

ESTIGATION IS CONCLUDED

SION NOW LEFT WITH COMMISSION

Justice Martin Complimented
Capt. Reed of Tartar on
Conduct of Case

(From Tuesday's Daily.)

Investigation into the Charter and collision case concluded yesterday when both sides submitted their evidence to Justice Martin and assessors, Capt. Reed, Jones and Warren. E. V. Bodwell, K. C., submitted the responsibility of the collision with Pilot Jones, and, technically, it was impossible for the case to be laid on Capt. Reed, and the evidence given by the crew was too collusive to be a and savored of recklessness.

A. H. Reed, commander of the Tartar, Mr. Bodwell's contention assured the court that he had endeavored in every possible way to prevent collision among those who were on board of the Tartar, and in a strong argument, and was submitted by Mr. Justice Martin for handing of the Tartar's case, a compliment Capt. Reed expressed.

Little evidence was taken at the trial session, three witnesses being testified in regard to the foulness of the Tartar's hull. W. Spratt, who even a contract for re-painting the hull, said that she was extraordinary for a vessel that had been in the water for so long. In cross-examination, he said that the ship had been out for a number of hours when he inspected the bottom of the hull, and that it was not dry.

Richards, foreman for the plaintiff, gave corroborative evidence, chief engineer of the Tartar was by Capt. Reed, and contradicted testimony of the preceding witnesses. The boatman was very full on a trip, and that the grass was in eighteen inches long and could be seen from the side of the ship as she moved through the water. She had been seen and a half without cleaning. Witness said examined the ship after she was and accounted for the statements by Mr. Spratt and Mr. Richards, that sea grass shrinks up until not perceptible after it becomes

Bodwell stated the case for the Tartar. After dealing with the evidence offered, he said that the question to be settled was whether the Charter or not when he was heard. He argued that the Tartar was on the starboard bow of the Charter, and that Pilot Jones, on hearing the steamship's whistle, decided that too close to Sturgeon Bank and to get outside of the approaching ship. He ported his helm to cross the Charter's bows and Capt. Reed came on the Tartar was swinging, which he stated that he heard the Charter's whistle off the port bow. He well contended that the Charter's bow was at full speed when she had still way on her when collision occurred.

Reed, in opening, said that he had light it necessary to call in counsel the case was so long and intricate. He had called witnesses who were heard, thought it wise to confine the truth in their evidence and attempt at concocting any story. He was surprised when he found that the Charter's bow was at full speed when she had still way on her when collision occurred.

Reed laid emphasis on the fact that the Charter was proceeding at a rate of speed, although enveloped by the fog. The Charter was not aware of the presence of the Tartar. This was the main cause of the collision, and the Charter was given in regard to the damages by both vessels, and argued that the Charter was not at fault. He said that the Charter was not at fault, and that the Charter was not at fault.

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TY YEARS AN EMPEROR.

Emperor of his Diamond Jubilee has ruled. Declares Military Amnesty.

Nov. 28.—In recognition of the sixtieth year of his reign Emperor Francis Joseph has issued of extensive military amnesty, free pardon and the assumption of rights to all deserters, fugitives of military service at home and abroad, and those who have fled abroad to return to Austria.

FUEL OIL FOR NAVY.

Y-owned Tank Steamer to Load at Texas.

Nov. 28.—The sailing of the Y-owned tank steamer Petroleum Arthur, Tex., marks a new departure in the British navy, as it is the first time that the British navy has tried the importation of a cargo of oil. It is anticipated that Petroleum is only the forerunner of a number of similarly equipped tankers which will be continually employed in the increasing requirements of the navy for fuel oil.

ORDINARY WORK BEFORE COUNCIL

ROUTINE BROUGHT FORWARD LAST NIGHT

The Provincial Government enters a
Complaint Against Condition
of James Bay Flats.

(From Tuesday's Daily.)

In addition to questions of greater public importance, the city council transacted considerable work of a routine character last evening. A communication was read from Hon. H. E. Young, relative to the filling in of the flats back of the Empress hotel. It was as follows:

Sir:—In accordance with instructions received, I visited and inspected the grounds on Douglas street at the back of the Empress hotel. These grounds are owned by the city of Victoria, and I understand it is proposed to use them for public park purposes.

Up to a few years ago the site under consideration was covered by water at high tide, but is now being "filled in" by the city authorities. The "filling in" has been going on for five or six years. The material used is of the most varied kind, and consists of refuse, garbage, and other animal and vegetable matter. It is evident from the number of rats that live in this soil, and that active decomposition is proceeding, as shown by the odor emitted.

It is to be regretted that the city authorities are still using this place as a garbage dumping ground, and it is painful to witness the waste attempts made to make conditions appear right. The present conditions are most insanitary, and need to be remedied, and I beg to recommend that measures be taken to prevent the city authorities continuing their present line of action.

C. J. FAGAN, Secretary.

Ald. Vincent thought it was about time this stopped. Some years ago it was decided to put in only dry dirt. The engineer should be instructed to have the rule lived up to.

His Worship said that every effort was being made by the city to rectify the matter. The sanitary inspector, acting under the medical health officer, was trying to kill off all the rats. The medical health officer assured the city that there was no danger from the rats. He said that the rats were not healthy. The C. P. R. officials had apparently gone to Dr. Fagan about this. Ald. Vincent said that it was not his business to stop at all right. He had seen two loads dumped there to-day.

This is contrary to instructions," said Ald. Vincent. The Mayor cannot be there all the time.

Ald. Henderson said that work was being done to stop the nuisance. Only ashes and dirt were being dumped. Ald. Vincent said no other place would stand up to the city. He put there. Of course private parties sometimes did work contrary to orders.

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His Worship wanted suggestions from Ald. Vincent.

The latter said to give instructions to have it stopped and prosecute offenders.

His Worship had been done His Worship said that it would not hurt to repeat it. J. E. Smart, of the Agricultural Society wrote, informing the council that the expenditure of \$10,000 on the flats at the fair grounds had been carried out under the city's name, and no record was on the books of the society.

Ald. Fullerton was not satisfied with this. He thought Mr. Smart should be able to show how the money was expended. He wanted to know if the auditor could show this.

His Worship said that it had been made up by the auditor and was presented at the meeting.

Ald. Fullerton said he did not doubt the auditor's word, but he was not sure that the money was expended. He wanted to know where the money went.

Some of the aldermen could not see what Victoria had to do with this. His Worship said he could not see, himself, what this city had to do with the proposition.

along the west side of the Esplanade from Mill Bay.

Resolved that this council desires to express its appreciation of the fact that this road will be of great advantage to the city of Victoria and form one of the most attractive drives for tourists, as well as the most convenient highway for ordinary traffic through that section of the country, and that this council hereby gives its cordial support to the undertaking, and trust that it may be pushed forward with all possible dispatch, and that a copy of this resolution be transmitted to the department of public works and to each of the city members of the House.

The motion carried.

The remainder of the time of the meeting was taken up with rather spirited debates.

COMET SIGHTED.

Residents Have Witnessed One in Eastern Sky During Past Few Nights.

What is apparently a comet has been visible high up in the eastern sky during the past few nights.

From time to time it can be seen and though its form is somewhat indeterminate, in a sky of clear stars, it is an interesting feature.

As far as can be gathered this comet is an entirely new one and must not be confused with the Danes comet, which was visible to the naked eye in Victoria some months ago. The present visitor from the great unknown is, however, not unlike its predecessor, inasmuch as it is nebulous in shape and forms a distinct elongated blur in the heavens.

Observation during the past few evenings would suggest that it is approaching the earth and apparently is moving in a northwest direction. Investigation shows that it will about reach its nearest approach to the earth's surface before the end of November, and from that time on will commence to fade until it disappears into the great unknown. To those who wish to observe the curious visitor it may be stated that it is now due north of the well known cluster termed the Pleiades.

IMMIGRANTS ARE RETURNING HOME

Unusually Large Number Leaving Canada This Fall—Less Work Than in Former Years.

A considerable number of applications have been received in the last few days by Mr. Thomas Southworth, director of colonization, from people who want to go back to their native land. The director says the Toronto Globe of Wednesday last. Only yesterday afternoon such an application was made by a man on behalf of himself, his wife and five children. The man has been in Ontario for a little while, and readily found work, but had been attacked by rheumatism, and now wishes to go home. His wife and children were also received from other persons who were not physically able to work. Mr. Southworth does not consider that the flood of immigrants that has been coming into the country has been too great this summer, and stated yesterday afternoon that if only conditions prevailed which were in existence last winter there would be plenty of work for everybody. He pointed out, however, that there was some curtailment of work in the districts of employment. For example, the lumber camps, which ordinarily attract a number of men from the cities whose summer vacations they close to them are not, owing to the stringency of the money market, taking on so many men this year as last. This summer 72,000 immigrants have come to Ontario, but the C. P. R. have thought it well to put out the suffragettes, even as they saw they were not able to do it alone they sent for the police. The suffragettes fought truly and well, and whenever they saw a head they hit at it.

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HELLO! IS THAT YOU MARS?

This is Nikola Tesla, Talking from the Earth.

Nikola Tesla, of New York, announces that with the co-operation of power producing companies at Niagara Falls, he is preparing to hail Mars with Niagara's voice. A way has been found at last for transmitting a wireless message across the gulf, varying from 40,000,000 to 100,000,000 square miles, which separates this earth from Mars.

Once that has been accomplished and Mars, which is considerably older and supposedly more advanced in science than we, has acknowledged the receipt of our signal and sent back flash for flash, it will remain to devise an inter-planetary code through the medium of which the scientists of this world and of Mars will be able to understand what each is saying to the other.

Mr. Tesla has been quietly working for several years on a wireless power plant capable of transmitting 10,000 horse-power to any part of the world or to any of our neighboring planets. The mere matter of distance between dispatching and receiving points is no object whatever. Wireless power, Mr. Tesla says, may be sent one million or more miles just as easily as one mile. Several of the electric power companies with immense generating plants at Niagara Falls have agreed to co-operate with Mr. Tesla in any effort to reach Mars by wireless.

URBAN COLLISION.

Motorman Killed and a Number of Passengers Injured in New York Crash.

New York, Nov. 28.—A year end collision of two suburban trains occurred in the Bronx to-day, the motorman being injured together with a number of passengers.

The collision took place at 17th and Boston road where the tracks are run overhead instead of underground. One car was left hanging over the edge of the track. The second train stalled near 17th station and the train behind ran into it. The motorman was crushed to death, his compartment and plumed so that his body could not be moved. A fire started but was quickly extinguished by the fire department.

About two hundred passengers were in each train. One of the first to be removed was a woman.

WILD SCENE AT POLITICAL MEETING

Shouting and Kicking Suffragettes Carried on English Hall— Audience Enjoy Fun.

Wild scenes were caused by suffragettes who attended a meeting at Batley, Eng., which was presided over by Mr. Pankhurst. Mrs. Martine and Mrs. Ley were ejected under stormy circumstances. One of Mr. Harcourt's observations was described by a lady voice as "that the suffragettes fought truly and well, and whenever they saw a head they hit at it."

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FIRST SIGHT OF ELECTRIC LIGHTS

FIFTY YEARS SINCE HE SAW LOCOMOTIVE

James Sivewright of Cariboo Has
Gone Back to Scotland
to Live.

Away back in 1852 James Sivewright attained the age of 21 years, and like many young men on attaining his majority he left the old home, his parents and friends, took passage on a ship and set out to make his fortune in the golden western lands beyond the sea. After bidding his Scotland home farewell he sailed direct to New York, where for six years he followed the trade of a mechanic. But life in the great city was too much like the old home, too slow for an ambitious man who aspired to higher things than the grime and determination. He decided to plunge into the far west, where glowing tales had reached his ear of vast possibilities for the man with grit and determination. He had both, and in June, 1858, he crossed the Isthmus of Panama and up the coast to San Francisco, then a trading post. After a few weeks sojourn in the California town he embarked on board a vessel bound for Victoria, arriving there in the month of September the same year. The season was already in, and he decided to winter in Victoria. During the winter he hunted over the island and on the mainland. He is positive that he killed deer that winter on the Fraser river valley. He stands the great city of Vancouver.

In February following his coming to this province he, in company with others, brought this sturdy Scotch pioneer on his way back to his old country home, where he will spend the remainder of his life. Although 76 years of age, Mr. Sivewright is well preserved, as men who have led the simple life usually are. On reaching Ashcroft he saw electric lights for the first time, and he said that he had never seen a light before. He had seen in the east, and will come with a fast Atlantic liner at St. John for his native land. He has borne an excellent reputation all his years in the north, and while his many friends will miss him, they wish him well, and hope that he will find his friends and relatives "back home."

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ON VISIT HERE.

B. A. Laselle, of Barkerville, is in City—Has Good Property.

B. A. Laselle, of Barkerville, is in Victoria on a business trip. Mr. Laselle is engaged in placer mining on China and Bear creeks, in the Cariboo district.

He is deeply interested in the Nugget Gulch, which closed its first season Nov. 28. Piping was begun May 21st and continued day and night until July 12th, after which date the water was only sufficient water for day piping. In that time 450 feet length of channel was uncovered; it lies alongside and north of the modern channel and about 16 feet deeper than the latter. The height of bank varies from 16 feet on the side nearest the modern channel to 100 feet on the north side. The material is firm gravel and no clay has yet been encountered. The sluice flume has been re-laid 20 feet higher than its original level, the grade of the channel was found to be much steeper than the seven inch grade of the boxes. However, the grade of the sluice flume was found to be considerably less than that uncovered earlier in the season; also the gravel is appreciably richer. The fall piping was begun August 1st to the end of the season. The monitor used was a No. 3, with 5 and 6-inch nozzles, working under 300 foot head. The gravel was washed around 240 feet of sluice flume. It has been reported that there was a 25,000 clean-up on this property.

C. P. R. DEFENDANT.

Seven Railroads Sued at Spokane For Collecting New Lumber Tariffs.

Seattle, Nov. 15.—Seven railroad corporations, of which the Canadian Pacific is the most important, are made defendants in a new suit brought in the federal court at Spokane by lumber manufacturers of Eastern Washington and Idaho, in which the plaintiffs seek to enjoin the defendant railroad companies from collecting the new tariffs on forest products.

The suit is noteworthy in that for the first time since lumber transportation began, the Canadian Pacific is made a party defendant. The lines affected in the suit without exception, published the new tariff on lumber and shingles, constituting an increase of 20 per cent. on the old rate on forest products between the Northwest and East and Central West.

The case will be heard in the federal court of Spokane November 29th.

WANTS DIVISION OF CIVIC OFFICE

James L. Raymer Suggests That He Act As Water Commissioner Only.

(From Tuesday's Daily.)

At the council meeting last evening a communication was read from James L. Raymer, in which he recommended the separation of the offices of auditor and water commissioner and suggested acting as the latter alone. The letter was as follows:

I beg to call your attention to the advisability of separating the offices of auditor and water commissioner, as they are at present combined. Last year in my annual report as water commissioner I mentioned the necessity of the change, and bringing the matter before you again at this time, so that any alteration that may be made shall take effect from the beginning of the year.

When I was appointed to the dual position in 1896, it was not my intention to combine the two offices, but the economy, but the arrangement has never been entirely satisfactory, and the work has increased so rapidly that one person cannot any longer give proper attention to the duties of both positions. The time has, therefore, arrived when I think that the offices should be separated, and I would ask to be relieved of the duties of auditor after the first of the year, and thereafter of the position of water commissioner solely.

As you are aware, the waterworks accounts, time, etc., are kept by the clerk in the engineer's office, and though perfectly satisfactory as far as they go, are by no means as complete or as accurate as they should be. This is from no fault of Mr. Orton's, but simply because he has no time to do more than keep the books. His office has increased very rapidly during the last few years, and the transfer of the waterworks accounts would go a long way to remove the pressure.

I have for some time felt that the proposed change would be more satisfactory to the council and to the public, and as well as to myself. By having all the waterworks affairs under my immediate supervision, a closer check could be kept, and much more voluminous and satisfactory reports made, and various details missing from want of time could be made up. I have, therefore, been very anxious to see the change made, and I have been very anxious to see the change made, and I have been very anxious to see the change made.

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