

SAYS THAT CITY HAS PRIOR RIGHTS

CAN TAKE WATER FROM GOLDSTREAM RIVER

Solicitor Advises That Municipality Takes Precedence Over Private Corporation.

An important report was submitted by the city solicitor at Monday's meeting of the council. In effect it was that the city had the right to take water from the Goldstream river and lakes, as the Esquamit Water Works Company only get their right to this water subject to the city's prior rights. This was the most interesting item of business on the order paper. The meeting was unusually brief, terminating at 9 o'clock.

The city solicitor's report referred to is as follows: Gentlemen—I have the honor to report on the question submitted to me as to the legal position of the council as regards the taking of water from Goldstream river and their statutory powers for obtaining a supply of water for the city, as follows: On the 21st February, 1873, an act was passed giving to the city of Victoria the right to take water from all springs, streams, lakes or bodies of water situated within 20 miles of the city. This act was amended in 1881 and again in 1892, but nothing has impaired the rights granted. The distance of 20 miles has, according to a well known rule of law, to be measured from the city limit in a straight line as it is on a horizontal plane. The passing of this statute amounts to a record of all the water within a distance of 20 miles of the limits of the city of Victoria.

The Esquamit Waterworks Company obtained a statute in the year 1883, and the right sought in that statute was to take water from Thetis lake and Deadman's river and its tributaries; whether this act was opposed by the city of Victoria, or whether the Esquamit Waterworks Company sought to amend their act by seeking additional powers, which were given to them with a proviso: That the rights were "subject to any grant of rights, privileges or powers arising under the provisions of the corporation of the city of Victoria Waterworks Act, 1883." The Esquamit Waterworks Company could not amend their act by seeking additional powers, which were given to them with a proviso: That the rights were "subject to any grant of rights, privileges or powers arising under the provisions of the corporation of the city of Victoria Waterworks Act, 1883." The Esquamit Waterworks Company could not amend their act by seeking additional powers, which were given to them with a proviso: That the rights were "subject to any grant of rights, privileges or powers arising under the provisions of the corporation of the city of Victoria Waterworks Act, 1883."

In considering the Esquamit Company's Amendment Act of 1892, and the City of Victoria Waterworks Act, 1883, it would seem that the effect of the statute is to give to each corporation the right to take water within the limits named. Goldstream, Malahat and Highland districts, but the older title is that of the city of Victoria, and would prevail if this corporation desires to exercise its statutory rights. I am of opinion that the city has the right to take water from the Goldstream river and lakes, as the Esquamit Waterworks Company only get their right to this water subject to the city's prior rights.

It was relegated to the streets, bridges and sewers committee. Mr. Barron, the Abilion Iron Works manager, acknowledged the receipt of a communication regarding a contract for work. J. M. Finn, director of the Fifth Regiment, had applied for an engagement to play in the park. He will be informed that the council considers it too early for music in the park. The water commissioner recommended the continuance of the twelve-inch main on Government street between Courtenay and Humboldt in consequence of the paving, at a cost of \$500. Adopted. The fire wardens recommended the purchase of 600 feet of Paragon fire hose at \$36. per foot.

All Beckwith did not sign the report, because he favored calling for tenders, and moved to this effect. If the remarks of ex-Chief Denay regarding the hose on hand at the present time (the Paragon) were true, the same kind should not be purchased.

All Stewart explained that it had been the custom to call for tenders for years, and one price was always asked. Personally he didn't care whether tenders were invited or not.

All Oddy invited Aid. Beckwith for inconsistency, and strongly defended the merits of the Paragon hose.

The original motion was carried, Aid. Beckwith dissenting. The finance committee recommended that Messrs. Turner, Becton & Co. be informed that the city would not place any insurance on the Carnegie library until August 1st, when it would be divided among the various companies.

The same committee recommended the appropriation of \$6,320.44 for the usual purpose. Adopted. The streets and bridges committee reported the following: 1. Recommended that a four-inch cast iron water pipe be laid down on Ontario street, in order that a water supply may be provided for Mr. Peacher's premises and other prospective consumers on said street.

STRAWBERRIES FOR THE NORTHWEST

BETTER FACILITIES FOR LOCAL SHIPPERS

Ventilated Cars Provided for First Time—Outlook for Fruit Crops This Season.

Arrangements have been made for the shipment of fruits from British Columbia to the Northwest markets upon improved methods this year. The Dominion Express Company has agreed to give the fruit growers of this province ventilated cars which will materially improve the facilities for putting the products of the orchards in Calgary, Edmonton, Winnipeg and other places in a much better condition than has ever been done before. R. M. Palmer, the freight commissioner, has also been assured that the C. P. R. Company will freight cars which will be transferred to the west coast for use in the fruit trade.

The company has spent about \$75,000 on the property. The well is down 1,020 feet and the flow is more than the capacity of the three and a half inch well will carry. The pipe will flow 300 barrels a day. The oil was struck, it is reported, a little over a year ago, but the company kept the matter quiet at that time because the well had not been surveyed, and there might be better further in the title should the discovery become generally known. Since then the company has given grants to six sections. Six weeks ago the well was surveyed and the oil and the flow of this well is now used for fuel to further develop the property.

The company has had a geologist examine the property, and was informed that the flow would be better further in the basin. Work is started on three new wells about half a mile above the present well. It is estimated to be six, seven and eight inches, respectively. One 25-horse-power engine, two 25-horse-power engines and three drills are on the property.

The oil is of a very high grade, being 52 per cent illuminating. The discovery is creating great excitement in that vicinity, and other parties are endeavoring to locate the well. The Canadian Pacific has been asked to build a spur down to the oil fields.

Shipped by express the berries will be delivered at the different points which they are shipped. The bulk of the strawberries will, it is expected, find a market about Edmonton, Calgary and Medicine Hat. It is estimated that some 500,000 bushels may go as far east as Winnipeg, where a splendid market exists.

In anticipation for this branch of the business, the fruit trade in the province have been steadily planting varieties which are adapted to shipping. The Macon is the best fruit for this purpose, being a first class variety of high quality. The growers about Victoria have planted a good many of these, and will put them on the Northwest market this year.

The same system will be employed for shipping cherries and plums to the Northwest. The improved freight arrangements, other than the express facilities, will mean much for the less perishable fruits, including plums and apples.

With respect to the outlook Mr. Palmer says that the continued dry weather has had an injurious effect upon the strawberry crop. The rain of today, if continued, will have a wide-spread influence, and will make the crop a good one. There is also complaint concerning a weevil, which is causing considerable destruction to the plants. The greatest complaints come from the Lower Mainland, but growers on Vancouver Island have also suffered from it.

The weevil works in the roots, cutting off the plant from its food supply. Mr. Palmer thinks it will have perhaps a good effect in the long run, as growers will be forced to resort to other methods of raising their crops. The cherry crop is a fair one this year. The Italian prunes are bearing very lightly this season, and the crop will be an exceedingly small one. The other varieties of plums have fruited well, however, and the promise is excellent.

The apple crop is also exceedingly heavy. The fruit is of the finest quality, and Mr. Palmer advises the thinning out of the fruit as being in the interests of the orchardists. The return will be better and more satisfactory if this process is followed, and with a less number of apples ripening and thus drawing upon the tree for seedling and other fruit. No substantial change in the most desirable varieties of plums has been observed, and it is felt that the fruit will be of a high quality.

The hay crop in consequence of the dry weather is a promising one. Spring crops are giving excellent promise, and the fall wheat, which is heading now, looks well. The straw is somewhat shorter than usual, but this will do no detriment if rain continue during the filling stage of the grain.

Entertainment Given at Methodist Church Tuesday Night Was Largely Attended. A large and appreciative audience met in the Methodist church, South Saanich, Tuesday, Rev. T. H. Wright, pastor of the church, presided, and Rev. Dr. Reid gave one of his cheery complimentary addresses. The following programme was rendered: Anthem..... Choir Mouth Organ Solo..... Sam. Ferguson Recitation..... Mrs. Sam. Jones Duet (Cornet and Violin)..... Messrs. Ferguson and Thomas Song..... Miss Etheridge Instrumental..... Mrs. Jones Mr. and Mrs. Ferguson and C. Thomas Duet (Violin)..... Sam. Jones Anthem..... Choir Mouth Organ Solo..... Sam. Ferguson Song..... Mrs. Ferguson Duet (Cornet and Violin)..... Messrs. Ferguson and Thomas Song..... Master Bobb's Case Reading..... Miss Barker Anthem..... Choir Song..... Mrs. Turner Duet (Cornet and Violin)..... Messrs. Collins and Case and Mr. and Mrs. Thomas. Song (Duet with Chorus)..... Mr. and Mrs. Ferguson and C. Thomas Instrumental..... Mr. and Mrs. Ferguson and C. Thomas. God Save the King.

THE CHILDREN'S AID SOCIETY MEETING

The Annual Report Was Presented and Officers Elected for ensuing Year.

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The Children's Aid Society held its annual meeting Monday afternoon at the city hall. The report was presented by Miss Perrin, who acted as secretary in the absence of Mrs. Gordon Grant. The following report for the year was read: Ladies and Gentlemen—The real value of the work done by the society during the year cannot be fairly measured by recording the number of children who have been made on behalf of neglected children, or the attempts made to remove them from vicious influences. At the same time, it is gratifying to note that the year has been as successful in accomplishing all that was desired as might, under more favorable conditions, be attained. This, we believe, is due to our having been every case to the want of assistance and cooperation by the friends and neighbors of the children, and to our being more and more aware of the fact that children are being brought up exposed to influences and example that will be of a disastrous character to them, and have been, and are, powerless to act. We have been morally certain of a state of things, half of which would have been unknown to us, had we not been so fully informed of the well-being of the children required them to be removed from their evil surroundings; and they would have been placed in the hands of a mother, or necessary formal evidence was not obtainable. Those in a position to establish the truth of the matter, and who have been positively refused to appear before the court so as to enable the Judge to give authority for our intervention, for fear that the parties complained of would result in injury to themselves or damage to their property; and it is difficult to find, or even suggest, a remedy. We are, therefore, deeply indebted to those who have assisted us in our efforts, and we feel assured that even in the worst of cases the influence and fear of the society has been of immense advantage. We have, therefore, a number of children who have been neglected or ill-treated their offspring.

We know of cases where the visit of our officer, or an inquiry amongst neighbors, has immediately brought about an improvement, and on some occasions the parents have begged the society would not proceed against them, on their giving solemn promises of amendment. It has been found that when the scope of our objects are understood, and the powers that have so wisely been entrusted to us are realized, the institution really becomes a terror to evil-doers, and brings a pressure to bear that is possibly no moral or other influence could exert. With these facts before us, we cannot but feel that the society has been a powerful instrument for good.

We hope that this undoubted feature of the institution may not be lost sight of when appeals are made for continued support and sympathy. It is cordially believed that if our beneficent objects were more generally known, that we have after proving our capacity to do the whole power of the law, we must use to compel compliance with demands that insure that at least a chance will be given to children to grow up as worthy members of the community, instead of becoming a charge for the restraining and penal institutions of the province; that our membership would increase and sufficient funds would be available to provide for a paid officer to do the very onerous and often disagreeable work that naturally forms part of our efforts.

It is pleasing to note that what has been done has been accomplished at the aid of the expenditure of only a few dollars, and that the self-denying exertions of our excellent secretary (Mrs. Gordon Grant) and the cordial assistance of the various members who have aided the various legal assistance freely rendered by Messrs. McPhillips & Bernard, and the W. C. T. U.

Our attention has been drawn to the condition and surroundings of a leper Chinese lad now with a solitary aged Chinese leper confined on Darcy Island. From all we can learn, the situation of the poor lad is frightful to contemplate. Along with a man fast sinking into the grave, without medical assistance, nurse or help of any kind, it will be his unfortunate lot when the inevitable end comes to perform the last office the living can render to the dead, and then alone on that deserted island to meditate upon the inhumanity that has conspired for such treatment. We are powerless to help, but those who have these unfortunate in charge should be furnished with such treatment as is possible. We append hereto a memorandum from the honorary secretary, detailing to some extent the work of the year, but as the names of all parties concerned therein it is not advisable to incorporate it in this report.

CHAS. HAYWARD. Mrs. Gordon Grant was thanked for her services as honorary secretary. The financial statement submitted by the hon. treasurer, Mrs. E. R. McGregor, showed a balance of five cents. The necessity for a paid officer was freely discussed, and it was finally decided to put forth an effort to obtain funds for that purpose. The chief of police will also have written a letter to the congregating of boys on the streets in James Bay after the curfew bell has rung.

The following officers were elected: President, Chas. Hayward; vice-president, Mrs. C. E. Redfern; honorary secretary, Mrs. Gordon Grant; honorary treasurer, Mrs. E. R. McGregor; committee of management, Miss Perrin, Miss Carr, Miss Cameron, Miss Merton, Miss E. G. Lawson, Mesdames Jenkins, Flett, West-Wilson, Barnes, Todd and Spofford, F. Eaton, Bishop Perrin and Rev. Messrs. Clay, Wood, Adams, Vichart, Carson and Miller.

AMBIGUOUS PLEA Given in Police Court Tuesday Morning—Neighbors' Row Settled. Tuesday's session of the police court was very brief. The prisoners' box was adjourned by one culprit, a very jovial one, who was charged with drunkenness, and when the stereotyped query was propounded to him he smiled cheerfully and comprehensively and requested: "Well, Your Honor, I admit I was drunk when the constable arrested me, but I was none the worse for liquor." It is a curious case, and not easily fathomed. If the offender, whose name is Carew, was none the worse for liquor when the constable gathered him up he could not have been laid low by the water. And yet it was hardly conceivable that the prisoner who had twice grazed the prisoners' box would suddenly become so liquidly refreshed. Furthermore it was quite evident from his manner that he did not intend to convey the impression that he was literally "none the worse for liquor." The magistrate was puzzled, and not wishing to draw uncomplimentary inferences asked the defendant occupant of the cell what he meant. "Well, Your Honor," he replied, "I mean I wasn't different from what I am now." This also was a trifle ambiguous, but it was distinguished by a witness trying to explain to the court that he was not a troublesome drunk.

"I don't know where the five is coming from," said the defendant, "but I think 'thirst returned,' but I guess I can raise it somewhere." In this he was successful, and as he paid the \$10.00 fine, he was discharged. He expressed the hope that it was the last five spot they would receive from him under those circumstances.

The first information was dismissed, and on Tuesday morning Frank Higgins, counsel for the plaintiff, withdrew from the case. The defendant was represented by R. Bell.

REAL ESTATE TRANSFER. Tuesday afternoon the final payment in connection with the sale of the Brown Jug, corner of Fort and Government streets, was completed, when Messrs. Meltram & Maloney handed to the Sisters of St. Ann a cheque for \$30,000. The sale, which was practically made in October of last year, and which was chronicled in the Times at the time, is one of the most important transfers in real estate which has taken place in the city for some time. The corner is being sold as a whole, and the purchase price was \$30,000. The purchase is also a testimony to the enterprise of the firm of young business men who by the deal just completed have given the most tangible evidence of their faith in the future of Victoria.

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BIG FLOW OF OIL

Valuable Showing in Property in Alberta Adjoining Southeast Kootenay Lands.

It is reported that a big flow of oil has been tapped in Alberta, just across the border from the oil lands of Southern Ontario. The work has been accomplished by the Rocky Mountain Development Company, composed of John Lindsay, of Ontario, Alberta, president; George K. Lesco, banker, of Calgary, Alberta, vice-president; H. E. Hyde, a banker, of Calgary, Alberta, secretary; William Gillis, a manufacturer of Ontario, and Allen P. Patrick, Dominion land surveyor, directors.

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Boots and Shoes, Rubber Boots, Etc.

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Notice is hereby given that 30 days after date I intend to make application to the Honorable Chief Commissioner of Lands and Works for a special license to cut and carry away timber from the following described lands: Commencing at a stake planted about 40 chains south