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MUNICIPALITY WILL TERMINATE NUISANCE

Threat of Real Estate Firm to Bring Action Leads to Prompt Measures

(From Sunday's Daily.)

The municipal council of South Saanich will put an abrupt stop to the overflow of refuse matter from the Victoria creamery on the Carey road, which refuse, it is claimed by property owners along the ditch into which the matter descends, is a decided nuisance. Some time ago, as a result of complaints, the creamery company was given fourteen days in which to abate the nuisance, the stench arising therefrom at times being almost unbearable. Little or nothing was done at that time, but at the regular fortnightly meeting of the municipal council held last evening the matter was again brought to the attention of the council by a letter from C. W. Blackstock & Co., real estate agents of this city.

That firm called attention to the fact that buttermilk from the creamery is being dumped into the ordinary ditch running past the property in sections 14 and 24, Carey road. Many of these lots have been disposed of to Eastern people, including Regina parties, who have been recently in the city with the intention of starting building operations. Owing to the stench from the ditch by reason of the dumping of the milk therein, these purchasers have decided not to take the property and threaten Messrs. Blackstock & Co. with proceedings in the courts for selling the lots. The company gave notice that if suit is entered against it, it will immediately commence proceedings against the municipality for any damages which may be incurred in connection with the nuisance, which the company already had the assurance of the council would be stopped before it had commenced to sell of any of the lots in that vicinity.

Councillor Puckle suggested that it would be wise for the council to ascertain just what its liability in this connection was. The nuisance had been going on for years, and Blackstock & Co. knew it was there when the property was purchased.

Councillor Moore urged that immediate action be taken at once, otherwise the municipality might find itself up against a suit for damages.

Reeve Brydon had no doubt but that the municipality was liable, but if proceeded against they could get after the creamery company. The only way the council could take a hand in the trouble was for it to close up the ditch where it came upon municipal property.

Councillor Quick declared that the council had been too lenient with the creamery company. There was no doubt in his mind that from the time the council was notified of the nuisance it was liable if the nuisance were continued.

Councillor Durrance suggested that owing to the fact that other property owners along the ditch, besides the creamery company, benefitted by having their property drained into the ditch, the creamery company together with those other owners should get together and pay to have a septic tank installed. He claimed that all parties would be willing that this should be done.

J. Snelling, secretary and manager of the creamery company, who was present at the meeting, stated that the company had been using the disinfectant asked for by the council, and he did not know what else could be done. The chief cause of the trouble seemed to be the presence of refuse matter in the ditch, though he did not think the smell was as strong as some imagined. A meeting of the shareholders of the company would be held in January, when the matter would come up for consideration. He did not think that an earlier meeting of the shareholders could be arranged. Most of the directors realized that the company would be better off if it could obtain a site in the city where sewer connection could be had.

Finally on motion of Councillor Pointer, it was decided to instruct the road superintendent to have the ditch closed where it comes upon municipal ground. This will be done tomorrow.

Road Superintendent Pim reported the following amounts paid for repairs during the month of November:

Old West road, cutting brush, $41.60; West road, cutting brush and putting in culvert, $53; Each Saanich road, gravelling and repairs, $81; Newton Cross roads, $51.50; Sand Hill bridge repairs, $45.80; Gorge road, gravelling, $53; Harriett road, gravelling, $35; Whittier avenue, grading and new culvert, $14.50; Carey road, gravelling, $23.25; Glenford avenue, $9.50; Saanich road, new culvert near Swan lake, $9.25; Cedar Hill Cross road, $1.10; Kenneth street, new culvert and ditching, $8.15; West Cross road, $1.15; Cordova Bay road, $1.15; Swan Lake bridge, repairs, $4.30. Total, $433.50.

Mr. Pim also reported that proposed improvements in the way of filling in the Swan lake bridge on the Saanich road would cost $300, while to widen the road around the lake, the estimate cost is $500.

F. W. Pemberton wrote complaining of the owner of property near his own allowing a band of goats to run at large. The matter was referred to the constable.

J. Floyd, clerk of the municipality of Oak Bay, wrote asking for $119.19, the proportion of the cost of the school at Cadboro' bay for the year ending December 31, to be borne by the South Saanich municipality. The number of children attending the school during the year was twenty-three, of whom nineteen are from the South Saanich municipality, the total cost outside of the amount allowed by the government being $144.25.

Accounts to the amount of $238.50 were ordered to be paid.

Cable News Service.

Montreal, Dec. 11.—The council of the board of trade decided to take no action on the request of the Vancouver board of trade that it should join them in an appeal to the government for assistance in the establishment of a cable service for Canadian newspapers, the allegation being that the present service was contaminated by an American tinge.

A WHALE STORY

Mistook Log and Rotator of Schooner For Trolling Spoon

The following tale of a tortured whale burdened the telegraph wires from San Francisco on Friday:

"With shrieks that rose high above the shrill and awful howling of the hurricane, a tortured whale rent the air for six long hours as it vainly strove to vomit the knot line and rotator of the schooner J. M. Weatherwax.

"The disturbance in the interior of the monster that swallowed Jonah was not a circumstance compared to the frightful agony suffered by the one that came from Eureka with the Weatherwax. The Weatherwax took twelve days to come down from Eureka to this port and part of the delay is attributed by Capt. Osterhuis to the mad struggles of the whale in trying to disgorge the schooner's line and rotator.

"According to the log of the vessel, a monster whale was found to have swallowed the knot line and rotator at the stern of the craft. For hours the monster screamed in agony as the schooner, forced along at fifteen knots an hour by the storm, caused the rotator to inflict awful internal wounds on the leviathan.

"Death ended the suffering of the whale shortly after the line was cut by a tender-hearted sailor."

In a case at Grimsby it was decided that a stage manager is not a workman.

PROSPECTORS FLOCKING TO BRITISH COLUMBIA

Individual Miners of Yukon Will Try Luck in This Province

(From Sunday's Daily.)

The eyes of the individual prospectors who are being driven out of the Yukon through the government's policy in granting concessions to large companies are now being directed toward that part of northern British Columbia lying between Cassiar and the southern boundary of the Yukon, according to Col. Donald McGregor, who recently returned from the north after spending several years there. Col. McGregor says that many of the old-time Yukon prospectors are already interested in the new district and many others will join them as soon as circumstances permit of their doing so. One of the attractions of the district is that it is in British Columbia, the placer mining regulations of which are considered much more favorable to individual prospectors than those of most places.

Access to the new district has been exceedingly difficult until comparatively recently when the provincial government provided a wagon into it from Atlin. What is wanted in Col. McGregor's opinion, however, is a railway. With easier access crowds would pour into the new gold country next year.

In connection with the regulations that are driving individual prospectors out of the Yukon it is interesting to note that Col. McGregor, about two years ago, when the Yukon mining regulations were being prepared offered a number of suggestions to the gold commissioner and committee in charge which would, he believes, have protected the interests of the individual miners. Among other things Col. McGregor suggested was the adapting of the British Columbia regulations to the necessities of the Yukon. The letter addressed by him to the gold commissioner and mining committee, which bore date of November 23, 1905 was as follows:

To the Honorable Commissioner, and members of the mining committee:

Sirs.—It would appear that providence in the arrangement of matter, so regulated the rich mineral deposits of the earth that man in his researches for those treasures might incidentally discover other resources of the country.

The gold seeker, or prospector as he is commonly called, is almost invariably found leading one vanguard of civilization. In pursuit of his chosen vocation he traverses perilous wilds "o'er moor and fen, o'er crag and torrent" into unknown regions and of necessity subjects himself to untold hardships and privations.

If the belief could be established, by theory or otherwise, that the North Pole was embedded in a rich mineral belt, the typical prospector with the degree of perseverance and determination characteristic of him would doubtless be first to seize the prize.

After rich mineral deposits are discovered and a mining camp is established, other industries, for which the country may be adapted, one to life. Civilization follows in the wake of the prospector. He paves the way.

The valleys of California, for example, now classed among the most fertile of the earth, remained mostly a terra incognita until they were explored and brought to the notice of the world through the efforts of the prospector.

British Columbia, with its fertile valleys, its rivers teeming with fish, its ten thousand grassy hills, and its forests of stately fir trees, remained mostly in possession of its native Indians and the Hudsons Bay Trading company, until the discovery of gold placers on the Fraser river in 1858.

British Columbia characterized at one time, and by no less a personage than Edward Blake, as "nothing but a sea of mountains" has proven to be a land rich with varied resources and its development has been brought about in the first stages through the efforts of the individual prospector. It has been the effort of every nation, beginning as far back as Grecian and Roman times, recognized as they did the importance of the individual prospector as a factor in the development of the country and the expansion of civilization, to prevent the monopoly of gold and silver mines. Therefore the regulation has been almost universal that no claim be granted to anyone except to miners actually on the ground. This policy has been followed in the British colonies outside of Canada. The only exception has been the acquisition of the South African Chartered company of all lands, including minerals in Rhodesia, but the conditions obtaining there at that time were exceptional.

About two centuries ago the Spanish government framed a code of mining laws to regulate mining in the Spanish American colonies, and although in some minor clauses not fully suited to the requirements of today, still on the whole it is considered one of the best mining codes given to the world. The essence of the Spanish code was that the miner only working as a tenant paid a nominal rental fee to the Crown. If a miner failed to do a certain amount of work on his claims any other person could "redenounce," or as we put it, "relocate" it and acquire a good title to it so long as he performed the required amount of work.

Mining locations were "square," the corners being marked by a permanent monument. Thus the locking up of mining properties, and disputes in regard to boundaries, were prevented.

When the discovery of gold in California brought mining for the precious metals to the front in the United States of America, the government followed the Spanish example in limiting the extent of mining claims to small portions, thus leaving the mineral lands of the country open to location by the individual prospector with but little means; to this rule is chiefly due the marvelous expansion of mining for the precious metals in the United States. The 20 acre claim is of comparatively recent date.

In late years the South African republic (Transvaal) framed a code of mining laws, which, on the whole, seem to have given good satisfaction.

The miner is restricted to small "square" locations, with the right only to mine under the prescribed boundaries of his claim.

He must pay a small license per month, which is larger for producing them for non-producing mines.

The title to a number of claims can be finally vested in one name, as is also the case in the United States and Spanish-American, this being essential to the successful working of quartz lodes or "blanket" reefs, as in the Transvaal.

No royalty on silver "output" is demanded by either of these governments, unless the mint charges in Mexico may be considered a royalty.

British Columbia.

The mining regulations enforced in British Columbia have met with the approval of representatives of other nations, as well as the Canadians themselves, and the opinion seems to be pretty general that had the British Columbia laws been adapted, with some slight alterations, to suit existing circumstances, at the beginning, the camp would be in a more prosperous condition today.

The claims were "square" 100x100 feet, except hillsides, which were 100 feet width running from the base of the creek to the summit or 1,000 feet, provided the summit was that distance from the base.

A claim was considered abandoned and open for relocation by other parties if it remained unworked for over seventy-two hours during the working season, which was the summer months, unless a reasonable excuse was given the gold commissioner whereby he might consider himself justified in allowing the grant to hold good.

Each claim was marked by four corner posts which were the permanent boundaries and could not be altered by any subsequent survey unless it were found that a previous location had been encroached upon.

A miner had the privilege of abandoning his location at any time when he became dissatisfied with it, and taking another, he never lost his mining rights; he paid an annual fee of $5 for mining certificate and a fee of $2.00 for each record he might make; no royalty on the gold, and no fee for timber or wood was charged, and a miner had an undisputed claim to the ground on which his cabin stood, providing his was the prior location.

During the earlier years of the camp a man could hold one claim by location and one by purchase. Thus monopoly was prevented.

In the Yukon, however, unfortunately, we found the order of things somewhat reversed, instead of reserving the mineral lands for the individual prospector actually on the ground, many miles have been given away in concessions to parties who have never been within thousands of miles of the Yukon.

An enormous royalty was imposed in the first place, but now altered to a worse form, the export tax.

DRINKS LINIMENT AND ENDS HIS LIFE

Hugh Calwell, a Well Known Character, Met Death Yesterday

(From Sunday's Daily.)

"Gone to my last home, no place to go and forsaken by my friends. But God will come for me at last."

H. CALWELL.

With the above farewell message written on the leaf of a notebook foun[illegible] aged [illegible] and [illegible] foun[illegible] derin[illegible] latio[illegible] pain[illegible] pital he died an hour later. When first found he stated that he had taken liniment in mistake for cough medicine. The note and his actions, however, point to suicide.

It was shortly before 1 o'clock that C. H. King, caretaker at the Isolation hospital saw an old man wandering aimlessly around the grounds of that institution, suffering from severe paroxysms of coughing. Approaching the sufferer he inquired what was the matter. The latter stated that he had an order for committal to the Jubilee hospital and asked Mr. King to assist him thither. As they were proceeding he suddenly sank down and could go no farther. He exclaimed that he had taken the wrong medicine and had swallowed liniment instead of cough medicine. Mr. King procured help from the jubilee hospital whither he was conveyed only to die within an hour.

The dead man was recognized at the hospital as Hugh Calwell, a well known character. In his pocket he had in addition to the note book an order of admittance to the institution signed by Dr. Richard Hall, and a box of pills furnished by Dr. Robertson. The latter were evidently picked up by the old man in his wanderings, for they were not supplied him by Dr. Robertson.

An inquest has been ordered by the coroner Dr. Hart, for Monday morning at 11 o'clock.

The dead man has had a somewhat chequered career and at one time was in good circumstances. He was born in Ireland and came at an early age to America, settling in Chicago, Ill. after following his trade, that of blacksmithing in various parts of the country. When the Fenian raids of the '60's began he came to Canada and volunteered, serving through several campaign for which he received the Queen's medal.

He later settled at Toronto where he ran a large blacksmithing establishment employing many men. He did all the horseshoing for the principal firms of that city, including the Shedden Transfer Co., and William Hendrie & Sons and was very successful. In 1884 he came to Victoria and settled in business. His business went from bad to worse and of late years he has subsisted on odd jobs, estranged from his family and friends through his own weakness. He has latterly been employed as caretaker of some cabins on Humboldt street.

He is survived by his wife and five sons. The latter are Andrew Calwell, of Cameron and Calwell, Hugh Calwell and John Calwell, expressmen of this city, Walter Calwell, fireman and William Calwell, a cabinet maker.

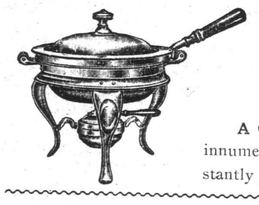
Pekin, Dec. 13.—The officials of Shan Si province, where the Pekin syndicate has its many concessions, have expressed their willingness to buy out the syndicate for 2,500,000 taels, explaining at the same time that this amount is fifteen times more than the syndicate has ever invested in the province. The syndicate values its concessions at 10,000,000 taels, and contends that it should be compensated for the balance. The claim of the Pekin syndicate, a British corporation holding the largest concessions China has ever granted, arises from the efforts of the provincial authorities of Shan Si to have these concessions rescinded. The pressure which is being exerted upon the Chinese government by the presence of a British fleet off Kwang Tung is beneficial to British interests, and at the same time it is increasing the unpopularity of the provincial authorities of Shan Si. These latter have come to expect nothing from the central government.

Nine Days Then Christmas

Shop now. The longer you delay, the less chance you have of getting the choicest things.

We mention gifts appropriate for everyone, and with the selection as varied and attractive as it is at this store, Christmas shopping should be a pleasure.

Our window display will offer suggestions from now on until Christmas Eve.



Chafing Dishes

A Seasonable Suggestion

A CHAFING DISH makes a right sensible gift, as there are innumerable appetizing morsels that can be prepared almost instantly with it. Prices .....$7.50 to $9.00

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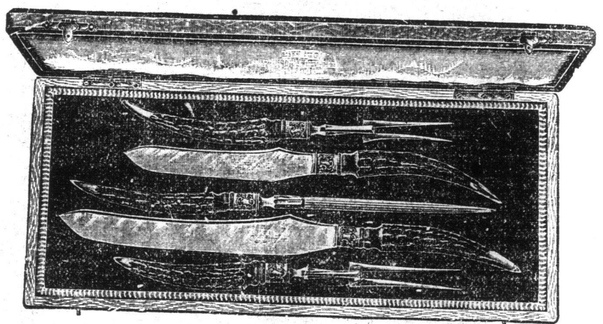


3-Piece SETS .....$1.50 to $3.00
3-Piece SETS, in cases, $2.50 to $16.00
5-Piece SETS, including Game Set, in handsome cases.....$5.00 to $11.00
SILVER FISH SERVERS, in handsome cases .....$4.00 to $14.00

We have many Beautiful OAK CABINENTS, containing Fish Sets, Dessert Sets, prices ranging from $12.50 to $35.00

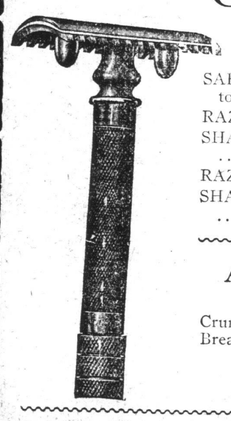
Also OAK CABINETS, containing Knives and Forks complete with Carvers, prices ranging from .....$18.00 to $50.00

Tools for the Boy

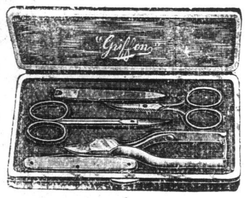
Pocket Knives and Scissors

We have a splendid assortment of Pocket Knives and Scissors of every standard make, in all sizes and for every purpose.

Gifts for a Man



MANICURE SETS ..... $1.75 to $12.00
SAFETY RAZORS, $1.25 to $5.00
RAZORS .....$1.00 to $3.50
SHAVING BRUSHES ..... 25¢ to $1.50
RAZOR STROPS...50¢ to $4.00
SHAVING MUGS ..... $1.75 to $2.50



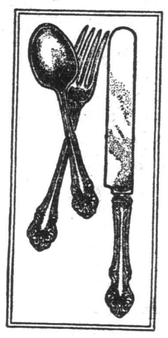
A Few Other Helpful Suggestions

Five O'Clock Tea Kettles, Needlework Cases, Companion Sets, Crumb Trays and Brushes, Fancy Tea and Coffee Pots, Hand-carved Bread Boards, Oak and Nickel Plated Trays.

SPIRIT LAMPS.

Nickle-plated Baking Dishes, Carpet Sweepers.

Community Silver



Helps to decide holiday purchases. No handsomer, more serviceable, or more appreciated gift could be made. Beautiful as long as it lasts—and it lasts a lifetime. See it and decide for yourself.

We have Community Silver Knives, in sets, Spoons and Forks, in sets, Nut Crackers and Picks in sets, Fruit Knives in sets, Coffee Spoons in sets, Orange Spoons in sets, Berry Spoons, Soup Ladles, Butter Knives, Pickle Forks, Pie Servers, Cake Knives, Sugar Shells, etc.

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