

Twice-a-Week Times

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MALODOROUS COMPARISONS.

The junior Matson organ is indiscreet—very indiscreet—in using the alleged remarks of Hon. Charles Murphy, Secretary of State, at a meeting of the Reform Association of Ontario, as a text for a discourse upon the past and present conduct of the Liberal press of Canada. In the first place there is only the authority of the Tory press of Canada for the statement that Mr. Murphy found fault with the Liberal newspapers for being lukewarm in their support of the government. The authority is not very reliable, as all who remember the disgraceful occurrences during the late general election campaign in Victoria will admit. That was a time when, if you will, deliberate misrepresentations were practiced without restraint, when despicable falsehoods were published without a blush, when crimes were committed without regard for consequences—or rather with a determination to produce results—when the parent of Tory journalism in this city perpetrated crimes which brought it within the provisions of the criminal code, and would have been punished in accordance with its deserts had there been an attorney-general in the province with a minimum of regard for the sacredness of his official oath. The Liberal press has never been slack in its support of the present government. It has had reason to be strong, consistent and determined in its advocacy of the government's cause, because there never was a government in power in this or any other country of which the people of the country have had greater reason to be proud (after making due allowance for the elements of weakness which must manifest themselves in all human institutions) than the Laurier government. Not an occasion has arisen during the thirteen years Sir Wilfrid Laurier has been at the head of this Liberal administration which the government has not arisen to promptly and effectively. The Laurier government has given the country necessary measures of fiscal reform. It has directed immigration to the Northwest, it has instituted preferential trade with Great Britain, it has inaugurated penny postage within the Empire, it has established cable communication with Australia, it has demonstrated at a time of acute crisis the solidarity of the Empire for defensive purposes, it has promoted the construction of a second trans-continental railway, it has begun and partly carried out works of transportation designed to promote the internal trade and promote the rapid settlement of the whole country. These are the great works which the Laurier government has set its hand, and which the electorate of Canada have approved upon three occasions by sweeping majorities, doubtless because they were so markedly in contrast with the ineptitude of a previous government, which appeared capable of nothing more than sitting still with folded hands waiting "for something to turn up."

Nor does the above enumerated list of the works of the government include all that has been accomplished or that is in prospect of being accomplished. The Laurier government, and with unquestioned reason, that the burden of Empire has become greater than it can bear unassisted. The appeal has been promptly responded to. Already Canada has relieved the British government of the responsibility of maintaining garrisons at Esquimalt and Halifax. The relief thus afforded has cost this country in round figures about five million dollars a year. In addition to this, the government of Canada is going to assume the responsibility of establishing and maintaining a navy for coast defence purposes. None of these things would have been possible had there been a government in power which was simply content to sit still and wait for "something to turn up." It is because there has been a government in power for thirteen years which was not too timid to do something for the development of the country that the revenue was increased beyond precedent in the history of any new land, thus enabling the administration to shoulder both domestic and imperial obligations.

It is an easy matter for the Liberal press to justify its enthusiastic support of such a government. So far from being galvanized into support by subsidies from the treasury, we venture to say that the Victoria Colonist alone has received more pay from the provincial treasury during the present year than all the Liberal newspapers west of the Great Lakes have drawn from the Ottawa government; and every cent so drawn has been earned in a perfectly legitimate manner. That, with the reasons already mentioned, is why we think the junior organ of Toryism is very indiscreet in raising such an issue. Does it court an investigation into its transactions with

the McBride government, an institution which notoriously subsidizes so-called newspapers in all sections of the province with subventions from the provincial treasury.

THE MUNICIPAL SITUATION.

The civic government of Victoria today presents problems which are giving concern to the more reflective and thoughtful portion of the community, and which may well engage the attention of a larger number. This concern is perhaps more with methods than with men. It is not because of any policy, but rather from a lack of policy. There is an uneasy feeling that slackness and dry rot has crept into the administration of affairs, and that if there is a policy, it is one of drift.

The recent defeat of the water by-law rose from two causes. One of these was a misconception of what was involved, arising partially from lack of information. The other sprang from quite a different reason. A prominent professional man told the Times that he would vote against the by-law and that the only thing which would cause him to alter his mind would be a clear cut declaration from the City Hall that in the event of the by-law passing and the city acquiring the Goldstream property, that the administration of this and other departments of the city would be placed in efficient and energetic hands.

Those who have observed the contrast between this municipal slackness, and the up-to-date methods of private corporations must sympathize with the view that had Elk Lake been in private hands and Goldstream under civic control for the last ten years we would now have been clamoring to acquire Elk Lake, because of the excellence of the water, and anxious to leave Esquimalt because of its unsatisfactory supply.

This is said with no intention of fastening responsibility on the council of 1909 alone, or on the present administrative staff. Succeeding councils have inherited vicious legacies from their predecessors, and it is perhaps too much to expect that men elected haphazard for one year, and busy with their own affairs, should effectively grapple with the abuses in question. Under our present system it is obvious that the real government of the city will lie with the permanent staff, and making it better that it should be for the men actually charged with the work of administration, and in many instances with expert knowledge of the work of their own departments are more reliable, and more disinterested guides in these matters than many aldermen who accidentally catch a place at the civic board for a year.

If this be so, and we do not think such a position will be seriously disputed, it becomes imperative that there be some means of regulating that staff, and making it amenable to the demands of economy and efficiency. This is where the true functions of the board of aldermen and of the mayor should be exercised, not in interfering with the routine work, but in insisting that the broad general policy of the City Council be properly carried out. The council ought to be strong enough to insist that where an official manifestly fails in his duty, he vacate his office. And to fall in duty does not always imply actual blundering. It may take the form of indolence, or dilatoriness, or half a dozen failings which may appear to be minor, but which make all the difference between an efficient official and one who in the language of the street is "sloppy."

This being the case it becomes important that the Mayor of this city and his aldermen should be men of personality and force. Systems all fall where the man is not effective. Government by annual alderman's election, by elected controllers, by commission, or by any other form, gets back, in the last analysis, for success or failure, to the character, ability and stamina of the men trusted with the task of carrying them out. This, therefore, becomes a matter of vital concern to the elector, and brings us back to the situation we mentioned at the beginning of this article.

Within a few months the city will be asked to select a board of management for the year 1910. In a private corporation with a business equal to the activities of this city, the selection of these men would be a matter of the greatest care and foresight—a matter which would occupy the ceaseless attention of the shareholders. Yet this city, with a huge budget, with works of the greatest importance to maintain, with water, sewerage, light and power problems of the first magnitude, drifts on each year to the date of annual election, without the slightest attempt to see that men who are qualified for these positions are sought out for office. Behind this indifference it must be admitted there is a lack of that alert public spirit without which no city can hope to remain in the race with its more enterprising neighbors.

This public lethargy is partly an effect, and partly a cause, perhaps of the absence in the city's municipal life of men of outstanding ability—men whose dictum will be taken by the people, and who speak with authority in all matters of civic policy. Victoria has not always lacked such men, nor does she lack to-day men of the necessary ability to fill such a role. But few of them are in public life, and they are not in public life perhaps because of the modesty such men often manifest

in avoiding responsibility where their assistance is not sought.

How to overcome this inertia, it seems to us, a problem of the greatest possible moment to this city to-day. To overcome it we must first discover its cause, and if it is possible to remove the cause we should not be slow to avail ourselves of the opportunity. We would like to have the views of correspondents, briefly and concisely on this subject, and would especially welcome letters from men whose experience in municipal work would give them a special weight. We would welcome any suggestions as to the best method to correct the situation. We think perhaps a discussion of this kind would be more beneficial than that of a public meeting, which has been suggested, because of the larger number whose interest would be enlisted in a newspaper discussion. As far as possible we will publish all letters dealing with the subject in question.

ASK BOARD TO RECONSIDER

TRUSTEE MRS. JENKINS OPPOSES CHANGE

Suggested New Principal for Central Schools Arouses Discussion.

(From Monday's Daily.)
 The question of the expediency of the city agreeing to the departure favored by a majority of the school board for the creation of the post of principal to supervise the affairs of the Boys' and Girls' Central schools is being much canvassed since the action of the trustees on Wednesday evening last, and the community is divided into two camps—as to the wisdom of the suggested course.

Trustee Mrs. Jenkins, who opposed the resolution providing for the change introduced by Trustee Christie at last Wednesday evening's meeting of the school board, taking cognizance of the feeling which has been aroused over the matter, will, at the next meeting of the board, present a motion that the question be reconsidered, urging in support of the same that so radical a change in the administration of the affairs of the public schools of the city ought not to be adopted without a meeting of the full board. At present Trustee Hiddell and Trustee Steneland are out of the city.

An inquiry leads to the belief that Mrs. Trustee Jenkins' resolution is likely to carry. Chairman Jay, while he did not vote when the resolution of Trustee Christie came before the board on Wednesday, is inclined to be of the opinion that the proposed change is not in the best interests of the city. This, it is believed, is also the opinion of Superintendent Paul, who of course has no vote on the board. It is argued by those who advocate the proposed change that a principal should be appointed who would not have to confine his duties to any particular school, but instead would supervise both schools and teach model lessons as were necessary. It is pointed out that in a number of cities in eastern Canada this idea has been adopted with success. Under the present system, where they are separate principals for both the Boys' and Girls' Central schools, these officials have heavy responsibilities. They necessarily have to be absent from their classes a great deal of their time, with the result that the instruction of the scholars is interfered with. It is contended that it is quite impossible for a principal to do proper work, where besides teaching a class, other classes require supervision. On the other hand those who are opposed to the proposed innovation say that the situation in Victoria does not warrant any such drastic alteration in the instruction of the scholars is interfered with. It is contended that it is quite impossible for a principal to do proper work, where besides teaching a class, other classes require supervision.

On the other hand those who are opposed to the proposed innovation say that the situation in Victoria does not warrant any such drastic alteration in the instruction of the scholars is interfered with. It is contended that it is quite impossible for a principal to do proper work, where besides teaching a class, other classes require supervision. On the other hand those who are opposed to the proposed innovation say that the situation in Victoria does not warrant any such drastic alteration in the instruction of the scholars is interfered with. It is contended that it is quite impossible for a principal to do proper work, where besides teaching a class, other classes require supervision.

It appears from inquiries that have been made regarding the matter that the genesis of the agitation for a change of policy, which culminated in the resolution of Trustee Christie referred to, was a desire to relieve Mr. Winsby, principal of the Boys' Central, from some of the onerous duties now imposed upon him, and his name has been mentioned in connection with the new post, should the board persist in the determination to create the same. Opponents of the suggested action also say that such is quite unnecessary because of the fact that the duties which would fall to the lot of the new principal are at present being carried out in very able fashion by Superintendent Paul, who acts in a supervisory capacity over all the schools. The question will no doubt form the basis of a lively debate at the next meeting of the board.

EAGLES GATHER.

National Convention of Fraternal Order Opens at Omaha.

Omaha, Neb., Sept. 13.—The reception to the 1500 delegates to the national convention of the Fraternal Order of Eagles and the 2,000 members of the organization who are visiting here was the main feature of the convention to-day. The session which convened this forenoon will last a week.

Theodore Bell, of San Francisco, junior grand worthy vice-president of the order, who is heading the California delegation of nearly 200 men, including the famous Eagles' minstrels of San Francisco, arrived here last night.

RAISES QUESTION OF LAW COSTS

INTERESTING JUDGMENT BY MR. JUSTICE MARTIN

Finds for Plaintiff in Case of Hird vs. E. & N. Railway Co.

(From Monday's Daily.)

In the Supreme Court this morning, Mr. Justice Martin handed down a written judgment in the case of Hird vs. the Esquimalt & Nanaimo Railway Company, finding for the plaintiff. The judgment is of general interest for the reason that the learned judge urges that the court should have restored to it the power to protect the public from exorbitant demands and oppressive legal expenses by controlling the costs when small vendors are involved in high courts. The full text of the judgment follows:

In this case damages are claimed by the plaintiff because the defendant company has been proved by its covenant and give him a good title to all of the land (35 and 27-00ths acres) comprising three mineral claims in Somerset district, which it had sold to the plaintiff and essayed to convey to him by deed containing the usual covenants, and dated the 19th of March, 1907, and it was discovered that a portion of said lands, amounting to 33 and 35-100ths acres, had already been conveyed to another purchaser, but owing to the fact that the mineral claims had not been plotted upon the official map, this earlier disposition had been overlooked at the time of the execution of the deed to the plaintiff. I am unable to find that the plaintiff had notice, express or constructive, of this mistake, and I cannot take the view on the facts and authorities cited that this is a case for rectification of the deed as prayed by the defendant company, notwithstanding the terms of the original receipt given in 1901 to Bell, the plaintiff's predecessor. But on the other hand, I am of the opinion that the plaintiff should have as a matter of equity, accepted the offer of the company as contained in the letter of its land commissioner, dated November 18th, 1907, wherein the parcel was sold to the plaintiff as a refund of \$191.90 offered to compensate for the shortage in proper proportion to the purchase price, which was \$191.90. The plaintiff's claim is that this letter does not specially mention the payment of any interest on the amount over-paid, and it is therefore technically deficient in that regard. But I am satisfied that the tone of the letter and other circumstances that there would have been no difficulty about that small item had the plaintiff been disposed to act reasonably. However, as matters stand, upon the record and upon the evidence the plaintiff is entitled to damages for the said sum of \$191.90 and interest at the legal rate, but no more, because he gave no evidence which would justify my finding that the mineral claim, the Lion Fraction, in respect of which he asks for heavy damages, is of any value whatever, and in fact, the evidence goes to show that in the opinion of one of the former owners it is like throwing good money after bad to expend anything on it. Therefore it is impossible to say that damage has been done to the property by the defendant's oversight, and the claim to damages in that respect must be rejected.

There has been no payment into court by the company as required by Order 22, and consequently the result is that the plaintiff will have to pay the costs of the action. It is contended that it is amount offered to be refunded with interest as aforesaid at the legal rate. The counter claim will be dismissed. With respect to the costs, it was strongly urged that the plaintiff should be deprived of them, or at best that he should only get County court costs, because he has recovered so small a sum. But the Rule 97 (1) purporting to preserve to this court the power which was formerly beneficially exercised (e.g., in Richards v. Bank of B. N. A., 3 B. C. 209; and Crewe v. Motterhaw, 9 B. C. 240), was struck out by the order in council of March 28th, 1906, and therefore I am unable to say that now the mere recovery of so small an amount is a "good cause" under Rule 97 for my refusing to allow the costs to follow the event, even if the counter claim here did not exist. The case was argued in the Pacific Telephone Co. v. Morris (1904), 11 B. C. 173, and assist the plaintiff, as to which it is unnecessary to express an opinion at the same time I feel bound to say that for the future advancement of justice this court should, in my opinion, have restored to it the power to protect the public from exorbitant demands and oppressive legal expenses by controlling the costs when small vendors are involved in high courts, and that a rule should be passed corresponding to that which has for a long time been in force in Ontario, as follows:

"Rule 112. Where an action of the proper competence of a County court is brought in the High court, or an action of the proper competence of a Division court is brought in the High court, or in a County court, and the Judge makes an order to the contrary, the plaintiff shall recover only County court costs, or Division court costs, as the case may be, and the defendant shall be entitled to tax his costs of suit as between solicitor and client, and so much thereof as exceeds the County court costs, or Division court costs, shall, on entering judgment, be set off and allowed by the taxing officer against the plaintiff's County court or Division court costs to be taxed; or against the costs to be taxed and the interest shown in it if necessary; and if the amount of costs so set off exceeds the amount of the plaintiff's taxed and allowed costs, the defendant shall be entitled to execution for the excess against the plaintiff."

This rule has been suggested for adoption in Ontario, and it is contended that it is quite impossible for a principal to do proper work, where besides teaching a class, other classes require supervision. On the other hand those who are opposed to the proposed innovation say that the situation in Victoria does not warrant any such drastic alteration in the instruction of the scholars is interfered with. It is contended that it is quite impossible for a principal to do proper work, where besides teaching a class, other classes require supervision.

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Charming Creations in New Millinery For Fall

THERE is a distinctiveness in the beautiful new Millinery which we are showing, which words would find hard to describe. The many and extremely dashing models to be seen will appeal to all ladies of taste. In most cases, the new hats set well down on the head, producing an effect decidedly smart, while the colorings comprise many beautiful shades of bottle green, etc., the trimmings being mostly ostrich plumes and wings. Every hat has been personally selected by our own buyer, who is at present touring the different style centres, and are importations direct from London, Paris and New York.

Take Elevator to Second Floor—Government Street end.

Have Your Hair Dressed Becomingly and Stylishly

Our Hairdressing parlors, which are situated on the third floor annex, is a favorite spot for women of taste and who wish to appear stylish. This department is under the management of Mme. Russell, who is an experienced expert in the art of hairdressing. It matters little whether you have a large amount of hair or only a mere handful, for to have your hair dressed, Madame Russell, who is assisted by a staff of experienced assistants, will see that you leave the premises looking just as you should look. Mme. Russell also makes a specialty of manœuvring, chiropody, massage and scalp treatment. Take elevator to third floor.

Items of Interest in Towels

WHITE TURKISH TOWELS, small size, red border. Each \$12½¢
 WHITE TURKISH BATH TOWELS, very large and heavy quality. Special, at each 50¢

UNBLEACHED TURKISH TOWELS, medium size, red and white stripes. Each 17¢
 CREAM TURKISH BATH TOWELS, red stripe pattern, linen and cotton mixture, extra large size. Each \$1.00

New Arrivals in Ladies' Fall Waists

Every day sees many new shipments of fall goods opened up. Most noteworthy is the splendid assortment of fall styles in Ladies' Waists. These are mostly tailored effects, in piques, cashmere and velvets. Long sleeves, in creams, black, blues and greens, beautifully trimmed, and ranging in prices at—
 \$2.00, \$2.50, \$3.50 and \$5.75

Fancy Work Department

The section devoted to the display of Fancy Work is a charming place to visit these days. Since changing its position on the second floor we are able to show to better advantage than ever the many exquisite and dainty pieces of fancy work to be had here. A visit to this section will be found most interesting. Second floor, Government street end.

Special Flannelette Savings

NEW STRIPED FLANNELETES, light and medium shades, 22 in. wide. Per yard 10¢
 NEW STRIPED FLANNELETES, in large variety of patterns and colors, 30 to 34 in. wide. Per yard 15¢
 ENGLISH FLANNELETES, in stripes and white, extra heavy, double warp and twill. Per yard, 20¢ and 25¢

BLEACHED SHEETS, hemmed ready for use, 72 in. x 90 in., fine quality. Per pair \$1.50
 BLEACHED SHEETS, hemmed ready for use, 72 in. x 90 in., extra heavy cotton. Per pair \$1.85
 HEMSTITCHED SHEETS, extra large size, 81 in. x 90 in., very heavy cotton. Per pair \$2.50

DAVID SPENCER, LTD.

CANADIAN WEST IS OPTIMISTIC

SIR THOMPSON SPEAKS OF TRIP

Impressed by Enthusiasm Which Exists for the Imperial Navy.

Winnipeg, Sept. 13.—The special train bearing the British scientists returned this morning from the west and all expressed themselves delighted and impressed with what they have seen of western Canada. President Sir Joseph Thompson said: "What has impressed me most is the tremendous hopefulness and optimism I have come across. I have never met anyone who was at all disappointed from beginning to end. We had most successful meetings in Winnipeg, not only from point of view of pleasure but the meeting was really important scientifically. Western Canada is much bigger and much more prosperous in every way than I had conceived. I never realized the beauty of the prairies." He then went on to speak of the wonderful sunsets and spectacle of wheat-fields, continuing, "What has struck the very much has been enthusiasm everywhere for the British navy; the interest shown in it is remarkable. I don't know that I would find so much enthusiasm for British navy in the other districts of Great Britain as I have noticed in Western Canada." Asked for his view of the present naval controversy, President Thompson said: "I think if we could only make a beginning it would be a great thing. Whether the scheme at present suggested are good or not I don't know. The great thing is to get to work. When that is done, I feel certain a good scheme will be evolved, for when the empire has to do a definite thing it does it well. From what I have seen of Canadians they will not be far from the fighting wherever the British flag might be. With such a spirit prevalent

in Canada I should think it would be easier to get to work. My personal view is that just now perhaps the strengthening of the British fleet would make for efficiency, but probably the creation of the nucleus of a Canadian navy could lead to greater possibilities in the end. The critical period for the empire will be the next ten to fifteen years. At the end of that period I think the empire will be too strong to be attacked. We have just got to get through the next ten or fifteen years."

SALVED WITH HORSES.

Seattle Captain Saves Tug From Sinking at Dock.

Capt. John Hughes, of Seattle, formerly master of the Ketchikan, and now skipper of the Reddy Maru, has a claim for salvage against the fish tug Mary D. The claim possesses novel features in that although Capt. Hughes is a mariner first and last, he performed his feat of rescue from the shore and by utilizing methods of which true sailors are supposed to be ignorant. Capt. Hughes claims to have saved the Mary D. from foundering with a team of horses.

The Mary D. was tied up in the city slip at the foot of Washington street, in Seattle harbor, with only her bow line out. The tide was coming in and it swung her stern out from the dock and as she rose her bow caught under the dock and held her fast. With the rising tide her stern kept ascending, and when Capt. Hughes noticed her the tug's bow was headed for the bottom at an angle of about forty-five degrees and the water was just about to enter her forward hatch.

Some laboring men discovered the predicament at the time and rushed with peavies to pry the bow from under the dock. But it was Capt. Hughes who solved the problem. He commanded two teams hitched to delivery wagons, ran out on the tug and put a line on her stern, gave the line a turn on a pile and then, with his tackle securely fixed to the rear axle of one of the wagons, bid the driver go "full speed ahead."

By this means the Mary D. was released from the position which threatened her, but her starboard guard and bow piece were ripped out in the operation.

APPEAL FOR AID FOR FLOOD VICTIMS

American Red Cross Society Asks for Funds to Assist Homeless Mexicans.

Washington, D. C. Sept. 13.—Tales of great suffering in the flooded districts of Mexico, as told in telegrams received at the state department from Consul General Hanna, brought forth another appeal to-day from the American National Red Cross society for funds with which "to supply our unfortunate neighbors of Mexico with the necessities of life."

The loss of life and destruction of property are even greater than was at first supposed and it is predicted that great suffering will prevail among the homeless during the fall and winter. Mr. Hanna says it is believed that more than 10,000 lives have been lost and that thousands are homeless.

TRAMPLED BY HORSES. Animals Stampeded By Searchlight—One Soldier Killed and Nineteen Injured.

Gross Meserith, Austria, Sept. 13.—During the maneuvers of the Austrian army, sixty horses of the Sixth regiment of dragoons were stampeded at midnight by a searchlight played upon their company by the "enemy" and run madly through the camp, trampling on the sleeping soldiers, one man was killed and nineteen others were severely injured.

Steamer Floriston, the charter of which was reported a few days ago in the Times, will leave towards the end of the week for Tacoma, where she will load grain for Balfour, Guthrie Co., consigned to the United Kingdom. The Floriston brought coal from Cardiff for the admiralty.

Lever Brothers, Toronto, will send you free a cake of their famous Pileolito soap, if you mention this paper.

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