CK TEAM FOR FALL FAIR

C. A. ATHLETES ARE ENTHUSIASTIC

Have Work-Outs Three ts a Week—Many New Men

ong foundation was laid, on fast track and field team can at the meeting held last even- he Y. M. C. A. for the purp nizing a Victoria team for A. A. U. championships, to be the exhibition grounds during week. There was not an extra ttendance of athletes, but a f enthusiasm prevailed which all that the venture would be ss.

Brace, who presided at this stated that the athletes this d been more or less disorgan- ing to the fact that there have ry few meets this season. The have, as a result, not been as faithfully as they would had been more frequent. How- w that the boys are organized ace does not see any reason ey should not get in and train usly for the forthcoming meet, will be one of the greatest in tory of provincial track ath- Mr. Brace told the boys that as at present a good chance to a fine team, as many outside are coming to this city.

g the new arrivals who will in ability be seen in action at the er meet are Jack Brewster, a mper from Edmonton, and Ed. New Westminster, the cham- ller of Columbia College. There eral others who will have a few ts and if they can come back form will represent Victoria in. et.

athletes will train three nights. Monday, Wednesday and Fri- the Oak Bay park. Tommy will be on hand every night stop-watch and gun to give the ood practices. Gawley under every branch of athletics, and nxious to see his old associates fore in all events. All the track ho intend to take advantage of portunity offered are asked to he 6.10 car from town.

half-mile track at the exhibition s is to be put into shape im- ely, so that the runners may here. Secretary Sangster, of the Agricultural Association, is tak- great interest in the meet, and ave everything there for the lence of competing athletes. programme of events has not yet rawn up. It is expected that it e some time before it is ready. local branch has to communi- ith the Vancouver one. entries in this meet will be num- as athletes from all over the ce have signified their intention ng present. Vancouver will be ly represented, all the clubs getting their track men into con- to make a clean sweep, revenge e awful beating the Victoria gave them at the indoor meet the Terminal city in the spring. mo, Ladysmith, New Westmin- nd other smaller towns will be competitions.

THE KING'S TITLE.

ion, Aug. 13.—The Express the answers of a Canadian to the suggestion that the King be crown Emperor of the Bri- Mayor Geary of Toronto says campaign would be contrary to ishes of the people of Canada. akes the opportunity to reassure xpress that there may be other between the Dominion and the and than King. J. A. Chisholm, lifax, sees no advantage in the e. J. H. Frink, of St. John, N. B., hat if in the King's opinion the of loyalty in Canada can be in- ed by the alteration it will be cceptably received in Canada.

ORSEMEN LEAVING OHIO.

eland, O., Aug. 13.—Sheriff Hir- f Cuyahoga county, announced that he would arrest all pool- and bookmakers at the Randall rack the moment they began op- ns. The notice caused a panic the sporting men, who are vio- in their denunciation of the s action.

iew of the threat, President Dev- of the Jockey Club, has promised no liquor will be allowed to be t the track.

believed that Hirtius' action will he racing game in Ohio. Many men already are leaving the state.

OT SEEKING RAILWAYS.

w York, Aug. 13.—That the so- Pearson railroad syndicate is a was the statement of Percival nhar upon his arrival on the er Lusitania. Farquhar has been d Pearson's financial agent. u can deny emphatically the ex- e of a Pearson syndicate," said nhar. "The investments I and my s have made are purely separate tments and are not planned in ction with a combination of rail- to form a trans-continental line."

THLETIC CHAMPIONSHIPS.

ago, Aug. 13.—Running off the eariv and the preliminary events, 21 ath- met here to-day, competing for the nal championships of the American eur Union. te (colored), of Philadelphia, took onors in the first heat of the 100-yard Time, 10 2-5 seconds. he shot put the Pacific Coast cap- the qualifying places, Fred. Thomp- f Los Angeles, putting the 16-pound t 41 feet 11 inches. John H. Gillis. ancouver, B. C. was second with 40 inches.

French military authorities in are bending every effort to in- e the number of a species of camel can travel more than twice as y, as the ordinary camel of com-

REPORT READY ON ROCK BAY

DOMINION GOVERNMENT ADVISES THE COUNCIL

Health and Morals Committee Will Consider This Early This Week

Ald. Mable, at the last meeting of the streets committee of the council, on the question of the disposal of material taken from streets during grading work, made the suggestion that all earth of this character should be used to fill in the space on the east side of the small bridge at the easterly extremity of Rock Bay, in the vicinity of Bridge street and close to the Gorge road.

It will be recalled that the Inner Harbor association some time ago brought the matter to the attention of the council, pointing out that with the space filled in as indicated, and a retaining wall built, the Bay could be dredged and deepened to make it navigable for small craft at this point.

Mayor Morley mentioned in this connection that he had received a report from the Dominion Government relative to the request of the board for co-operation in the work of improving conditions generally in Rock Bay. It was decided to call the health and morals committee together in the early part of this week to consider the report, which is said to be a very full and comprehensive one.

The street sweepers employed at night asked for an increase in wages. This matter was referred to the city engineer for report.

Residents in the vicinity of the Gorge Road ravine asked that material excavated while the grading of Manchester street was in progress should be used to fill in the ravine, rather than dumped on private property. The city engineer explained that heretofore the city had been "up against it" for a dumping ground, but the material now being taken from Manchester street was being used to fill in the ravine mentioned in the letter of the petitioners.

The mayor said the question of the disposal of material taken from the streets required very careful consideration. He had visited Hillside avenue the day previous and found city carts carrying earth on to private property past places on the roadway where the material could have been dumped to advantage. This practice ought to stop.

His worship added that for several years past city foremen had been in the habit of filling up depressions in private property with city teams hauling earth.

It was decided to have the engineer make a full report as to what has been the practice of the foremen as to the disposal of earth excavated from the streets, and to issue orders that in the future there shall be no more carried on to private property.

On the suggestion of Ald. Mable, who informed the board that he had some special information on the matter, it was decided that the city engineer should ask Mr. Hutcheson, superintendent of the electric lighting department, to inspect the repair work in progress at the creosoting plant.

Tenders for work on the market building were opened, as follows:—Malcolm Jones, $1529 for the new work and $295 for the concrete work under the old stalls; W. A. Gleason, $1896, $342; Luny Bros., $1890, $335; J. E. Thomas, $2039, $480; G. A. Steven, $1580, $290; W. F. Drysdale, $1906, $263; Edward Bragg, $2150; $447; Parfitt Bros., $1498, $296; J. F. Smith, $1674, $300; Alfred Turner, $2047, $399; McLean Bros., $2443, $210. The tenders were referred to the city engineer and purchasing agent.

WILL PROBABLY DIE.

Portland, Ore., Aug. 13.—Mrs. W. A. Kastner early to-day sustained probable fatal injuries when she fell from the balcony adjoining her apartments in the fourth story of the Buell apartments at Fourteenth and Salmon streets. She struck on her head, fracturing her skull and badly bruising her body. Mrs. Kastner was removed to a hospital where her chances of recovery are reported to be very slight.

Mrs. Kastner was clad in her night clothing. It is supposed that she was sleeping on the balcony and rolled off.

ALLEGED CONSPIRACY.

New York, Aug. 13.—Charged with having conspired to violate the Sherman anti-trust law in connection with the alleged organization of a cotton pool, indictments were returned in the federal curt yesterday against James A. Patten, the "cotton king"; Sidney J. Harman, Shrevesport, La.; Eugene F. Scales of Dalas, Texas; Robert Thompson, partner in the firm of F. Holland & Co.; Frank B. Hayne and W. T. Brown.

WHEN BABY'S LIFE IS MOST IN DANGER

Summer is the season when the mother finds it most difficult to keep her little ones well. The complaints that afflict the babies during the hot summer months come on so quickly and so unexpectedly that often it is too late before the mother realizes that her baby is anything but well. In summer the mother should make a special effort to keep baby's bowels regular and his little stomach sweet and pure, for this is the secret of successfully warding off those dangerous summer complaints. The mother will find a great friend in Baby's Own Tablets during the hot weather. These Tablets regulate the bowels, sweeten the stomach and thus ward off or cure cholera infantum, diarrhoea, colic, vomiting etc. Mrs. Wm. Sinclair, Bonaventure River, Que., writes: "I can highly recommend Baby's Own Tablets, as they have done my baby much good." Sold by medicine dealers or by mail at 25 cents a box from the Dr. Williams' Medicine Co., Brockville, Ont.

SENSATIONS IN AUDITOR'S REPORT

Statement on New Westminster Tax Sales Read at Meeting Council

New Westminster, Aug. 13. — City Auditor M. B. Cotsworth read his report on the tax sale matter before the city council of this city. The feeling at the meeting ran high, and Mr. Cotsworth, at the conclusion of the address which he delivered, after the reading of the report, was greeted with applause by the citizens assembled in the council chamber.

As yet, no definite action has been taken in the matter or no line of procedure decided upon, but at the next regular meeting of the council the report will come up for discussion.

The fourth installment reads in part as follows:

"In considering the tax sales made during recent years, due allowance should be made for the disastrous effect of the great fire on September 10, 1898, which overwhelmed the city, and by the grave loss thereby caused to property owners rendering so many of them unable to pay their share of the taxes due to the city. The result was that although the provincial government passed the Relief act of 1889 to suspend the city's contributions to the sinking fund for the $953,000 debentures and also relieve taxation (until that burden had to be resumed this year), the arrears of taxes accumulated on a large number of real estate properties, until on September 22, 1902, a tax sale had to be enforced in 473 cases, resulting in a loss of $21,797, or no less than 76 per cent. of the $29,506 then due the city on those lots.

"We should bear in mind that all-important fact that both the amounts raised by debentures on the assessable value of those properties and the annual sums included as their shares in the estimates made for current expenditures during the years of arrearage had been spent, and now constitute part of the 'dragging liabilities' with which you are now burdened.

"Unfortunately, family and friendly dealings were allowed to sway and vitiate what should have been entirely straightforward transactions, which the then mayor and city clerk above all others were in duty bound to require to be carried out whilst fully protecting the city's interests according to the strict letter of the law.

"They must have known (or if they did not know they were unfit for their positions), that the city's amendment act of 1895 in section 14, governing the sales they were conducting, imperatively required that:

"'If the land will not sell for the full amount of arrears of taxes due and all charges, the treasurer shall then and there sell for any sum he can realize, and shall accept such sum as a discharge of the land sold for such arrears of taxes, but the owner thereof shall not be relieved thereby from any liability in respect of any deficiency arising from such sale.'

"I find on folio 36 of the tax sale book that ex-City Clerk F. R. Glover, though he had regularly received his salary from the city, owed $311.87 for arrears, plus $3.45 costs, requiring $315.32 to redeem S, 7, subdivision 6, 7 and 8, which the then Mayor Keary bought in for $50. But please note that the deed was issued to Ada Glover, the wife of the ex-city clerk, whilst the city lost $255.32 thereby, and in defiance of the law, the mayor and city clerk were both paid to administer that deficiency of $255.32 arising from that sale for which F. R. Glover could not by law be relieved, was illegally credited to his account on the collector's roll for 1903, folio 55.

"On the same tax folio 36 the Yorkshire Guarantee corporation owed $196.-81 to redeem C 2, which the mayor bought for $50. Then his confidential clerk wrote in the $146.64 credit for the mayor at the city's loss, on C Roll folio 72, where he also entered an illegal rebate of $3.68 to the mayor's credit on November 3, as though it had been paid on August 1.

"I deny ex-Alderman Fader's statement that such late rebates were allowed to everybody. They were illegally exacted by privileged parties such as he, whilst the poorer taxpayers who paid about the same dates were denied such rebates and had to pay in full.

"The next entry (419), on folio 36, shows Alfred Smithers owing $161.91, which ex-Mayor Keary bought in for $10, leaving the city a loser by $151.91, although the property was assessed at $860.

"The last three entries on folio 33 prove that ex-Mayor Keary for $30 bought C 31, 13, 14 and 15, yet these were deeded out to Frances E. Herring, wife of that debtor to your city, which thereby lost $683.04.

"Those are but samples of the assets the city should have wisely retained and now have reaped the benefit of, instead of finding itself handicapped by the heavy dragging liabilities, now burdening you as taxpayers, who must inevitably through your real estate pay those losses which accrued through the bad civic management which relieved the less scrupulous citizens at the expense of the more honorable working taxpayers who currently paid what was rightly due to the city. We must always remember that the city is bonded to pay every cent of those losses.

"The adjusted totals at the foot of exhibit 10, demonstrate that though J. A. Lee was then only buying as agent for his employers, the direct initial loss to the city on these transactions was $749.90.

"The present value of that property bought from the city at that time, is at least 128 times the price paid for purchase, and proves that indirectly thereon, the city has lost that $12,600.50, maximum increase, which the citizens have developed collectively, but failed to keep for their mutual advantage towards reducing taxation.

"With such 'opportunities' available there is little need for wonder that the city officials were tempted to take a leading hand when the then mayor (W. H. Keary) in violation of what should be the greatest safeguard to protect the interests of the city, by zealously adhering to the oath under which he assumed office, took such an unworthy part as that now disclosed by exhibit 8. That proves that though he was owing the large sum of $784 for arrears on his 60 entries in the collector's roll after drawing his first year's salary which should have been applied to honorably pay that debt to the city employing him to require the collector to get all possible taxes in, he found $3,088 somehow for the purchase of these valuable lots there listed, which according to eyen the low assessment values for this year are worth at least $141,-960.

"I find it impossible to believe that ex-Mayor Keary could have had such transactions with the city he was elected to rule and safeguard, without violating the public oath by which he undertook that he would not allow any private interest to influence his conduct in public matters.

"I do not think that any fair minded person after reading the following can believe that those transactions with the city did not result in his private gain.

"Though the collector's roll for 1903 shows W. H. Keary's lots were credited with $465.18, to the debit of the city's tax sale purchase account, I cannot trace that any of his property was included in the prior tax sale, neither can the receipt books for those be found though repeated searches have been made.

Here Mr. Cotsworth introduced several letters showing a tax sale purchase by William Peacock on September 22, 1902, of lot 2, block 14, for $55. Another legal paper shows the transfer by Mr. Peacock to Mayor Keary of the same piece of property for simple value received. A third transfer shows a transaction whereby Mayor Keary transfers to Mabel Wells, his stenographer, the same piece of prpoerty for the same nominal sum. The report follows:

"That lot, after refunding the 55 to William Peacock, was passed through the ex-mayor's then typewriter, Mabel Wells, and is now assessed at $10,000, though worth much more.

"The second case to which it is my duty to ask your attention shows part of the method employed by the small combined group of officials connected with the city hall, as indicated by the following letter and invoice I found and have copied out on the next page:

"This letter contains a statement to the effect that a draft for $1,523 had been forwarded Mr. Keary by G. A. Hankey & Co., of Vernon, B. C.; also a note concerning Mr. Keary's relations with Messrs. McQuarrie and Bowler. Another paragraph of the letter contains a reference to lot 1, block 4, in Sapperton, stating that an offer would hold good only to a certain date, and stating that the property was listed at $5,250. The rest of the letter contains terms of a prospective sale of this piece of property.

"A statement of account between the mayor and the same firm follows, showing the financial relations between the two parties.

Here Mr. Cotsworth turns to exhibits again and introduces the books of the land registry office, showing the transfers of lot 1 in suburban block 4, in the city of New Westminster. The books show that on February 2, 1906, the lot was granted the city, and that on June 8 in the same year, the city sold it to Joseph Martin and John Walter Weart at a declared value of $1,000. On February 26, 1907, Martin conveyed his interest to Weart, and on June 8, 1907, the latter sold the property to the Yorkshire Guarantee & Securities Co., Ltd., for $2,100. Another entry shows that on June 14, 1907, the company transferred the land to G. Allers Hankey at a declared value of $1,000.

"As showing how lightly some officials thought of getting illegally freed from their tax debts due to the city, I may refer you to tax sale folio 54, where S. J. Pearce was actually allowed to buy his own lot 10 in 6 23 for $8 when $32.82 was owing to the city thereon, though I am pleased to find that he does not appear to have had the shortage of $24.83 allowed. Yet it is evident that he had money then available to pay more as proved by the facts that he then paid $9.25 for the next three entries, being S, 12, lot lot 4, subdivisions 1, 2, and 3.

"It was wrong, if not criminal, for the mayor and other officials to have taken advantage of the city through their positions for speculative purposes, as the details recorded on exhibit 9 prove that these were not cases of securing lots for their respective homes. These men were paid salaries by the city and therefore their whole interest should have been on the city's side.

"Some transactions already referred to indicate more in the nature of 'graft' than can in future be allowed under the British flag."

Concluding, the auditor says: "It is my reluctant duty to name ex-Mayor Keary as the person mainly responsible for the administration of those transactions in which he personally took part. He most seriously violated his sacred trust and oath of office, which read, 'I will faithfully perform the duties of my office and will not allow any private interest to influence my conduct in public matters.'"

WILL HUNT BIG GAME.

Vancouver, Aug. 12.—Col. Parry, D. S. O., commander of the Denbighshire Yeomanry, North Wales, is at present in the city preparatory to visiting the Cassiar district to hunt big game. The ascent of the Stikine river to Telegraph creek will be made from Wrangle, Alaska. The colonel expects to be six weeks in the north, and is most anxious to secure a number of good trophies, including a moose head. Col. Parry has hunted in Africa, Norway and New Zealand, and was decorated during the South African war.

Among other hunters seeking sport are J. Rosenburg, who is going to the Cassiar district this fall, and Mr. Eustis Redcliffe, a well-known English sportsman, who is now hunting grizzly in the Kenal peninsula of Alaska.

HOUSES ENGULPHED.

Staunton, Va., Aug. 13.—Residents of Staunton are hurriedly moving from their homes, terrified by the sudden appearance in the town's centre of gaping holes in the earth. Already two houses have been engulphed and other cave-ins are occurring at short intervals, slowly destroying Baldwin street, the main thoroughfare. Staunton is in the limestone region and it is believed that hitherto concealed subterranean chambers have suddenly settled, breaking the surface. No relief seems possible.

ENDEAVORERS ELECT OFFICERS

Vancouver Gets the Bulk of the New Executive and Next Year's Meeting

(From Saturday's Daily.)

The annual meeting of the B. C. Union of Christian Endeavor was held this forenoon in St. Andrew's church. The following officers were elected:

Hon. President—J. B. Mathers, Vancouver.

President—J. D. McPhail, Vancouver.

First Vice—Rev. W. J. Woodside, Vancouver.

Second Vice—Wm. Manson, Nanaimo.

Third Vice—Prof. E. Etherington, New Westminster.

Secretary-Treasurer—W. J. Hogg, Vancouver.

Executive Counsellors—E. A. Cleland, Vancouver; H. D. Lamb, Chilliwack; M. Stark, Nanaimo; Alex. Munro, Vancouver; R. W. Coleman, Victoria.

Pastoral Trustees—Rev. H. A. Carson, Victoria; Rev. S. J. Thompson, Nanaimo; Rev. W. A. Gifford, New Westminster; Rev. Dr. Perry, Vancouver; Rev. Robert Milliken, Vancouver; Rev. Merton Smith, Vancouver.

Superintendent Junior Work—Miss McKenzie, Vancouver.

Superintendent Intermediate Work—Miss Warner, Vancouver.

The next convention will be held in Vancouver at a time to be decided on by the executive.

The new president was for many years an active worker in the Student Volunteer movement, and in a short, earnest and eloquent address asked the prayers of his electors. It was possible, he said, to live a clean, honest, Christian life and yet be a successful business man. The aim of C. E. societies should be to strengthen the hands of the pastors of the different churches.

A hearty vote of thanks was tendered the retiring officers, especially the president, Rev. H. A. Carson, and secretary, R. A. Coleman, and the convention closed by singing "God Be With You Till We Meet Again," Rev. H. A. Carson pronounced the benediction.

AVIATOR CONTINUES FLIGHT IN HURRICANE

Le Blanc Defies Elements in Order to Complete Cross-Country Race

(Times Leased Wire.)

Mezieres, France, Aug. 13.—Defying the hurricane that fairly whipped the trees from the earth, Aviator Le Blanc, leader in the 488-mile cross-country flight, ascended at 3.55 p.m., bound for Douai, 87 miles distant. Aubrun followed suit at 5.05.

Le Blanc's disregard for his life and the marvels that he has performed at prodigious heights have won him the name of "Falcon." His attempt to-day is considered extremely foolhardy, and pessimists predict disaster for both Le Blanc and Aubrun. Le Blanc, true to his nick-name, began his flight by climbing into the clouds. He was carried swiftly from view, enshrouded by the scudding storm clouds.

Le Gagneux, who was forced to descend at Chilly this morning, re-started later, only to find the gale too strong. He came to earth at Lee Cateau and will abandon further attempts to-day to reach Douai.

SEISMOGRAPH RECORDS SEISMIC UPHEAVAL

Tidal Wave is Believed to Have Occurred in the West Indies

(Times Leased Wire.)

Washington, Aug. 13.—That a terrific seismic upheaval, probably a tidal wave, occurred in the West Inides to-day is indicated by the seismograph at Georgetown university. The needle of the instrument recorded a shock of great intensity, beginning at 8.02 a.m., and continuing with varying force until 8.25, the maximum being reached at 8.17.

Observer Lorndorf states that the shock is of extraordinary severity. He places its location as in or about the island groups of the Antilles, and expresses fear for their safety.

THREE KILLED; OVER SCORE INJURED

Engine Collides With Car Carrying Workingmen—Laborers Attack Train Men

Oakland, Cal., Aug. 13.—Three instantly crushed to death and nearly a score injured is the toll that to-day stands against the Western Pacific railroad as the result of a collision of an engine and a car loaded with workingmen. After the accident the crew of the engine was attacked by a mob of infuriated laborers, and was forced to uncouple the engine from its cars and escape in it. Railroad officials place the blame on the dead men.

IMPRISONED ATTORNEYS.

San Francisco, Cal., Aug. 13.—Everything that fashionable callers, hotel chefs, automobiles and messengers can do to alleviate the sufferings of A. A. Moore, Stanley Moore and John J. Barrett, three attorneys for Patrick Calhoun who were imprisoned for contempt of court, is being done to make their five-day term seem as short as possible.

The five-day sentences imposed by Judge Lawlor will expire Sunday evening and the attorneys are as comfortable as possible under the circumstances.

GREATEST ZINC MINE IN WORLD

OWNER OF LUCKY JIM TALKS OF WORKINGS

G. W. Loper Interviews Government About Rebuilding of Kaslo and Slocan Railway

Among the visitors to Victoria at the week-end was G. Weaver Loper, vice-president and managing director of the famous Lucky Jim zinc mines, who interviewed Premier McBride and other government officials on a number of matters affecting the Kaslo district.

The mine, which is said to be the greatest zinc property in the world, is situated 22 miles from Kaslo, and Mr. Loper urged upon the government the necessity of having the Kaslo & Slocan railroad, which was put out of business by forest fires in July, restored to running condition. Mr. Loper stated to a Times representative that Mr. McBride had promised to bring whatever pressure he could, to bear upon the Great Northern Railroad Company, which controls the smaller line, to reconstruct the road at the earliest possible date.

Mr. Loper, who acquired the controlling interest in the Lucky Jim two years ago when it was five years old, and who has since developed it into a proposition of large proportions, is enthusiastic over the property.

"We have let contracts for the erection of a 200-ton concentrating plant, which will cost approximately $100,000 and which, besides treating the ores of the Lucky Jim, will act as a customs mill for Kaslo and the surrounding districts," he said Saturday. "We have a satisfactory milling and transit agreement with the railroad practically concluded and the concentrator, which is to be completed this fall, will enable us to run all through the winter.

"The No. 5 tunnel on the property is now in 300 feet and we are making a cross-cut under the big winze which shows 22 feet of zinc ore. Going a distance of 500 feet we cut through 35 feet of zinc and encountered nine inches of iron. We concluded we had reached the end of the zinc but were gratified to find, after drifting through iron, that we were in lead with silver values. After passing through over five feet of lead we struck zinc again continuing for over 54 feet, the total crosscut being 91 feet wide. This, with two strikes in No. 5 tunnel, represents a body of ore 113 feet wide, which is the largest extent of this grade of ore ever encountered in the history of zinc mining.

"We completed the last strike just previous to the forest fire of July 16th, in which six of our men were killed. The fire destroyed some bunkhouses and other property above the ground but did not injure the mine, of course. At present we have 25 men at work in the mine and 50 men building a road from Three Forks to Lucky Jim. When the concentrator is completed and the railroad operating we expect to employ 250 to 300 men."

So far the Lucky Jim mine, since Mr. Loper became interested in it two years ago, has shipped 11,000 tons of green ore, assaying 52½ per cent. zinc, and giving a net profit of $20 a ton.

"I feel confident in saying," said Mr. Loper with a smile, "that Lucky Jim is not only the premier zinc mine of Canada, but of the world."

Mr. Loper, who resides at Nelson, was accompanied on his visit by Mrs. Loper and A. S. Lennie, his legal adviser.

REGULAR MEETING.

Court Northern Light, A. O. F., held their regular meeting on Wednesday evening, when candidates were initiated and a large number of propositions received. During the evening the gold medal given by the high court to the member securing the largest number of members in colonial courts was presented to the winner, Bro. J. P. Hancock. Court Northern Light again occupies, for the third time, the position of being the court with the largest membership in B. C., the city of Victoria having a membership of 1,324. The court will be represented at the thirty-seventh annual convention to be held at Vancouver on August 15th, by Bros. W. F. Fullerton and J. P. Hancock. The most important subject to be discussed will be the old age pension fund scheme, the plan being prepared by a committee consisting of Bros. W. F. Fullerton, of this city; W. Bennett and T. Buckle, of Nanaimo. At the convention it is expected to have representatives present from the Subsidary High Court of Canada to discuss the advisability of amalgamation of Columbia District with the High Court of Canada.

Protect Your Hands From Fruit Stains

At this season when housewives are handling so much fruit their hands are almost constantly stained. The juice of most fruits is very hard on the skin, discoloring it and rendering it hard and dry. Overcome this difficulty by wearing a pair of our fine

RUBBER GLOVES, PER PAIR, $1.25.

We can give you the good kind that will fit properly, and not in the least clumsy. If you have to do your own house work and wish nice, soft hands, be sure to wear a pair. Come in and see them.

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JUDGMENT IN THE POST OFFICE CASE

Magistrate Prior's Reasons for Dismissing Charge Against Baxter & Johnston

The full text of Acting Magistrate Prior's decision, dismissing the charge of infringement of postoffice regulations brought against Baxter & Johnston, was as follows:—

In this case the defendants Charles Stuart Baxter and Halcrow Peter Johnson are indicted under the provisions of the Post Office Act with sending certain letters to the number of 25,400 within Canada contrary to the provisions of the said act.

The facts of the case, which are admitted, are shortly as follows: The defendants during the latter part of September, 1909, undertook a contract for the Licensed Vinters' Association of British Columbia to print, address, seal, stamp and dispatch a two-page circular to every voter in the province of British Columbia. Each circular was put in a separate envelope, addressed to a different person and stamped with a one-cent stamp. On or about the 8th November, 1909, about which time the circulars were required to be sent out, the defendants, for the purpose of incurring as little expense for postage as possible, conceived the idea of packing the letters addressed to all persons in each city in separate boxes and then forwarding such boxes by Dominion Express Company to an agent in each city with instructions to open the boxes and post the letters therein contained. The letters were packed in such manner that without opening the boxes no one could tell what they contained. The boxes were, of course, addressed to the respective agents. They were opened on arrival by the respective agents to whom they were addressed and consigned and all the letters therein contained were mailed in the post office of the city or town in which the agents respectively resided. In consequence of the method adopted by the agent in Vancouver, the postal authorities became aware of the means by which the letters had been sent to him and had arrived at Vancouver and the letters were intercepted by the postal authorities who required that an additional one cent postage for each letter be paid.

An investigation was held by the post office inspector at Victoria under the provisions of sections 16 and 17 of the Post Office Act but nothing need be said in regard to this investigation other than that both the defendants voluntarily and readily consented to give and did give evidence under oath admitting the facts as contended for by the prosecution and as stated above.

The sections of the Post Office Act, under which these proceedings are taken, are sections 136 and 137. Section 137 provides that in cases where the penalty exceeds $40, as in this case, the offender may be indicted for violating the provisions of the act. In order to give myself jurisdiction to try the defendants summarily I complied with the requirements of section 778 of the Criminal Code ss. 1 and 2 and in answer the defendants both consented to my trying the case. Thereupon both defendants pleaded not guilty.

Section 136 provides that "Any person who otherwise than in conformity with that act collects, sends, conveys or delivers or undertakes to collect, send, convey or deliver any letter within Canada or receives or has in his possession within Canada any letter for the purpose of so conveying or delivering it shall for each and every letter so unlawfully collected, sent, conveyed or delivered or undertaken so to be or found in his possession incur a penalty not exceeding twenty dollars."

The charge before me and with which I have to deal is that the defendants "did unlawfully otherwise than in conformity with the Postal Act send certain letters to the number of 25,400 within Canada contrary to the provisions of the said act."

As the facts are not in dispute all I am called upon to decide is whether, upon those facts, the defendants are guilty of the offence charged. This depends upon what is the meaning of the word "sends" in conjunction with the words "otherwise than in conformity with the act." (Post Office Act.) Although the meaning of a number of words used in the act is defined by section 2 of the act no definition of the word "sends" is given, consequently the intention of the act as well as the section in which it appears must be looked at. In my opinion the intention of the act as regards section 136 is that no letter (save the excepted letters specially mentioned in section 66, but which has no application to the case before me) shall be sent to the person to whom it is addressed, i. e., its ultimate and intended destination, except through the medium of the post office; in other words, that the services of the post office cannot be dispensed with in the ultimate carriage and delivery of such letter to the addressee. I consider the word "sends" in section 136 refers to the sending by some medium (other than by post) of a letter with the intention that it shall be carried and delivered to the addressee by such medium without the intervention of the postal service. For instance, if the defendants had given the letters in question to the Dominion Express Company with instructions to carry and deliver each letter to the person to whom it was addressed, and the company had so delivered each letter, there would be no question that an offence would have been committed by both the defendants and the company under section 136. But in this case every letter, the subject of the charge against the defendants, was in fact mailed in a post office in Canada and was delivered by the postal authorities to the person to whom it was addressed. All that can be said is that, instead of mailing the letters in Victoria the defendants mailed them in Vancouver and the other places to which they were sent. I can find nothing in the Post Office Act, neither was it contended by the prosecution, that the act requires a person to post a letter in any particular post office. In my opinion if a letter is posted in some post office in Canada and is carried and delivered to the addressee by the postal authorities, it is "sent" "in conformity" with the Postal Act," and therefore section 136 does not apply.

Suppose the universal two-cent postage rate, which pertained at the time of the passing of the Post Office Act, had been in force to-day and the letters which the defendants forwarded by the Dominion Express Company to another city for posting had all been stamped with two cents instead of one, I am strongly inclined to think that the postal authorities would not have taken any notice of the case, and, indeed, would not have considered that any offence had been committed under section 136. I cannot see that because the postal authorities have inaugurated, what I may term, the one-cent local rate, that it makes any difference to the principle involved in section 136. All the act requires is that a letter shall be posted, i. e., that it shall be carried and delivered to the addressee by the postal authorities. A person is not debarred by the provisions of the Post Office Act from posting his letter in any post office in Canada that he chooses, and so, now, avail himself of the one-cent local rate.

The fact that the postmaster-general may lose revenue by the course which the defendants adopted in this case does not, in my opinion, constitute or create any offence under section 136, as charged in the information. This kind of loss of revenue can only arise since the inauguration of the one-cent local rate, and therefore such a contingency was not in contemplation at the time of the passing of the Post Office Act, and is not provided against.

I am of opinion that the defendants are not guilty of the offence charged in the information, and I therefore dismiss the case against both of them.

NEW FIRE CHIEF.

North Vancouver, Aug. 12.—Out of six applications for fire chief that of J. J. Donovan was chosen at the adjourned meeting of the city council. The duties of the new chief will commence on Friday, September 1st, and the salary offered as a start off is $80. North Vancouver has now the nucleus of a paid fire department and the old volunteer fire brigade will gradually fade away. Steps will be taken at once for the employment of four paid firemen. This body of men, supplemented for a little with the volunteers, and with the team of horses and the $10,000 fire apparatus, which will be voted upon on Saturday, will undoubtedly put the local department upon an efficient basis.