

### INJUNCTION IS AGAIN REFUSED

#### VALUE OF FORESHORE GRANTS CONSIDERED

#### Mr. Justice Duff Holds Opinion That Chief Commissioner Had Not Necessary Power.

The application for an injunction to restrain the Anglo-British Columbia Company from an alleged trespass upon the fishing ground of the Capital City Cannery Co. was renewed again on Friday in Chambers before Mr. Justice Duff. The application was made by B. T. Elliott on behalf of the Capital City Cannery Company, new points being raised.

Mr. Justice Duff again refused to grant the injunction, and additional complications seem to be constantly arising in connection with the case.

His Lordship expressed the opinion this morning that the lands under the sea out to the boundary line, between Canada and the United States, are British Columbia property, and therefore crown lands. The question which he wanted to decide was whether the legislature had granted to the executive or the chief commissioner any right to deal with this land.

A discussion as to the technical rights which were granted followed. His Lordship wanted to know if it was argued the chief commissioner had the right to grant an exclusive right to fish.

Mr. Elliott thought that in front of the foreshore granted the licensee held all rights vested in the crown.

It was pointed out that according to

nected with these particular grants were not to be construed as incumbrances. It is all the stronger from the fact that these servitudes, such as navigation, were such as the legislature had no control over.

He was of the opinion that the bed of the sea was outside the scope of the Land Act. No authority, therefore, was given the chief commissioner to deal with it.

He assumed that the foreshore and bed of the sea might be dealt with by the chief commissioner subject to the servitudes, such as navigation, provided the legislature gave the necessary power.

His Lordship, therefore, refused to grant the injunction asked for.

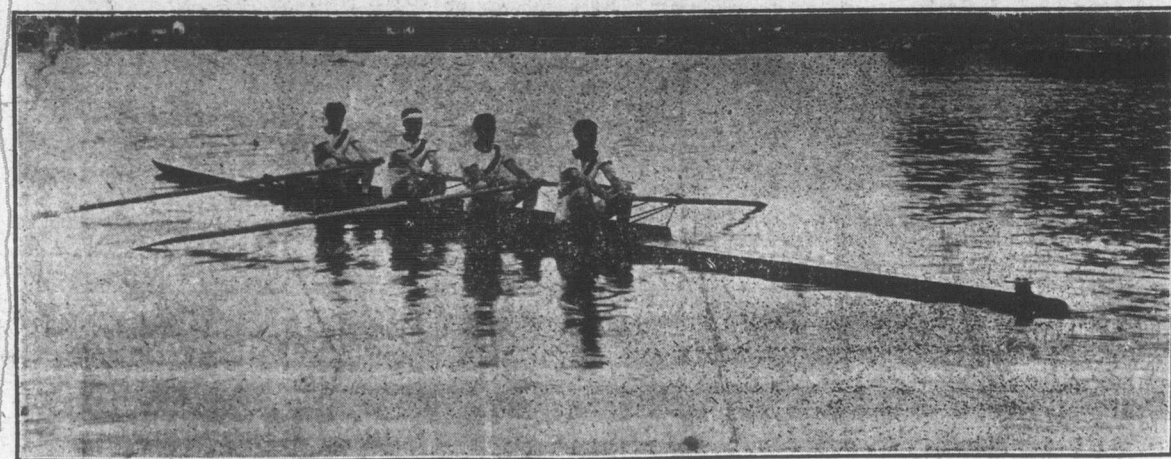
### IS STILL UNABLE TO BE IN ATTENDANCE

#### The Extradition Proceedings Are Again Postponed as Accused is Too Ill to Appear.

(From Friday's Daily.)  
Again this morning Geo. D. Collins was unable to attend court, and the extradition proceedings were postponed. A doctor's certificate was not produced, counsel explaining that Dr. Fraser had not been able to visit the accused before court opened. Court adjourned until 2 o'clock this afternoon in order to allow of the certificate being produced.

Upon opening the proceedings this morning H. Dallas Helmcken, K. C., said: "Your Honor, I cannot report much improvement in the condition of Mr. Collins." Continuing Mr. Helmcken explained that the accused had taken fresh air yesterday afternoon. He was not feeling well, and suggested deferring the case until Monday, when it would be possible to go on.

Mr. Higgins strongly objected to adjournment. The only thing to be considered was whether or not the accused was in such a condition that attendance



From photo taken for Times by Blair.  
Nelson Junior Fours—J. G. Robertson (stroke), N. M. McIntosh (3), W. H. Smyth (2), D. Manhart (bow).

### NEW TRAP SITES ARE BEING SOUGHT

#### SEVERAL WHICH HAVE ALREADY BEEN TAKEN

#### It is Thought Canneries Will Also Be Erected—The Run This Season.

(From Friday's Daily.)

One of the best evidences of the success of the salmon traps on the shores of Vancouver Island is now forthcoming in the demand for more sites. Ad-

but that those interested will find it materially to their advantage to build canneries on the island as well, for the present season has demonstrated the expediency of shipping salmon to the Fraser river or elsewhere on the Mainland.

One of those owning a trap down the Straits said this morning that the experiments tried have shown many things, among them the fallacy of the argument advanced by the mainlanders a few years ago that the establishment of traps on Vancouver Island would exterminate the salmon. "The Straits are too wide for this," he said. "While the traps did fairly well, they corralled a very small portion of the total run. Furthermore, I believe it has been shown that the traps are the most economical method of catching salmon. Fish caught in a gill net must either be used or be thrown away, but in the trap they can be kept for a week alive. On the Fraser this year hundreds were thrown away for the reason that they could not be kept more than 24 hours. The canneries for a short time were receiving more than they could handle, and so the surplus fish had either to be taken to an oily or dumped back into the river."

speaking of the salmon run, this same trap operator remarked that there would be a shortage in the total pack-on the Fraser this year. It would not nearly reach the figures representing the catch of four years ago. It would also be short on the Sound, but on the northern coast it is being pretty well filled from day to day, but in them are found a mixture of all kinds of salmon. Out of 25,000 fish taken to the Empire cannery in Esquimalt last evening, one-third were sockeyes, one-third hump backs and another third cohoes. In the catch made by the Kindlay, Durham & Brodie, and brought to the city by the steamer Burrard last evening, there were about 18,000 cohoes and 6,000 sockeyes. The B. O. Packers' Association also were among others which made a lift yesterday, and the Selkirk was sent to the Fraser with 10,000 fish taken from their trap. The number representing the sockeyes in this catch was not learned, but from the figures given it will be seen that their season is about past. The Capital City Cannery & Packing Company have not lifted for two days, but their traps are full, and they will dispose of the fish today. The manager of the traps, Mr. Leary, was in the city last evening, and left this morning for down the Straits to superintend the lifting of the catches.

The year has been a remarkable one, not at all like that in 1901, when there were several very large runs, which lasted for a considerable time.

The run now is large, and the traps are being pretty well filled from day to day, but in them are found a mixture of all kinds of salmon. Out of 25,000 fish taken to the Empire cannery in Esquimalt last evening, one-third were sockeyes, one-third hump backs and another third cohoes. In the catch made by the Kindlay, Durham & Brodie, and brought to the city by the steamer Burrard last evening, there were about 18,000 cohoes and 6,000 sockeyes. The B. O. Packers' Association also were among others which made a lift yesterday, and the Selkirk was sent to the Fraser with 10,000 fish taken from their trap. The number representing the sockeyes in this catch was not learned, but from the figures given it will be seen that their season is about past. The Capital City Cannery & Packing Company have not lifted for two days, but their traps are full, and they will dispose of the fish today. The manager of the traps, Mr. Leary, was in the city last evening, and left this morning for down the Straits to superintend the lifting of the catches.

Moscow is situated almost in the geometrical centre of European Russia.

### POPULAR FRUIT.

The Exhibit From This Province Was Well Received at Brandon.

British Columbia fruit apparently received quite as much attention at the Brandon fair as at the Winnipeg exhibition. R. M. Palmer, who is in charge of the exhibit, in a letter to Hon. R. G. Tallow, under date of August 5th, says: "The British Columbia fruit exhibit at the recent Brandon fair has again been a marked success, and a very prominent feature of the fair."

"The preserved fruits in glasses which were reshipped from Winnipeg at the close of the exhibition there, arrived in good condition and during the time of the fair shipments of fresh fruits arrived daily per Dominion Express; these included apricots, peaches, plums, cherries, apples, pears and tomatoes. All the principal fruit growing districts of the province were represented, including Peachland, Kelowna, Summerland, Kamloops, Victoria, Chilliwack, Hammond, Mount Lehman and Sardis. The Okanagan and Kamloops shipments of apricots, peaches and early apples were especially fine. All the fresh fruit shipments arrived in good condition with the exception of a few crates of plums."

"Our exhibits were all placed by noon of the 1st instant, ready for the opening of the fair, which I am pleased to state has been very successful from every standpoint. The attendance has been large, over 30,000 people were present on the 3rd instant alone. It was essentially a farmers' fair, and was particularly strong in exhibits of horses, cattle and farm machinery, comparing more than favorably with the Winnipeg exhibition in all respects."

"The preserved fruit exhibits have all been repacked and forwarded to Regina. Mr. Brandt is to go forward to the same point this afternoon to arrange for placing same. I propose stopping at Indian Head and attending the fair there (7th and 8th instants) with exhibits of fresh fruits, going on to Regina on the evening of the 8th, at the close of the Indian Head fair. The weather continues very warm, and grain crops are coming on fast. Yield promises to be very heavy, farmers expect phenomenal."

### PROBABLY DROWNED.

Beesville, Aug. 10.—Annie and Irene O'Connor, aged respectively 14 and 10 years, daughters of Ed. O'Connor, railway conductor, of Hamilton, drifted away from Grimsby park yesterday afternoon in a boat, and it is feared they have been lost on the lake.

### GUS RUBLIN FAVORITE.

San Francisco, Aug. 11.—Gus Rublin and Jimmy McCormick are ready for their 20th round battle which takes place to-night at Colma. Of the two Rublin seems to have the most friends, and for this reason he has been made favorite in the betting.



From photo taken for Times by Blair.  
J. B. A. A. Senior Fours—C. Kennedy (stroke), C. Finlaison (3), Phil. Anstin (2), J. Donagison (bow).

the definition crown lands were all lands of the province without incumbrance. His Lordship wanted to know if the public right to fish and to navigate did not constitute an incumbrance upon the right of the crown. The legislature clearly never vested powers to deal with such upon the chief commissioner.

Mr. Elliott could not take the meaning of "without incumbrance" in the sense proposed by His Lordship. He thought it meant lands without any charge against them affecting the title.

His Lordship thought that anything which constituted a burden on the title would be classified as an incumbrance. The right to navigation and to fish would, he thought, be so construed. He wished to know there was anything in the statutes which could be inferred as limiting "without incumbrance."

Nothing which could be regarded as satisfactory by removing this objection could be cited to His Lordship. He agreed that non-exclusive rights or permission might be within the power of the chief commissioner to grant, but for exclusive right it would have to be shown that the chief commissioner had been given the power to grant it.

A. E. Luxton, K. C., representing the Anglo-British Columbia Company, contended that the chief commissioner had no power to grant fishing rights. He might have power to grant foreshore under the right to grant crown lands, but he had no power to grant rights.

His Lordship pointed out that there might be power granted to put in traps, which carried with it the right to fish.

Mr. Luxton held that the granting of land was confined to that which could be surveyed. How could that apply to lands under the sea? The grant would therefore be limited to the foreshore. He argued that there was no case for an injunction.

His Lordship pointed out, however, that if the grant constituted an exclusive right it was a case for injunction, and he would grant it if that were established.

Attorney-General Wilson was present on other business, and was asked by His Lordship if he had any information to give which might affect the case.

Hon. Mr. Wilson contented himself with arguing for a few minutes in support of the province's right to the foreshore.

Mr. Justice Duff, in deciding the case, said that it was largely a question of whether the Land Act conferred power on the chief commissioner to grant exclusive rights in these instances. If the chief commissioner had power to make a grant it might be an exclusive right.

He was inclined to the opinion that there could be a non-exclusive right. The amendment to the Land Act of 1901 was a broad one, giving the chief commissioner the right to grant crown lands for 21 years except for the purposes of cutting hay.

It was plain that some limitation must be placed on this, however. In the same year the legislature dealt tentatively with the granting of fishing leases. While he did not pretend to put a too exact construction on the legislation, yet he inclined to the opinion that the Land Act of the legislature was not dealing with fishing. The interpretation of crown lands upheld this view, when it specified crown lands as all lands "without incumbrance." He could not agree with Mr. Elliott that the servitudes con-

in court would endanger his health. His Honor did not think that was the way to look at it. The affidavit of the doctor that he was unable to attend court was necessary.

Mr. Higgins suggested that the doctors should examine Mr. Collins, and decide whether he was fit to attend court. He suggested that Dr. Davie and Dr. Hermann Robertson should examine him. The fact of the matter was that the accused was working all day Wednesday in a lawyer's office. Yesterday he was about the streets and riding in the street car. There did not seem to be anything seriously wrong with him.

His Honor said that it was not urged that there was anything serious in connection with Mr. Collins' case, all that was represented was that he was too ill to attend court. He thought an affidavit from Dr. Fraser should be produced, and if that were done he would not require the attendance of Mr. Collins. "As a matter of fact if certificates were produced from Drs. Davie and Robertson to the effect that the accused was able to appear and one from Dr. Fraser that he was not fit to appear, I would not require his attendance," added His Honor. Doctors, he said, might differ in opinion, and all he required was a certificate from one that the accused should not attend court in order to grant an adjournment.

Mr. Higgins said he was willing to concede to an adjournment provided the condition of Mr. Collins warranted it. He did not take any exception to Dr. Fraser. He was a competent medical man, and if he gave an affidavit to the effect that Mr. Collins was not fit to appear he would be satisfied.

Court then adjourned until 2 o'clock in order that the necessary affidavit should be produced.

### TRYING EXPERIENCE.

#### Girls Rescued From an Open Boat on Lake Ontario.

Toronto, Aug. 11.—After being at the mercy of wind and wave in an open boat on Lake Ontario for over 24 hours, Annie and Irene O'Connor, 14 and 10 years of age respectively, daughters of Edward O'Connor, of Hamilton, were picked up on the lake eight miles out from Port Dalhousie by the steamer Lakeside, which arrived here last night. The two girls were at a picnic at Grimsby Park on Wednesday, and getting into a row-boat, were blown into the lake, where they drifted all night. Annie tried to row and when taken out of the boat her hands were torn and blistered. During the night she had taken off her skirt and wrapped it around her sister to protect her from the chill night weather. Both girls were exhausted when found.

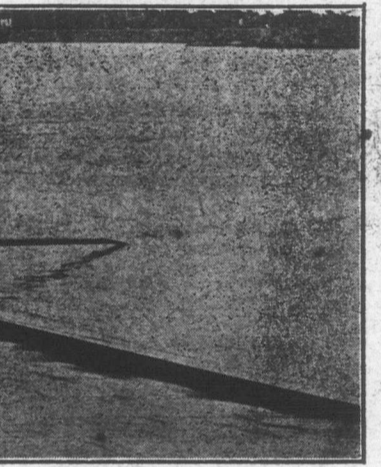
### FIGHT DECLARED OFF.

Grand Rapids, Mich., Aug. 11.—The O'Keefe-Fitzgerald fight scheduled for here last night was declared off because of the inability of Fitzgerald to reach the city.

### NEW TRAP SITES ARE BEING SOUGHT

(From Friday's Daily.)

One of the best evidences of the success of the salmon traps on the shores of Vancouver Island is now forthcoming in the demand for more sites. Ad-



From photo taken for Times by Blair.  
J. B. A. A. Senior Fours—C. Kennedy (stroke), C. Finlaison (3), Phil. Anstin (2), J. Donagison (bow).

ditional traps will be operated another year, and besides the new cannery to which reference was made in these columns a short time ago, there will, in all probability, be several others. Those seeking new sites are the men at present engaged in the industry. In fact Bell Irving & Company, Findlay, Durham & Brodie, Todd & Munroe, Malcolm Macrae and the Capital City Cannery & Packing Company are said to have already secured extra locations, with a view to building on them next spring, and there are others in the field who have survey parties on the coast.

Along the shore there is said to be as much more room for traps as is now occupied. There are locations available all the way to the Sombrio river, a point a little to the east of Port San Juan. With all taken, there can be no doubt



Some J. B. A. A. Trophies—Famous Buchanan Cup in Centre.

## THE Tyee Copper Co., Ltd.

Purchasers and Smelters of Copper, Gold and Silver Ores.

Smelting Works at LADYSMITH, VANCOUVER ISLAND, B. C.

Convenient to E. & N. Ry. or the sea. CLERMONT LIVINGSTON, THOS. KIDDIE General Manager, Smelter Manager.

### 5000 TELEGRAPHERS NEEDED

Annually, to fill the new positions created by Railroad and Telegraph Companies. We want YOUNG MEN AND LADIES of good habits, to

### LEARN TELEGRAPHY AND R. ACCOUNTING

We furnish 75 per cent. of the Operators and Station Agents in America. Our six schools are the largest secretarial schools in the world. Established 20 years and endorsed by all leading Railway Officials.

We execute a \$250 Bond to every student to furnish him or her a position ranging from \$40 to \$90 a month in States east of the Rocky Mountains, or from \$75 to \$100 a month in States west of the Rockies. IMMEDIATELY UPON GRADUATION.

Send us your name and address at once. For full particulars regarding any of our Schools write direct to our executive office at Cincinnati, O. Catalogue free.

### The Morse School of Telegraphy

Cincinnati, Ohio. Buffalo, N. Y. Atlanta, Ga. LaCrosse, Wis. Texarkana, Tex. San Francisco, Cal.

SECOND-HAND PIANO FOR SALE—\$150. This instrument has been used by a teacher and is thoroughly well made. It is delivered free to any wharf or railway station in B. C. Hicks & Lovick Piano Co. 38 Government street, Victoria 122 Hastings street, Vancouver. We have others. Write us for catalogue.

### DAWSON IS ALL RIGHT.

Interview With President Graves of the White Pass Company.

S. H. Graves, president of the White Pass & Yukon Railway Company, arrived in the city Thursday on the steamer Ramona from Seattle. Mr. Graves has just come down from the north, where he has been spending the season in looking after the business of the company. When seen by a Vancouver News-Advertiser reporter Mr. Graves had some interesting things to say in connection with matters in the north.

"We have handled more tonnage this year than in any yet," he said. "The Dawson trade shows an increase in heavy machinery though there is some falling off in other lines. It has been a warm, dry summer there and the miners are badly handicapped by want of water. In Fairbanks, we have practically a new camp, and of course it has brought a considerable increase of trade."

### HOW IS FAIRBANKS TURNING OUT?

"Well, I didn't see it under very favorable aspects. I got there right on top of the big flood and found everything under water. The people had been driven out of their cabins, bridges had been washed away and even part of the front street was gone, and naturally everybody was up in the air. All the same, I believe that Fairbanks will prove a good camp. There is no means of getting a very accurate estimate of the output of gold there for the present season, but the banks and express companies think there will be over \$5,000,000 and it may exceed \$6,000,000, which is a pretty good showing for a first year in a camp working on deep levels, for if it can do that in the first year, what should it do when the mines become fully developed."

Mr. Graves also spoke very hopefully of the silver ore prospects in the Windy Arm country. The company operating there had already put in one aerial tramway and intended to put in another right away. The silver company was handicapped by lack of communication which made it very difficult for the individual miner to operate there, but a party of capitalists had gained control of one whole creek there and had put in a hydraulic plant. The prospects for a large output there were very encouraging and should it prove a success, undoubtedly other companies would be formed.

Asked as to whether Dawson might be truly designated a falling camp Mr. Graves scorned the idea. "Dawson is just in its teething stage, and in ten years from now it will be a better camp than it is to-day."

Mr. Graves said it had been very dry and warm this season all the way from White Horse to Skagway and bush fires could be seen everywhere. Telegraph poles had been burned in many places, but naturally the worst sufferers were the miners, who were waiting to wash out their dirt. In the Tanana country they had had heavy rains, but these did not seem to have reached Dawson.

Mr. Graves said everything in connection with the railway was going smoothly and the company did not contemplate any further extensions or improvements at present. He will remain in the city for three or four days and will then go East.

### BOTH WILL RECOVER.

Aylmer, Ont., Aug. 10.—Joseph Menier, a Frenchman, yesterday afternoon shot Mrs. Napoleon Guay and himself. Both are in a serious condition, but will recover. A few months ago Menier eloped with Mrs. Guay. She returned home last week, but Menier sought her out yesterday afternoon.

Miss Winterbourn and Miss Wagner, of Seattle, are visiting Mrs. M. A. Wyden, Fort street.

Notice is hereby given that, within 30 days, I intend to apply to the Chief Commissioner of Lands and Works to cut and carry away timber from the following 40 acres, in the Coast District, Class 1, Limit No. 1.—Commencing at a post situated on the west side of Maple Bay, about 30 chains from shore, marked H. P. S. W. C., thence running north 80 chains, thence east 80 chains, thence south 80 chains, thence west along seashore to place of commencement. Limit No. 1.—Commencing at a post situated on the northwest corner of Limit No. 1, in same bay, marked H. P. S. W. C., thence running north 80 chains, thence east 80 chains, thence south 80 chains, thence west along north line of Limit No. 1 to place of commencement.

July 28th, 1905. HARRY PERRY.

## THE Viola Cream

SKIN FOOD

Is a favorite with ladies who wish to preserve their complexion. Softens the skin and removes tan.

98 Government St., Near Yates St.



### Gyrus H. Bowes Chemist,

98 Government St., Near Yates St.

### LICENSE TO AN EXTRA-PROVINCIAL COMPANY.

"COMPANIES ACT, 1897."

Canada: Province of British Columbia. No. 207.

It is to certify that "The Liverpool and London and Globe Insurance Company" is authorized and licensed to carry on business within the Province of British Columbia, and to carry out or effect all or any of the objects of the Company to which the legislative authority of the Legislature of British Columbia extends.

The head office of the Company is situated at Liverpool, England. The amount of the capital of the Company is £2,000,000.

Given under my hand and seal of office at Victoria, Province of British Columbia, this 10th day of July, one thousand nine hundred and five.

S. Y. WOOTTON, Registrar of Joint Stock Companies.

The objects for which the Company is established are to insure against fire, theft, burglary, and other risks, and to provide for the payment of money by way of a single payment or by instalments, or otherwise, upon the death, or marriage, or birth, or falling of issue of, or the attainment of any age by any person, or upon the expiration of any fixed or ascertainable period, or upon the happening of any other contingency or event dependent upon or connected with the life, health, or vitality of any person, or upon the occurrence of any other event or contingency or event which would or might be taken to affect the business of the Company.

To carry on the business of fire insurance in all its branches and to grant insurances against fire or damage to or loss of property caused by or resulting from lightning, fire, theft, burglary, and other risks, and to provide for the payment of money by way of a single payment or by instalments, or otherwise, upon the death, or marriage, or birth, or falling of issue of, or the attainment of any age by any person, or upon the expiration of any fixed or ascertainable period, or upon the happening of any other contingency or event dependent upon or connected with the life, health, or vitality of any person, or upon the occurrence of any other event or contingency or event which would or might be taken to affect the business of the Company.

LICENSE TO AN EXTRA-PROVINCIAL COMPANY.

"COMPANIES ACT, 1897."

Canada: Province of British Columbia. No. 271.

It is to certify that "The Sovereign Life Assurance Company of Canada" is authorized and licensed to carry on business within the Province of British Columbia, and to carry out or effect all or any of the objects of the Company to which the legislative authority of the Legislature of British Columbia extends.

The head office of the Company is situated at the City of Toronto, in the Province of Ontario.

The amount of the capital of the Company is one million dollars, divided into ten thousand shares of hundred dollars each.

The head office of the Company in this Province is situate at Victoria, and Elliott S. Howe, insurance agent, whose address is Victoria, is the attorney for the Company.

Given under my hand and seal of office at Victoria, Province of British Columbia, this 26th day of July, one thousand nine hundred and five.

S. Y. WOOTTON, Registrar of Joint Stock Companies.

The objects for which the Company has been established and licensed are: To effect contracts of life insurance with any person, and may grant, sell or purchase annuities, grant endowments, and generally to carry on the business of life insurance in all its branches and forms.