

URGE IMPERIAL COURT OF APPEALS

Australia and New Zealand Ministers Bring Matter up in Imperial Conference—Lord Chancellor's View

LONDON, June 14.—The official report of Monday's session of the Imperial conference, when a discussion took place on the proposed Imperial Court of Appeals, has now been published. Two resolutions dealing with the matter were brought forward by Australia and New Zealand, the former urging that the present functions of the judicial committee of the privy council be invested in such an imperial court of appeal and New Zealand maintaining that no such court would be satisfactory unless it included representatives of the overseas dominions.

Hon. Egerton, British minister of state for external affairs of the Commonwealth, spoke of the present anomalous position whereby the privy council appeals from the United Kingdom. The privy council members were those of a board rather than a court.

Premier Asquith said some considered that a drawback, others an advantage. One never knew whether the privy council judgment was unanimous or not.

Lord Loreburn, Lord Chancellor, explained at length the nature of the present jurisdiction. Whatever form of that court of appeals was desired by the Overseas Dominions His Majesty's government wished to give effect to it as far as possible. His own idea was that they should add to the highest court of appeal both for the United Kingdom and the colonies by selecting two English judges of the highest standing, that a quorum should be fixed at five and that the court should sit successively in the House of Lords for United Kingdom appeals and in the Privy Council for appeals from the dominions. In that way they would have substantially the same court in its full strength for both classes of appeals.

Mr. Joseph Ward said he and his colleagues would have no objection to Canadian or South African judges sitting in New Zealand cases, but it would hardly be practicable for New Zealand judges to come over to deal only with New Zealand cases.

Hon. L. P. Bourke, who in Canada they had been very well satisfied with the existing system of appeals before the privy council. In view of the dispositions of the British North America Act and of the different procedures and practices of the various provinces it would be somewhat difficult to make a change. Every one who had practiced before the judicial committee must be impressed with the great business mind prevailing amongst its members. Not only might a change be objected to by some of the provinces, but it would be a reflection on the present court which had given so many good decisions.

Attorney-General Finlay of New Zealand said that the presence of a resident colonial judge would obviate the necessity of sending over at great expense counsel from for instance, New Zealand, to see that the privy council was instructed on the peculiar features of New Zealand law. In any fair conception of the burdens of an empire court of appeal, the dominions would no doubt willingly assume the salary of one of their own judges attached to the court.

Premier Morris said very few appeals came from Newfoundland and they were generally satisfied with the present arrangement. If any desire existed for a change on the part of the dominions who were more largely concerned in the work of the judicial committee he would not feel himself justified in voting against the resolution. There could be no objection to each dominion having a representative on a permanent court of appeals.

Premier Asquith said whether the other dominions would approve of Sir Joseph Ward's suggestion that each dominion should appoint a resident judge who should sit not only on cases affecting his own dominion but on appeals from the dominions.

Mr. Bourke said that in view of the different systems of law prevailing in Canada they would prefer to adhere to an existing system.

Hon. F. S. Maude said South Africa would not send a resident judge.

Premier Asquith said he would much prefer the suggestion that cases from a particular dominion should be fixed to be heard at a time to suit the convenience of that dominion. He thought this would substantially meet Sir Joseph Ward's view that when cases from a particular dominion came on it would be an advantage to have a local judge present.

Premier Fisher, after a long discussion, withdrew his resolution regarding the proposed Imperial court of appeal, and substituted one to the effect that the conference recommend the proposals of the government be embodied in a communication to be sent to the Dominion as early as possible. The substituted resolution was then unanimously agreed to.

AVIATOR'S INJURIES

Frey Now Lying in Italian Hospital With Broken Neck—Flight Prevented by Fog

RONCIGLIONE, Italy, June 14.—Herr Frey, the only competitor in the Paris-Rome-Turin aviation race to attempt to fly the final leg of the course, lies in a hospital here, his right arm and left leg broken and his lower jaw fractured. In periods of delirium he fights the fog that was his undoing yesterday. Frey does not appear to have been injured internally and the physicians believe he will recover.

The time limit expires tomorrow. He had taken a chance with the elements to accomplish the flight over the Ap-

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The defence resumed its case when court sat yesterday morning. Another foreign-speaking witness swore that the accused had not fired any shot during the riot at Kelly's cut on April 8. Witness saw accused hit by a pick handle, but did not see Miller or Cross-examined, witness insisted that he was telling the truth. He was present during the fracas and saw rocks flying, but did not see who was throwing them. There were no shots fired after accused was knocked down.

Mike Donevich saw accused on the day of the fight. He was walking up "the hill" with a companion. After accused got up the hill, a man ran after him and hit him with a pick handle. This was when the trouble was almost over. Witness tried to get to the felled man but could not get nearer than three feet from him. He stayed only a minute. Witness stayed until the doctor came and then went away.

Cross-examined, witness said accused was lying on the ground a minute or two for the night, at 10:30, resuming at 9:15 yesterday morning.

In thanking the jury his lordship remarked that he felt it the court's duty to say that it was the duty of the authorities of Prince Rupert to read the Riot Act at the first intimation of the trouble on April 8. It was most fortunate that no lives had been lost.

The verdict brought in by the jury found Dan Babich, Nick Radolovich and Chris Woods not guilty; Mike Secovich, Dan Milovich, Antoine Seblich, Mike Burich, and Mike Savich, guilty. Steve Radio, Nick Palovich, Vuckan Drevlich, guilty, with recommendation to mercy, and Jura Radolovich guilty, with a strong recommendation to mercy.

His lordship recommended the prisoners found guilty, for sentence at the close of the assizes.

WATCHING BORDER

Portuguese Government Concentrating Troops at Points Where Royalists Threaten Invasion

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The republican troops were immediately concentrated there. Royalist leaders threatened moved their forces into the territory near Braga, which is the weakest point along the frontier.

The government hastily dispatched troops to Ponte De Barca and Montalegre.

The general opinion is that the royalists will not attempt to force their way into Portugal. Captain Couler, with several hundred men armed, and other groups of monarchists have been observed all along the frontier.

The leaders in the movement are making constant visits in automobiles to the advance posts.

Last night the government concentrated troops in the territory opposite the royalist position and posted artillery in the hills. Confidence is felt that any attack of the invaders can be easily repulsed.

Water Shortage in Portland.

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CONSERVATIVES GAIN SIX SEATS

Kendall and Carroll, government candidates in Cape Breton were defeated by 200 majority notwithstanding a fifth candidate (Labor) being in the field to reduce the opposition strength. It is noticeable also that in the South shore counties of Lunenburg, Queens and Yarmouth, where there are large fishing interests, the Liberals expected to be friendly to reciprocity, the opposition captured seats in each of these counties. The turn over in the mouth represents fifteen hundred votes. The vote generally throughout Nova Scotia was light.

BUILDERS' AGREEMENT

Vancouver Employers Take Step in Connection With Strikers—Also Ask Police Protection

VANCOUVER, June 14.—At a meeting of the building contractors of the city, at which all contractors, whether members of the Master Builders' association or the Carpenters' Union, were working entirely separate from both of these organizations, an agreement and a resolution were passed, both of which will have an important bearing on the situation.

The agreement was signed by thirty two contractors and reads as follows: "That this meeting of the building contractors endorse the action of the Builders' Exchange and of the Master Builders' association in their dealings with the Carpenters' Union and pledge themselves to maintain the principle of the open shop, but not to discriminate against union mechanics, and also agree to pay as a standard rate of wages \$4.25 a day of eight hours."

The following resolution was also passed practically unanimously: "Whereas, our men are being intimidated, abused and assaulted by pickets assembled in large numbers on the streets and in and around buildings in violation of the law, and in the presence of police officers;

"Resolved, that we bring this matter to the attention of the police commissioners and urge them to issue the necessary instructions to the police to keep the streets clear in the vicinity of such buildings and to prevent interference with workmen employed on the same."

COAL CLAIMS IN DANGER

Holders of Bushnell Group in Alaska Must Show Cause Against Cancellation

SEATTLE, June 14.—Twenty-two of the 24 claimants of the Bushnell group of coal claims in the Cook Inlet country of Alaska have been notified by the United States land office to show cause within sixty days why their claims should not be recommended to the commissioner of the general land office for cancellation because of failure of the locators to comply with the requirements of the United States statutes, which provides that patents must be applied for not later than three years after coal land is located.

The Bushnell group is allied with the Mackay and Mackay groups because it lies along the coast of Alaska and because the Mackay group is owned by the Mackay group of Detroit Development Company for the purpose of acquiring all these lands, which are valued at fifty million dollars.

There are no fraud charges in the present proceedings, but John M. Bushnell, who is travelling agent of a laundry machine company, and an official of the Michigan-Alaska Development Company, was indicted by a federal grand jury in Detroit last March for conspiracy to defraud the United States of the use and possession of the Bushnell group of coal claims.

The grand jury found that the Bushnell group had conspired to defraud the United States of the use and possession of the Bushnell group of coal claims.

BOY SCOUTS HONORED

Will Line Part of Route of Royal Procession on Coronation Day—Many Canadians in London

LONDON, June 14.—The Boy Scouts with the Canadian contingent will encamp at Roehampton House at Barnes and will line a portion of the route from Buckingham Palace to Westminster Abbey. The troops furnished by the overseas Dominions will march at the head of the procession. There will be a royal procession through London one day after the coronation.

Many Canadian parties are being arranged to view the coronation processions. The British government has provided seats for three thousand in the neighborhood of the Abbey, while other Canadian parties will be gathered at the offices of the Canadian government, the Ontario and Nova Scotia governments, the Canadian Pacific, the Grand Trunk and the Montreal Star, all in the neighborhood of Trafalgar Square.

Hon. W. S. Fielding, who has been suffering from a cold, is better and able to enjoy his holiday in London, where he is now with the members of his family. He says he means to keep clear of the coronation and other festivities for his health's sake.

The other overseas contingents, including the Canadian provincial parties, are already beginning to talk of themselves generally as overworked. One of them says his letters average a hundred per day, and that he spends fifteen shillings daily in replying to them.

He has been made an honorary member of twenty-eight clubs, and has to work or eat seventeen hours each day. Some notion of London as a Canadian meeting place just now may be gained from the fact that five thous-

and guests are expected to attend Lady Strathcona's Dominion day reception at the Imperial institute on June 30th. The reception will be presided by the Dominion day dinner over which Lord Strathcona will preside.

The accused was put in the box in his own defence. He swore he had no gun.

Mr. Aikman called Sgt. Phillipson in rebuttal. He described the locality and saw accused lying on the ground and stepped over his body. There was a step down to the ground.

Daniel McGinnis also in rebuttal swore again that he fired his gun twice after accused was struck quite close to the spot where accused was lying.

Afternoon Session

When court resumed after luncheon Mr. Aikman obtained leave to reopen rebuttal and put William Casey in the box. Mr. Casey swore that the defense witness Peter Denda, who had declared that he was not with the procession of strikers was in the procession when it passed the Wanders' Club.

Witness in cross examination and applied for permission to put witness Denda in the box again to show that perhaps he misunderstood about the referred to. His lordship refused to allow this, saying that the witness had stated as plainly and completely as possible that he was in his father's saloon when the procession passed and did not join it because he was too small.

Mr. Williams, in his address to the jury, argued that the story told by Denda was most improbable in the main, and that the case was reduced largely to a question of the weight of evidence.

Case for Crown

Mr. Aikman argued that evidence in prosecution could not be made any stronger than it was in this case. The evidence of the defence was all deliberate perjury and he would ask the jury to find so. Mr. Aikman pointed out that in all three cases of the witnesses for the defence would admit even under oath that he had thrown any stones himself or had seen any stones thrown.

Speaking in regard to the evidence Mr. Aikman argued that there could be no question of the truth of the evidence. It was fully proved.

His lordship first instructed the jury on the three counts of the indictment. The law in the matter should not cause great difficulty. If the jury found that the accused was pointing at Miller and firing a shot, the jury could presume that he intended to kill.

His lordship went on to speak of the defence counsel's reference to police evidence. It was, his lordship said, coming too common in criminal trials to use a policeman as if he were a saint and a perjurer. It was because of the danger of doing this that people were able to live in peace and safety.

Positive Evidence

In this case the crown evidence was direct, positive and clear cut and reasonable doubt would not enter much into the jury's consideration. Moreover in this case a number of the crown witnesses were not policemen and his lordship had never heard the doctrine of the criminality of policemen extended so far as to embrace men who acted as special constables on duty.

It came down to a plain question of whether the five crown witnesses had deliberately perjured themselves. It did not apply to the defence witnesses, with all due deference to the crown counsel.

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ERA OF PROSPERITY BEFORE VICTORIA

Mr. T. A. Manley, the "Maker of Grand Forks" Invests in City and Prophecies of its Future

"The man who made Grand Forks," Mr. T. A. Manley, is in Victoria, combining business with pleasure. Seen at the Empress hotel Mr. Manley said he had, since his arrival a few days ago, made several large purchases of property in the city.

"Victoria," said Mr. Manley, "is my preference for investment. I know and from what I believe. I hear, Victoria is experiencing great prosperity. I believe that this city is destined to have a population of 100,000 people in four to five years and am equally confident that in seven or eight years the rate of increase will continue to what I can see. I consider this rather a conservative estimate. As an indication of my belief in the rapid development of this coast, I may admit that I have sold all my interests in Southern Alberta and also in the interior of British Columbia, and