

COMMENCE SUIT AGAINST V. & S.

CITY TO ATTEMPT TO RECOVER BONUS

City Solicitor Explains Status of the Case to the Council

The city solicitor, acting under instructions from the city council, will at once institute proceedings against the Victoria & Sidney Railway Company to recover the amounts paid by the city as bonus and endeavor to make arrangements with the company to be relieved of all future payments.

By the eighth paragraph of this agreement, all moneys paid by the corporation in implementing their guarantee were made a debt due from time to time by the company to the city and the province respectively.

While it is a fact during the early years of the company's operations the company were not earning sufficient money to pay the interest, nevertheless of late years the company has been earning quite enough to pay the interest over and above all fixed charges.

There is another payment due on the 1st day of March next. Under the circumstances it seems to me that we should proceed for the repayment of the moneys already paid and endeavor to make some arrangement with the company whereby we would be relieved of all future payments.

I will be glad of your instructions to put the matter into litigation at an early date, so as to avoid the possibility of having to make the payment due on the 1st of March next.

Your obedient servant, F. A. McDiarmid, City Solicitor.

Ald. Bishop said a special committee of the council had been appointed to investigate the government, and he understood that an audit of the books of the company had been ordered.

The city solicitor explained that nothing had as yet been done by the government in respect to the audit, though A. H. Griffiths had been appointed to do the work on behalf of the government.

Ald. Langley felt that action should be instituted at once and the city would very soon find out what the earnings of the company were.

The solicitor remarked that one of the officials of the company had admitted that the road last year had earned \$1,800.

Ald. Moreby wanted to know if there was any provision in the agreement whereby, if the city defaulted any one payment, it would bring the whole amount due and payable?

The solicitor said in reply that the city did not propose to stop payments to do so would be injurious to the credit of the city, and that was to be avoided.

CITY TO START TO SPOKE LAKE

WORK TO COMMENCE ON MONDAY MORNING

This Action Taken to Comply With Time Limit, Which is March 15

On Monday morning next the water commissioner and the city engineer will commence the actual work of constructing the work necessary to bring Sooke lake water into the city.

The city solicitor reported having received the following letter from the city barrister, W. J. Taylor, Esq.: "Referring to your request for an opinion upon the following points: (1) Do you construe the paragraph quoted above to mean the actual commencement of the work of conduit for bringing the water or will it be sufficient to commence the purchase of the watershed and the engagement of an engineer for the purpose of surveying the best and the most practicable route?"

Answer: The actual work for connecting the water shall be started not later than the 15th March next. (2) Is it your opinion that this paragraph will prevent us from going to Sooke at all unless work is commenced before the 15th March 1911?

Answer: This practically comes under the same heading as the previous two. The city's right to go to Sooke at all is limited in point of time, instead of being unlimited in point of time as prior to the act of 1909.

After the 15th March, 1911, would we have any right to go to Sooke or through the watershed of the Esquimalt Water Company, having made a start outside of their land prior to 15th March, 1911?

Answer: If the work of construction is begun before the 15th March, 1911, then at any time within eight years the city's right to pass through the property of the Esquimalt Water Company remains.

Would it be possible by doing a small amount of work at the city end of the pipe line to claim that we had actually commenced the work within the time? Answer: Any work in the nature of actual construction of means of conduit of water would be sufficient. The act does not state that after commencing we should continue with reasonable diligence.

Would it be possible to claim that we were within the act by commencing the work at a certain place if afterwards the engineers should locate the line at some other point and the work which we had done had to be abandoned? Answer: I should think that if, in the course of construction of the work, it should be found advisable to change the location slightly, it would be within the power to do so.

Ald. Langley feared that the council under the provisions of the by-law had no right to spend any money on actual construction without first consulting the people.

The Mayor—Mr. Taylor assures me that there will be no difficulty on that score. There is nothing to prevent us taking the necessary money out of water works revenue.

Mr. Raymond—Or we may do it by day labor. There is nothing in the by-law to compel us to do the work by contract.

It was thereupon decided to empower the commissioner to make a commencement of the work at once. This will be done on Monday morning, Mr. Raymond intending to commence laying a 24 inch pipe line on Craigflower road.

POLICE CHIEF REGINS. A. C. Lancy of Edmonton, Becomes Chief License Inspector for Alberta. (Special to the Times.) Edmonton, Feb. 11.—A. C. Lancy, chief of police, has resigned on appointment as chief license inspector for the province, in succession to W. A. Day, whose resignation occurred a few days ago.

CRIPPEN'S WILL. London, Feb. 11.—The will of Dr. H. H. Crispin, hanged last November for the murder of his wife, Belle Elmore, was filed to-day in the probate court.

FIRE IN COLLEGE. Kharpuz, Turkish Armenia, Feb. 11.—Fire nearly destroyed the Faculty College managed by the Capuchin fathers of Toulouse.



CANADIAN VERSION OF FABLE OF OLD MAN AND HIS ASS. What is likely to happen to Conservative leader in his anxiety to serve his masters instead of the people.

ANOTHER BOXER UPRISING FEARED

FOREIGNERS BLAMED FOR PLAGUE IN CHINA

Buddhist Priests Reported to Be Preaching War of Extermination

Building Returns for Dominion Show Gain of 43 Per Cent. Compared With 1909

ASIATIC QUESTION IN CALIFORNIA

Resolution Protesting Against U. S. Treaty With Japan Will Be Discussed

BARON ROTHSCCHILD DEAD

CAPT. JOHN CARLON DEAD

FLY OVER JUAREZ

RECEIVE CONGRATULATIONS

FAVORABLE REPORT ON RECIPROCITY

Committee of U. S. House of Representatives Considers Trade Agreement

BUILDING RETURNS FOR DOMINION

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TOWN RECAPTURED BY INSURGENTS

MEXICALI AGAIN HELD BY REBELS

Renewed Activity of Federal Forces Stationed at Juarez

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LEFT MARKS SPEECH

ADDRESS BEFORE ILLINOIS LEGISLATURE

Says Reciprocity Agreement With Canada Will Safeguard the Protective System

(Times Leased Wire.) Springfield, Ill., Feb. 11.—In an address before the Illinois legislature to-day, President Taylor warmly defended the reciprocity agreement with Canada. "Criticism of the reciprocity agreement with Canada as a manufacturers' agreement is unfounded," he said. "The truth is that between Canada and ourselves a reciprocity agreement must necessarily relate more to the agricultural products than to the manufactured articles. In other words, the great benefit that will be derived from the treaty is the profit in a mutual exchange of agricultural products that will come. The agricultural change in the older states from raising wheat alone to raising diversified crops, cattle and hogs, is what increased the return per acre of land and made prices of land higher. The suggestion that the opening of the markets to Canadian wheat and cereals will reduce the price of land in Ohio, Indiana and Iowa is refuted by every table of statistics representing comparative increases in the value of land in states under the influence of the opening of wheat fields in states further west.

"Permitting wheat from the Northwest to come to Minneapolis and Chicago will steady the price of wheat and provisions, make speculation more difficult and insure against short crops and high prices. It will increase American control of the wheat markets and enable the millers to turn Canadian wheat into flour and send abroad the finished product. The increase in population and the reduction of farm exports are no reason for the decrease in radical economic changes until it removes the last traces of the protective system."

"We need a source of supply like Canada at our doors. We would be helped if we neglected this opportunity to add to the strength and vitality of the country by increasing its supporting capacity. Conservative protection is the opening wedge in free trade. My own view is that no step more in the interest of a reasonable policy of protection could be taken than approval of this treaty. The very existence of this policy depends upon our abolition of a tariff where it really is not needed. If we persist in retaining it in these times of high prices, gradually exchange our food supply base by its retention upon protection principles, we will expose opposition that will, however moderate, be a real cause in radical economic changes until it removes the last traces of the protective system."

(Times Leased Wire.) Mexicali, Mexico, Feb. 11.—General Simon Berthold and his band of insurgents recaptured Mexicali at 6 o'clock this morning. The insurgents were camped about two miles below Mexicali last night and marched into the town early to-day, routing the Mexicans, who crossed the border into the United States. General Berthold crossed the line later in the day and held a conference with Capt. Babcock of the United States army, stationed at Calexico.

Orozco's Force Strengthened. El Paso, Texas, Feb. 11.—With about 1,100 insurgents scattered about Juarez to-day, it looked as though the siege of the city had begun. Orozco's forces were spread out in a wide semi-circle extending from near Saragosa, and every piece of cover in the hills was tenanted with bands of rebels.

All through the night small bands came in to the support of Orozco and the leader of the insurgents seemed to have made up his mind that nothing was to be gained by further delay. It was believed probable that at last there would be a move against the city where the federal forces exercised martial law and made every effort to strengthen their defenses against the seemingly impending attack. Piles of sand bags and of adobe bricks were heaped up in the most exposed stations of the defenders and the usual lethargy of the troops to-day was transformed into an activity which is taken to mean that their spies had brought in word of a movement for the capture of the city.

Disregarding a warning by American Consul Edwards not to venture into Mexico after dark two Americans, A. Connell and Thomas Griffin, went across the river last night and were arrested by the federals in Juarez. After being held for some hours both were released early to-day. They report that federal pickets were posted in all the Juarez suburbs during the night and that the troops were apparently watching for an attack.

BARON ROTHSCCHILD DEAD. Head of Austrian Branch of Family Passes Away. Vienna, Feb. 11.—Baron Rothschild, head of the Austrian branch of the famous family of financiers, died here to-day of heart disease. At his funeral will assemble the heads of the British, French and German Rothschild families, which together are credited with holding more millions than any other family or association in the world.

NEWSPAPER OWNER DEAD. Oakland, Cal., Feb. 11.—William E. Dargie, proprietor of the Oakland Tribune, died at his home last night after a lingering illness. Mr. Dargie returned some time ago from a trip to Japan for the benefit of his health, and was apparently much improved. Soon after he returned there was a relapse, and that a week he had been in a semi-conscious state, rallying feebly at times.

FLY OVER JUAREZ. El Paso, Tex., Feb. 11.—How a fortified town looks from a bird's eye view is being told to-day by Charles K. Hamilton, the aviator. In his airplane Hamilton gazed into Juarez from a height of 500 feet. Despite warning that the federal soldiers had been instructed to shoot at any airplanes that crossed the border, both Hamilton and Garros flew into Mexico.

RECEIVE CONGRATULATIONS. (Special to the Times.) Halifax, Feb. 11.—Earl and Countess Grey yesterday sent a message of congratulation to Mr. and Mrs. Wm. Dunlop, Middle Stewards, who celebrated their 70th wedding anniversary. Earl and Countess Grey are 95 and 93 years old respectively.

CLASHES WITH MAYOR MORLEY

ALD. H. M. FULLERTON DONS WAR PAINT

Lively Incident Just Before Adjournment at Meeting of Board of Works

Just before adjournment at Friday evening's meeting of the board of works of the city council, which, by the way, did not terminate until close to midnight, the proceedings were interrupted by a clash between the mayor and Ald. H. M. Fullerton, with Ald. Langley making a flank attack on his worship.

The incident arose over the question of the appointment of a civil engineer to take levels and do other preliminary work in connection with the Sooke lake project. At the last meeting of the council the water commissioner, James L. Raymur, was instructed to engage such a man to do the work. He proceeded to instruct J. Holcraft, a member of the city engineer's staff, but on Mr. Holcraft going to get his transcripts from the engineer's office, the city engineer was heard from. He told Mr. Holcraft that he was not to do as the water commissioner had ordered, that he (Mr. Smith) had something to say about that, as he was engineer in charge of the waterworks department, as empowered by an order of the council last year.

The mayor sent for Mr. Smith and a long conference ensued. This occurred yesterday afternoon. It was proposed by the mayor that G. Napier be engaged to make the surveys. The matter was communicated with, but was found to be too busy.

Then came the incident of last night which developed on the reading of a communication from G. H. Topp, which he made formal application for the work.

Ald. H. M. Fullerton moved that Mr. Topp be appointed, pointing out that he was very familiar with the work, had assisted Mr. Adams, the hydraulic expert from California, who the latter gentleman was preparing his report on the waterworks problem, and that he therefore was well qualified for the job.

The mayor objected. He was opposed to the appointment of Mr. Topp on the ground that he was connected with the firm of Gore & McGregor, General & McGrigor, were in sympathy with the claims of the Esquimalt Waterworks Company; therefore it would be an injustice to ask Mr. Topp to act. He (the mayor) would not stand for it.

Ald. H. M. Fullerton thought the mayor was acting in a most childish fashion and he told his worship in language which left no doubt as to his meaning. Mr. Topp was well qualified for the work, he said, and insisted that a vote be taken on his motion. The fact was shown by subsequent vote that had the motion been put it would have carried, as a majority of the members took the same view as Ald. Fullerton.

The mayor did not put the motion instead suggesting that the matter be one which ought to be left in the hands of the water commissioner, and that some of the members might just as well as referred to his worship.

The mayor resented the insinuation of Ald. Langley that he was in a position to dictate to the water commissioner, but the alderman held his ground.

Then Ald. Fullerton insisted that the motion be put. The mayor, looking at the clock and seeing that the motion was out of order, ruled.

This was in consequence of the fact that, by the act, the meetings of the board must terminate at 11 p. m., and that the whole board agreed to an extension of time. At the hour of 11 p. m. the mayor asked that the meeting be prolonged for one half hour. This was agreed to. Hence, in view of the fact that the hands of the clock pointed to 11:35 at the time Ald. Fullerton pressed for his motion to be put, it was, as the mayor said, out of order.

This closed the incident so far as Friday night's proceedings are concerned, however, has not forced all the investigators to the conclusion that robbery was the motive for the crime, as a silver was left which easily could have been taken.

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"BIG" City Council

City Council to

(From "The Morning Star") "It beg to report that the effort to revise the city charter is so far advanced that the city council will meet on Monday next to discuss the proposed amendments. The council is expected to be a large one, and the meeting is expected to be a very important one. The council is expected to be a large one, and the meeting is expected to be a very important one.

The drastic above recommended amendments to the city charter, which were introduced by Ald. Taylor, F. A. McDiarmid, and others, were discussed at the meeting of the city council on Monday last. The council is expected to be a large one, and the meeting is expected to be a very important one.

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