached a basis of agreement. The details are now being worked out. The agreement will be submitted for ratification to congress and to the Dominion parliament at the coming session," said Mr. J. P. Mabee, chairman of the Canadian commission in an interview today.

"Both governments are desirous that an arrangement of the kind I have indicated should be made between the two countries. It will become effective if the measures based on the agreement become law.

"The agreement also provides for the regulation of telegraphic, telephonic and express business. All these matters will be discussed and decided at joint meetings of the two boards."

**Had Miraculous Escape**

ABERDEEN, Wash., Sept 6. — Although he had been rolled along the railroad track yesterday by the pilot of a speeding locomotive for fifty feet before his body was finally forced under the pilot, Nathan Markovitch today left the hospital with only a few bruises as mementoes of his experience.

**Policeman's Hard Journey.**

PORT ARTHUR, Sept. 6.—T. R. Folkes, a Dominion constable, has arrived here after one of the most arduous trips ever made by an officer of the law in this part of the country. He came from the National Transcontinental construction north of Pigeon Lake, and for three hundred miles had in charge Tony Conea a raving lunatic who repeatedly attempted suicide. Folkes had no other companion on the lonely trip across lakes and through muskegs and wilderness. Arriving here he was thoroughly worn out and bore every evidence of the horrors of the nights and days he had spent with the crazy man.

## GREAT EUCHARISTIC CONGRESS OPENS

MONTREAL, Sept. 6.—With solemn ceremony the twenty-first International Eucharistic Congress was opened at St. James' Cathedral, in the presence of several hundred archbishops, bishops and and priests, representing nearly every Catholic centre in civilization. When the Papal Legate, Vincenzo Vanutelli reached the main entrance of the cathedral, he was met by Monsignor Bruchesi, the archbishop of Montreal and by other church dignitaries and heads of religious orders, who escorted him to a special throne, at which stood the Papal chamberlains, Thomas Hughes Kelly, of New York, and M. de Haittinsey, of Montreal.

The ceremony opened with the reading of the Papal brief appointing Cardinal Vanutelli legate to the congress. Monsignor Bruchesi, archbishop of Montreal, then delivered an address of welcome in the name of the heirarchy of Canada and the United States. In this word of welcome the archbishop declared that there need be no fear of any untoward events in connection with the congress, nor would there be any opposition to the carrying of the Host through the streets of Montreal.

The congress as a body sent a message to the Pope, to which the Pontiff replied through the Papal secretary of state, Cardinal Merry Del Val.

At their recent convocation in the north, the Anglican Synod adopted a resolution to this effect: "That this Synod, having heard the communications received from the government informing us that steps are being taken to settle the unrest existing amongst the Indians in regard to the land question, earnestly hope that steps may be taken by the appointment of a commission from the two governments, empowered to deal with the whole question."

Vancouver has formed a branch of the National Peace Society, with a large inaugural membership.

**Panama Pacific Fair.**

SACRAMENTO, Sept. 6.—To provide legal means for aiding the Panama-Pacific exposition, planned for San Francisco in 1915 the state legislature convened in special session today. A constitutional amendment will be offered making it possible for the state to bond itself in the sum of $5,000,000 to aid the exposition. It will also be proposed to permit San Francisco to amend her municipal charter so as to permit the ratepayers to raise an additional $500,000 for the exposition.

**Queen's Own at Aldershot.**

LONDON, Sept. 6.—Yesterday the Queen's Own Rifles had a busy day. They watched the regulars shooting under service conditions at moving targets and then witnessed the Buffs carrying out a scheme of attack. Both were popular object lessons. The men are anxious to "get busy" in manoeuvres, although they will be sorry to leave Aldershot. The health of the men is excellent, only one being in a hospital. The premier of Ontario, Sir James Whitney, accompanied by the minister of education, Hon. R. A. Payne, visited camp Monday.

**Four Negroes Killed.**

ATHENS, Ga., Sept. 6.—Race feeling here runs high today following the killing of four negroes who are said to have plotted with a fifth now in jail to murder the family of J. W. Huff of Blakeley a planter. A daughter of Huff discovered a negro in her room and called her father, who seized the black and tied him, then telephoned for help. When the officers came the negro it is said confessed that with others he had planned to rob the house. The officers found the four negroes and killed them while resisting arrest it is declared. With the fifth negro in jail it is feared mob violence may occur.

## MR. HILL PLEADS FOR CONSERVATION

### Aged Railway Magnate Characteristically Urges Necessity of Saving National Resources of United States

ST. PAUL, Minn., Sept. 7.—The two sessions today of the National Conservation Congress, which were addressed by James J. Hill, Senator Beveridge and Secretary of Agriculture Wilson, were well attended and enthusiastic. Mr. Hill let fall showers of epigrams at the expense of the national government and was applauded. Senator Beveridge waxed eloquent to quite a different purpose, but the crowd noisily approved. Gifford Pinchot, who was almost lost sight of during the visit of the President, suddenly found himself in the limelight and received an ovation almost hysterical. Tears ran to his eyes and were in his voice when he said a few words of thanks.

Cries for Pinchot came from every part of the house. He was finally brought forward, and in a shaky voice said: "There are but few moments in a man's life like this. It is magnificent to hear the principles of conservation of natural resources acclaimed as you have done. I have fought many years for conservation, and conservation has won. I thank you."

Mr. Hill spoke with vigor of gesture that gave the lie to his grey beard. The following excerpts stood out from his address: "The need of the hour is to conserve conservation."

"The time is ripe to distinguish between real and fanciful conservation."

"The national machine is too big and too distant, slow, and cumberous."

"Irrigation would have been more cheaply done if turned over to private enterprise or committed to the several states."

"Coal mining must be carried on upon a large scale to be commercially possible."

"While we lament the exhaustion of our coal supply we maintain a tariff that compels us to draw upon it continuously."

"The west believes in forest preservation, practically and not theoretically."

"In 1898 the excess of American exports over imports was $666,000,000. By 1910 it had fallen to $187,000,000."

"Impending misfortune, only the conservation of a neglected soil and all the interests connected with it, can avoid."

"Spendthrift man and spendthrift nation must face at last the same law and the same penalty."

"Any conservation movement worthy of the name must place high upon its programme the saving of capital and of credit from the rapacious hands of socialist as well as monopolist."

"A tariff on any raw material forbids the conservation of similar natural resources here."

"Who ever attempts to make conservation the bone of a personal controversy or the beast of burden to carry any faction into power or popularity, is its worst enemy."

S. Maher, of the department of the interior, Ottawa, is visiting the Dominion lands agency at New Westminster. It is stated that his visit is in connection with the question of again opening the railway belt lands to settlement.

## COMMONWEALTH'S BUDGET SPEECH

### Australia's Revenue For Coming Year Is Estimated at Seventeen Million Sterling

### LARGE VOTE FOR DEFENCE PURPOSES

### Various Projects Are Foreshadowed Including the Taking Over of the Northern Territory

MELBOURNE, Australia, Sept. 7.—Premier Fisher delivered the federal budget speech today, and in it told the story of the abounding prosperity of the Commonwealth. The year's revenue is estimated at seventeen millions sterling, which establishes a record. Of this five millions will be returned to the different states.

The determined policy of Australia with respect to sea and land defense is reflected in the heavy vote for this purpose, which amounts to two shillings and eightpence per head of the population.

In this connection factories are to be established to manufacture uniforms for the force.

The speech foreshadows taking over the northern territory and undertaking construction of the Adelaide and Perth railway at an estimated expenditure of five million pounds.

Great domestic reform is foreshadowed in the inauguration of the penny post universally, to come into operation next May.

The tariff generally will not be reopened. Minor anomalies are to be rectified at once. The building of the capital will also be proceeded with.

In addition to old-age pensions, provision is made for a pension of ten shillings per week for permanent invalids.

A mixed train, crossing a bridge at Hamilton, Victoria, broke through and the carriage fell to the embankment and into the river. The passengers miraculously escaped death, but fifteen were injured.

## TIMBER MEN MEET MINISTER

### Discuss Question of Timber Taxation With Acting Minister of Finance and Make Suggestion as to Act

A large and influential deputation representing the principal owners of crown-granted land in so far as Vancouver island is concerned, waited upon the Hon. W. J. Bowser, finance minister, by appointment yesterday, to discuss the question of timber taxation generally, and to support the specific contention that the system of taxation of crown-granted timber should harmonize in principle with the taxation of timber licenses, i. e. $140.00 per annum and 50 cents per M. when cut.

It was contended that the present rate of taxation was distinctly disadvantageous to the owners of crown-granted timber land in comparison with the position of licensees, and it was suggested that legislation to amend the Assessment Act might be brought down next session decreasing the taxation rate, and if necessary allowing for an increase of valuation. It is emphasized that the petitioners do not desire to see the government lose anything by way of income, but think that their assessments should be on the same basis as the assessments of others holding timber but under license. Hon. Mr. Bowser after hearing and discussing with the members of the deputation the subject matter of complaint promised to take under advisement the representations made with a view to meeting insofar as possible, the wishes of the timbermen, as in the interests of the industry.

**For Infractions of Game Laws**

Two convictions were recorded yesterday in the police court for infraction of the game laws. E. G. Hick, a youth, was fined $20 for having in his possession a duck shot out of season at Swan lake. The fine was paid. P. Goudy, a boy of sixteen was fined $10 for having in his possession two ducks. The magistrate to save the boy going to jail for five days in default of paying a fine, gave him a week in which to settle.

In order to secure the bodies of the men killed in the Snowshoe mine, upwards of 20 car loads of ore had to be removed from the chutes.