

SCHLEY'S APPEAL TO THE PRESIDENT

ASKS HIM TO REVIEW FINDINGS OF COURT

United States Navy Department Has Made Public the Petition of the Admiral.

Washington, Jan. 20.—The navy department has made public Admiral Schley's appeal, delivered to the President about a week ago. The department's "comment" will be published in a day or two.

Admiral Schley appeals to the President as the chief executive and commander-in-chief of the army and navy, "vested with power to regulate and direct the acts of the several executive officers thereof," and he asks that the President review the finds of the court. He asks this on three grounds, in each case basing his appeal on the findings of Admiral Dewey, as opposed to the majority report. These three grounds are set out comprehensively in the petition, which fills about eight printed pages of a pamphlet, and is signed by Admiral Schley and by Messrs. Gardner, Parker and Teague, of his counsel. Attached to the petition are the three exhibits, "A," "B" and "C," each made up of copies of extracts from the testimony taken by the court of inquiry and intended to confirm the statements of fact made in the petition itself.

In this letter document the first ground of appeal is the holding of Secretary Long in his endorsement of the testimony of the court. "The conduct of the court in making no finding and rendering no opinion on these questions (that of command and credit for the victory) is approved," indeed is commended with propriety. "No other course—evidence on these questions during the inquiry having been excluded by the court."

On this point the petition says that the secretary of the navy was in error in setting that the court excluded testimony to show that, as Dewey said, Schley was the senior officer of the battle of Santiago, was in absolute command, and entitled to credit due for the victory which resulted in the total destruction of the Spanish ships.

The petitioner asks the President to annul Secretary Long's endorsement on the point, and specifically approve Admiral Dewey's statement, declaring that Schley was in command. He says that only in this way can exact justice be done him under the pretext.

The second ground relates to the alleged withdrawal of the squadron at night from Santiago Bay, and the character of the blockade and the propriety of Commodore Schley's conduct in the premises. This was one of the points upon which Admiral Dewey specifically dissented. The petition recites the findings of the court to the effect that the flying squadron did not withdraw at night, and declares that, by this statement, the court obviated the necessity of expressing its opinion as to whether or not a close or adequate blockade was established, and the propriety of Commodore Schley's conduct in the premises.

It is declared that under this specification—the eighth—more than a majority of all the witnesses were examined and about one-third of the whole crew of the inquiry was consumed in its consideration, yet "notwithstanding the facts herein set forth, all of which appear upon the record of the said court, the concurring members thereof have failed utterly and entirely to discharge the most important duty imposed upon them by the terms of the said specification, which duty was to report their opinion upon the questions of whether or not a close or adequate blockade of said harbor to prevent the escape of the enemy's vessels therefrom was established and the propriety of Commodore Schley's conduct in the premises."

Therefore Admiral Schley asks the President to annul the secretary's endorsement which "makes valid the failure of the majority members thereof to report their opinion upon that portion of the said eighth specification, and it is also asked that there be substituted therefor Admiral Dewey's holding that "the blockade of Santiago was effective."

Otherwise the petitioner declares that he will be without a finding or opinion upon one of the most important specifications.

The third ground recites Admiral Dewey's opinion to the effect that the passage from Key West to Cienfuegos was made by the flying squadron with all possible dispatch, having in view the importance of arriving off Cienfuegos with sufficient coal, that the blockade of Cienfuegos was effective, that the Admiral was permitted to get information, and finally that the passage from Cienfuegos to a point off Santiago was made with as much dispatch as possible while keeping the squadron united.

The petition declares that this opinion is the only one justified by the evidence and facts before the court, and it is asked that the secretary's approval of the majority findings be set aside and annulled in each instance where it is at variance with Admiral Dewey's opinion, and that the latter's opinion should be approved for the reasons heretofore set out in the bill of exceptions filed with the secretary of the navy.

Finally it is reiterated that the majority rejected Schley's testimony and that of his witnesses, though he was on the stand for many hours and subjected to the most searching examination, and "by so doing they have perverted the ends of justice." It is finally stated "that if this testimony was all false they should have so announced, and if all or any part of it was true, the said applicant was entitled to the benefit of it, and by declining to consider or pass on it they have deprived him of his common law and

BRITISH EMPIRE LEAGUE.

Advertisement in Seattle Paper Basis For Representation to Colonial Secretary.

A meeting of the local branch of the British Empire League was held last night with T. S. Fletcher in the chair. There were about twenty members present, and a number of interesting matters were discussed. Among these was the fact that an advertisement appeared in the Seattle Post-Intelligencer of January 8th, signed by the head of the navy yard here, for tenders for certain supplies which could be obtained on this side of the line. It was decided to forward a resolution to the secretary of the Canadian league at Toronto, asking him to transmit the local league's views on the subject to Hon. Joseph Chamberlain, for action.

The question of subscribing to the official organ of the league, the Empire Review, published in London, was also discussed, but no action was taken.

The following officers were elected: Chairman, Mayor Hayward, re-elected; vice-chairmen, Hon. Senator Macdonald and Mr. J. S. Fletcher; secretary, Mr. Welby-Solomon; treasurer, Mr. J. Gordon Grant; committee, Mr. Moore, Col. Greozor, Mr. Gosnell, Mr. Irving Taylor, Mr. Seymour and Mr. Prior.

THE COST OF NURSING PATIENTS EXCESSIVE

Hospital Board Ready to Co-operate in Lightening the Expense of Treatment at Isolation Hospital.

There was a meeting of the Hospital board last night for the purpose of taking into consideration the letter of Dr. Ernest Hall, written to the board of health and referred by that body to the Hospital board for consideration. The letter had reference to the excessive cost of treating patients at this hospital, and made a suggestion that the Jubilee management take hold of it, with a view to decreasing the cost of the institution.

Dr. Hermann Robertson, medical health officer, was present, and gave the members of the board the benefit of his observations in regard to the matter. It was the almost unanimous opinion of the members that the criticisms of the writer of the letter were well taken, and a resolution was passed, signifying the willingness of the board to be of any assistance, if possible, in lightening the expense to the public. The force of the writer's contention that such excessive cost tended to encourage the spreading of contagious diseases, and thus indirectly assist in their propagation, was recognized and a frank discussion ensued in regard to the matter.

Dr. Robertson, having only recently assumed his present office, was unable to answer all the inquiries of those present. It seemed very difficult to ascertain the exact cost per patient per month at the isolation hospital, the number of patients treated, the nature of the diseases and what expense the city had been put to in the way of providing nurses, etc., for the last three years. It was learned that the cost of nurses, amounted to about \$25 a week, and if this is correct, the directors felt that a great saving could be effected by co-operating with the Jubilee, and using their nurses. The matter was laid over for the purpose of acquiring the required information.

There were present President Holland, Secretary Elworthy, and Messrs. Day, Davies, Helmecken, Lewis, Pemberton, and Shotbolt.

FISHERIES COMMISSION.

Sittings to Be Held Here on Monday and Tuesday Next.

The Salmon Fisheries Commission, appointed by the Dominion government for the purpose of hearing and receiving evidence on all matters touching the salmon fishing industry, will hold sittings as stated hereunder. All persons who wish to submit evidence may do so at the following places and dates, as follows: Vancouver—Tuesday, Jan. 25th, at 10 a. m.

New Westminster—Wednesday, Jan. 29th, at 10 a. m.; Thursday, Jan. 30th, at 10 a. m.

Victoria—Monday, Feb. 3rd, at 10 a. m.; Tuesday, Feb. 4th, at 10 a. m.

Nanaimo—Wednesday, Feb. 5th, at 2 p. m.

T. R. E. McInnes has been appointed secretary of the commission.

Mary Glen Kelly, four years of age, was born to death at Sunderland. She was left alone in the house playing on the floor with sugar. It is supposed that in throwing the sugar about the girl laid a train from the fire to herself. When her mother returned the child was breathing her last, every particle of clothing having been burnt from the body.

Little alligators are admitted as drawing-room pets in some of the fashionable houses of Paris.

TUMORS DRAWN WITH PLASTERS.

A Painful and Barren Method of Treatment Which Might Have Been Avoided.

A lady in writing about her case not long ago, said she had tumors in her right breast, and had them drawn out by plasters. This drawing process gave her great pain and weakened her terribly, but worst of all more tumors grew again. She then heard of our new Constitutional treatment, which does away with the plaster, and the plaster and surgeon's knife. What is her verdict after using this remedy? She says, "I have not felt so well for over three years. I cannot say too much in its praise."

This lady's name, photo and testimonial, together with many others, in our new book, "Cancer, Its Cause and Cure," which will be sent to any address on receipt of two stamps. Stott & Jury, Bowmanville, Ont.

NEW SERVICE TO BE INAUGURATED

CAPT. MACKENZIE IS NOW THE V. & S. MANAGER

Troquois Will Give a Daily Service to Coast Points and Ultimately to Nanaimo.

To-morrow the new service in connection with the V. & S. railroad will be inaugurated from this city when the steamer Troquois will leave Sidney for Crofton, the new town springing up about the smelter site at Osborne Bay. To-morrow being an excursion trip the Troquois will not go on to Nanaimo, but the following morning she will inaugurate her new schedule as a daily passenger boat, making the round trip from Sidney to coast points, and shortly will run to the Coal City daily, calling each way at Crofton, and at several other points on the coast.

THE RETURNS.

Tabulated Vote in the Recent Commons Bye-Election.

The complete returns of the Victoria district bye-election as compiled by the returning officer yesterday were as follows:

Division No. 1.	Barnard.	Spotted.	Unseal.	Total.
Market Hall.	64	97	6	133
Market Hall.	79	99	1	179
Market Hall.	68	94	3	165
Market Hall.	76	121	8	196
Market Hall.	84	99	—	183
Market Hall.	77	111	1	189
Market Hall.	85	95	2	182
Market Hall.	79	97	2	178
Market Hall.	74	125	1	199
Market Hall.	93	108	—	201
Market Hall.	79	89	2	170
Market Hall.	69	107	1	177
Market Hall.	79	106	1	186
Market Hall.	74	105	1	180
Market Hall.	74	107	—	181
Totals	1,139	1,569	19	2,727

CUMBERLAND NOTES.

(Special Correspondence of the Times.) Over thirty members and friends of the Cumberland camp of the Woodmen of the World sat down to a banquet at the Union hotel on Thursday evening, T. B. Datt, president, and amongst those present were: George W. Clinton (American consul), Revs. J. A. Cleland and T. Glasford, Messrs. J. B. McLean, Johnson, B. Moore, W. Willard (mayor), R. Shaw, Ramsey and W. B. Anderson. The usual loyal and patriotic toasts were given and ably responded to. Songs were given by F. Ramsey, Charles Seagrave and O. E. Fechner; instrumental music by Chas. Vetter and recitation by H. F. Pullen. Everything was in first rate style and everybody had a good time.

The Scotchman had a Bobbie Burns banquet in the old schoolhouse on Saturday night.

The contracts for the two trestles on the truck extension to No. 7 have been let to Kilgus and Co. The roadbed will be finished by April.

FROM GAY PARIS.

Sec'try Dupois's from the Exposition Makes a Statement.

HIS EXPERIENCE WHEN IN PARIS PROVES DODD'S KIDNEY PILLS TO BE A SPLENDID TONIC MEDICINE. UNSHIPPABLE ALSO AS A REMEDY FOR LAMENESS, RHEUMATISM, NEURALGIA, MIGRAINE, AND ALL AFFECTIONS OF THE URINARY TRACT. Village des Annales, Que., Jan. 31.—(Special).—Mons. Aug. Dupois, of this village, who was Secretary to the Canadian Commission, to the World's Fair in Paris last year, has the following statement given out at a meeting held at the Exposition on the 24th of December, 1901.

Mons. Dupois says that he has used these pills for a "deep seated pain in the small of the back," and found that they relieved him almost instantly, and finally cured his altogether so thoroughly that he has not since had any symptoms of a return of the pain.

While in Paris Mons. Dupois found his duties as Secretary were toilsome and trying, with the consequent result that his health became run down. Again he sought relief in Dodd's Kidney Pills, and again he found them equal to the emergency, for they quickly braced him up.

His statement, recently published, is very full of praise for this medicine, and he also takes occasion to thank Mr. James G. Jardine, of Toronto (who was a member of the Paris Commission) for having first introduced Dodd's Kidney Pills to his notice in Ottawa some years ago.

Mons. Dupois is very popular here, having been postmaster at this village for years, and resigning to accept the position of Secretary to the Paris Commission last year.

He is now President of the Council of Agriculture of the Province.

The unqualified commendation of Dodd's Kidney Pills by all classes of the people is the very best possible proof that they are a genuine curative.

As a general family tonic for young and old, they are unequalled, and in many homes in Canada to-day the familiar blue and red box containing Dodd's Kidney Pills is always on the shelf ready for use.

SOUTH VICTORIA LIBERALS.

The South Victoria Liberals met at Colquhain Hall yesterday to appoint delegates to the Vancouver convention. The president, J. F. Chandler, was in the chair, and E. J. Tanner acted as secretary. Andrew Strachan, Gordon Head; Samuel Jones, Lake District, and H. E. Tanner, Saanich, were appointed delegates, with W. C. Grant and J. E. Chandler as alternates. The delegates were by resolution given full discretion to act as they deemed best at the convention. A resolution, moved by Dr. Jones, seconded by Stevens, approving of the action taken by the Provincial Executive was adopted.

The annual banquet of the New York board of trade and transportation was held last night in the grand ball room of the Waldorf-Astoria hotel. The function of this year had a double object in view. First, to do honor to the memory of William McKinley, and, secondly, to encourage the closer union of capital and labor.

GRANT FOR OUTSIDE PUPILS.

Trustee Huggett Has Important Motion for Next Meeting of Board.

Trustee Huggett has given notice that at the next meeting of the school he will move the following resolution: "Whereas, by the amendment to the School Act passed at the last session of the legislature it was enacted that the per capita grant to the smaller municipalities should be \$20 per pupil and to the cities of the first class \$13; and whereas, there are approximately 100 pupils attending the schools of Victoria whose parents reside outside the limits of the city of Victoria, and whereas the districts outside the city of Victoria would, if formed into a municipality, receive from the government a per capita grant of \$20 per pupil;

Resolved, that the provincial government be respectfully requested to pay to the public schools account of the city of Victoria a per capita grant of \$20 in respect of pupils outside the limits of this city, the said grant to take effect from January, 1902, and further that the city superintendent be instructed to forward a copy of this resolution to the minister of education together with a covering letter showing the board's reasons for this request."

The complete returns of the Victoria district bye-election as compiled by the returning officer yesterday were as follows:

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Market Hall.	74	107	—	181
Totals	1,139	1,569	19	2,727

FATAL FIGHT IN SALOON.

One Man Shot Dead—The Murderer Committed Suicide.

Boston, Mass., Jan. 31.—Driven to desperation by insulting language of a man whom he had met for the first time this afternoon in the bar-room of the Shakespeare Inn, John Bonnette shot and instantly killed Geo. McGibbond, then took his own life.

Late in the afternoon a dozen men were standing about the bar of the inn on Beach street. Bonnette had ordered a glass of ale and noticing a glass had not been properly rinsed, spoke to the bartender about it, but the latter did not notice the remark. McGibbond overheard it and remarked with a sneer: "You'd better go to the Parker house if you are not satisfied here."

This led to an exchange of words and blows during which one of the men involved the other outside to settle the matter. Once upon the sidewalk the men exchanged words until Bonnette whipped from a revolver from his pocket fired at McGibbond full in the face, and the latter fell dead on the sidewalk. Bonnette gave one look at the man, then turned and ran to the Parker house, where he committed suicide by shooting a bullet through his brain, death being instantaneous. Bonnette was a carpenter, 30 years of age, and is spoken of by his fellow workmen very highly. McGibbond was 30 years old, a laborer, and was married.

The Cowthorpe oak is the largest in England. It is reputed to be over 1,000 years old, and its branches cover half an acre. At the close of the seventeenth century, according to Evelyn's "Sylvia," it was 78 feet in circumference at the base of the trunk. Since then a quantity of earth has been placed round it as a support. It is estimated to contain at the present time 73 tons of timber.

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NOTICE.

Notice is hereby given that the Canadian Northern Railway Company will apply to the Parliament of Canada at its next session for an act empowering the Company to construct the following lines of railway, namely:

1. From a point on the Company's line between Port Arthur and Fort Frances; thence northwesterly and southeasterly to the City of Quebec; and from points from this line to Port Arthur, Ottawa and Montreal.

2. From a point on the Company's line at or near McNary Station, Manitoba, to the southern boundary of Manitoba.

3. From a point on the Company's line near Swan River to the Pacific Coast at or near Skeena River, by way of the Pine River Pass.

4. From a point on the Company's line near Hanging Hole River (Saskatchewan) to the mouth of the Carrot River near Pas Mission.

Also, increasing the capital of the Company and empowering it to lease stock, debentures or other securities in connection with the acquisition of vessels, hotels, taverns and other properties; and to acquire and utilize water powers for the generation of electric and other power, and to dispose of surplus power; and to acquire or establish power resorts; and to aid settlers upon lands served by the Company's railways; to improve the Company's lands, and to acquire and hold lands outside of Canada; also confirming the amalgamation between the Company and the Edmonton, Yukon & Pacific Railway Company. Dated 24th December, 1901.

J. M. SMITH, Secretary.

MINERAL ACT.

(Form F.)

CERTIFICATE OF IMPROVEMENTS.

NOTICE.

"Faramigan" and "La Toscana" Mineral Claims, situate in the Skeena River Mining Division of Cassiar District. Where located: On Kitisals Mountain, Skeena River, about 5 miles east of Kitisals Canon.

Take notice that I, J. Herriok McGregor, acting as agent for S. Arden Singlehurst, Free Miner's Certificate No. 56322B, intend, sixty days from the date hereof, to apply to the Mining Recorder for a Certificate of Improvements, for the purpose of obtaining Crown Grants of the above claims.

And further take notice that section, under section 37, must be commenced before the issuance of such Certificate of Improvements being filed within such period within 60 days from the date of this notice, and in default of a caveat or certificate of dependents being filed within such period you will be forever estopped and debarred from setting up any claim to or in respect of the said land, and I shall register the said Frederick B. Pemberton as owner thereof.

Dated at Victoria, B. C., this 14th day of December, 1901.

J. HERRIOK MCGREGOR, Registrar-General.

FOR SALE.

TO SPORTSMEN, FARMERS, HUNTERS AND TRAPPERS.

The most improved gun, breech loaders; half set gun, \$24 per doz., or \$240 each. Sure death to all kinds of game every shot. Every gun guaranteed territory rights for sale. Agents wanted everywhere.

J. R. BOWEN, Sault Ste. Marie, Ont.

What is

CASTORIA

Castoria is for Infants and Children. Castoria is a harmless substitute for Castor Oil, Paregoric, Drops and Soothing Syrups. It contains neither Opium, Morphine nor other Narcotic substance. It is Pleasant. Its guarantee is thirty years' use by Millions of Mothers. Castoria cures Diarrhoea and Wind Colic, Castoria relieves Teething Troubles, cures Constipation and Flatulency. Castoria assimilates the Food, regulates the Stomach and Bowels of Infants and Children, giving healthy and natural sleep. Castoria is the Children's Panacea—the Mother's Friend.

Castoria.

"Castoria is an excellent medicine for children. Mothers have repeatedly told me of its good effect upon their children."

Dr. G. C. OSBOOD, Lowell, Mass.

Castoria.

"Castoria is so well adapted to children that I recommend it as superior to any prescription known to me."

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THE FAC-SIMILE SIGNATURE OF

Chas. H. Fletcher.

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Provides comfort and make yourself happy by using some of our cold weather specialties.

JOHNSON'S FLUID BEEF, 1 lb. bot., \$1.00—CLAM NECTAR, 2 lbs., .75—CONDENSED CLAMS, jar, .25—WATSON'S CREAM, 1 lb., .25—NATIVE PORT, .25

All make a delicious hot drink. MORGAN'S EASTERN OYSTERS, tin, .75

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Porous Plasters, 25c Useful for Chest Affections.

CYRUS H. BOWES,

CHEMIST, 93 GOVERNMENT STREET, Telephone 423. Near Yates Street.

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FURS FURS

HIDES DEERSKINS AND SENECA

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High Prices. Prompt Returns. WRITE FOR PRICE CIRCULARS.

LAND REGISTRY ACT.

TO NORMAN H. VAN BUREN: Take notice that an application has been made to register Frederick B. Pemberton as the owner in fee simple, under a Deed of Sale from the Mayor and Corporation of the City of Victoria to him dated 25th October, 1901, of the easterly 1/4 of Lot 287, Block 15, Victoria City. You are required to contest the claim of the purchaser within 60 days from the date of this notice, and in default of a caveat or certificate of dependents being filed within such period you will be forever estopped and debarred from setting up any claim to or in respect of the said land, and I shall register the said Frederick B. Pemberton as owner thereof.

Dated at Victoria, B. C., this 14th day of December, 1901.

S. Y. WOOTTON, Registrar-General.

MINERAL ACT.

(Form F.)

CERTIFICATE OF IMPROVEMENTS.