MADE
NLY MAN

f Oaklands District of tion They May d Mayor

ery subtle, and so that no or-rson can construe them. I be- are often made that way on stated His Worship, amidst

e more reason why you should fully examined the clauses of retorted Mr. Paterson.

A Little Diversion

ewart was the next man call- to speak. Ald. Stewart chal- e Mayor regarding certain s made by His Worship re- ld. Stewart's actions when on s council. His Worship had t Ald. Stewart, together with na and Ald. Oddy, had block- ettlement of the Songhees re- estion, when a plan had been by the Mayor.

ewart and the Mayor spent a e minutes saying "You did!" dn't!" to each other, and pro- sorts of merriment for the aud-

ewart claimed that owing to n of the federal government r now wore a different face to h it had on the first occasion. ewart spoke at some length on question. He claimed that y had, as the Mayor suggest- priated Goldstream, it would $1,300,000. He roused the re by stating that at a meet- Mayor had confessed that he thing about the matter," and inutes more the Mayor and vart hurled epithets at each leanwhile the audience cheer- e and then the other speaker, sundry interpolations and discriminately. Ald. Stewart by exhorting his hearers to Mr. Paterson.

Other Speakers

McNeil, as a candidate for the ard, next delivered a brief ad- ld. Fullerton also spoke brief- x-Ald. Grahame, ex-candidate ouncil of 1907, reproved the r endeavoring to drag party nto municipal affairs. Mr. dealt briefly with the Song- ve, which he stated would re- od deal more settling than the peared to think. Mr. Grahame by exhorting his hearers to Mr. Paterson.

eeting closed with a vote of the chairman.

EMENCY FOR EIONA

rthur, Jan. 10.—The cabinet uted the sentence of Mike e Port Arthur murderer, to sonment. Eiona was to have ed for shooting another Ital-

IACRI MUST HANG

eg, Jan. 10.—Salvatore Macri, t, who was sentenced to death er of John Roumanelli on reet last April, will be hanged ay morning next at 9 o'clock ovincial jail. The scaffold is d only requires to be put in The condemned man lies in ick, and in great anguish of ll hope has left him and he ally sinking. He is hopeful ency would be granted in his has now given up hope. He een informed of the govern- andate that the law must course. Sheriff Inkster has ants for the position of hang-

BRITISH INFLUENCE

an. 10.—The Lokal Anzeiger re- a special correspondent to Ser- estigate the recurrence of re- a revolution is being organized ter and his family. The corre- elegraphed today that Premier ributes the persistent endeavors the British public that a revo- bout to break out in Servia to of the government of another eaning Austria. The despatch Austria fears that the projected tures of British capital in the nversal railway and in vari- rial enterprises in the Balkans Great Britain a predominant n Servia.

E A RAREBIT DREAM

rk, Jan. 10.—With a note ly- y, in which he had written s "a rarebit dream," the body A. Chittenden, an artist of , was found in his luxurious- ed apartments on West Ninth day. Chittenden committed y inhaling gas, after careful n, and had been dead at e days.

on his waistcoat was the fol- te: "Life is a rarebit dream. such a funny dream! But am ready to awake to some- ridiculous."

cide left a letter addressed to aublauch, of lower Broad- says that it was evidently ge of a man crippled men- physically. The letter is e a rambling comment on all street transactions.

OAL ENTERPRISE

lge, Jan. 10.—At a meeting rectors of the Diamond Coal in Calgary tomorrow night, and reports will be presented r an expenditure of nearly in development of the com- operty at Diamond City, six m Lethbridge. The conten- velopment will be completed eighteen months, and will in- installation of a plant suffi- ise 1,000 tons of coal per day, ar to the projected C. P. R. that vicinity.

NCE SURELY LOST

Porto Rico Steamer Almost Given Up

ork, Jan. 10.—The steamship the New York & Porto Rico company, which sailed from rto Rico, on Dec. 26, and was s port on Jan. 1, is still miss- belief that her delay is due echanical accident is gradual- way to the fear that she is was last spoken on Dec. 28 iling ship Shenandoah, since e nothing has been seen or her, notwithstanding all the tial rumors at different places Atlantic coast from Florida

ge received today from Gov- eckman Winthrop of Porto s a dismasted derelict has ted 40 miles from the spot Ponce was seen by the Shen- n Dec. 28.

NEGOTIATIONS WITH SONGHEES INDIANS

Report on Frank Pedley's Attempt at Settlement Has Been Issued

INSIST ON SITE AT CADBORO BAY

The Government Offers Them a Fine Property on Portage Inlet, But They Remain Obdurate

The report of Frank Pedley, deputy superintendent general of Indian affairs, on the Songhees reserve question, has been issued. It is dated Ottawa and is as follows:

Honorable Frank Oliver, Superintendent-General of Indian Affairs:

I have the honor to submit my report of recent negotiations for the settlement of the Songhees reserve question and in doing so desire to trace as concisely as possible the various steps that have been taken to dispose of this long outstanding matter.

The Songhees reserve, consisting of about 105½ acres, exclusive of the right of way of the Esquimalt & Nanaimo Railway company, is situated on the water front at Victoria, B. C. and to the extent of about three-fourths of its boundaries, is a part of Victoria harbor. At the time of the establishment of the Hudson's Bay fort at Victoria the Songhees Indians claimed and occupied the southeastern portion of Vancouver Island, including what is known as the Saanich peninsula.

About the year 1850 these Indians, who had been induced to remove to Victoria, did, under the following agreement entered into with the tribe, dispose of their rights to the land hitherto claimed by them, to Governor Douglas (afterwards Sir James Douglas) at that time representative of the Hudson's Bay company, lessee of Vancouver Island from the crown:

"Know all men, we, the chiefs and people of the Kosampson tribe, who have signed our names and made our marks to this deed on the thirtieth day of April, one thousand eight hundred and fifty, do consent to surrender, entirely and for ever, to James Douglas, the agent of the Hudson's Bay company, lessee of Vancouver Island from the crown:

"We, the chiefs and people of the Lekwungen tribe, who have signed our names and made our marks to this deed on the thirteenth day of April, one thousand eight hundred and fifty, do consent to surrender, entirely and for ever, to James Douglas, the agent of the Hudson's Bay company, lessee of Vancouver Island from the crown:

"Know all men, we, the chiefs and people of the Kosampson tribe, who have signed our names and made our marks to this deed on the thirteenth day of April, one thousand eight hundred and fifty, do consent to surrender, entirely and for ever, to James Douglas, the agent of the Hudson's Bay company, lessee of Vancouver Island from the crown:

"The conditions of our understanding of this sale is this: That our village sites and enclosed fields are to be kept for our own use, for the use of our children, and for those who may follow after us; and the land shall be properly surveyed hereafter. It is understood, however, that the land itself, with these small exceptions, becomes the entire property of the white people for ever; it is also understood that we are at liberty to hunt over the unoccupied lands, and to carry on our fisheries as formerly.

"We have received, as payment, fifty-two pounds ten shillings sterling.

"In token whereof we have signed our names and made our marks, at Fort Victoria, on the thirteenth day of April, one thousand eight hundred and fifty.

(Signed) "HOOKOOWITZ,
"His X Mark
"And 20 others.

"Done in the presence of
(Signed)
"Alfred Robson Benson, M.R.C.S.L.
"Joseph William McKay."

The land excluded by this agreement from that to which the Indian title was extinguished, is what is now known as the Songhees reserve.

Initial Negotiations

In 1859 efforts were made to remove these Indians from the reserve at Victoria, which by that time had grown into a town of considerable importance, the land included in the reserve having greatly increased in value being much desired for building sites and especially so on account of its frontage on the harbor.

The legislative council of Vancouver Island presented an address to Sir James Douglas, then commissioned by the Imperial government as governor of the colony, inquiring whether the government had power to remove the Indians from this reserve and suggested that if this could be done the land so held under reservation should be sold and the proceeds devoted to the improvements of the town and harbor of Victoria.

The reply of the governor was in the negative and to the effect that, as a solemn agreement had been entered into by himself as the agent of the Hudson's Bay company on behalf of the crown setting aside this reserve especially for the use and benefit of the Indians, it would be unjust and impolitic to remove them summarily, but that he intended to lease portions of the reserve and apply the revenue obtainable therefrom for the benefit of the tribe.

From 1859 down to the present time several attempts have been made to secure the removal of the Indians from the present reserve, with comparatively slight success.

In 1873 Indian Commissioner Powell revived the question of removal and was instructed to take up this matter and was informed that the superintendent-general would be prepared to consider carefully any scheme he might submit.

Mr. Powell recommended on the 29th August, 1874, that Sallas island, situated on the Straits of Haro, about 30 miles from Victoria, should be purchased for the Songhees Indians. This recommendation was approved by the governor in council, but, the Indians having refused to surrender, nothing further was done.

Agreed to Move

In 1881, after some further correspondence with Mr. Powell, he stated that a majority of the Indians had agreed to move to Cadboro Bay, their ancient camping grounds, provided suitable lands could be secured for them at that place. Correspondence with this in view resulted in the Hudson's Bay company agreeing to sell the property desired by Mr. Powell for the Indians and containing 1,125 acres for the sum of $56,250. Mr. Powell recommended the acceptance of this offer, especially in view of the fact that an offer of $60,000 had been received from one Mr. P. C. Dunlevy for the Songhees reserve.

It was considered, however, that the amount offered for the reserve was not sufficient.

In 1884 instructions were issued to Messrs. Powell and O'Reilly, the latter being the Indian reserve commissioner, to confer together and ascertain on what terms a satisfactory location could be purchased for the Indians of the Songhees and Esquimalt reserves, and were informed that the site to be chosen was to contain from 500 to 1,000 acres and was not to be less than 20 miles from Victoria.

A report was received from Messrs. Powell and O'Reilly on the 10th April, 1886, recommending the purchase of two lots of land in the Metchosen district in the vicinity of Pedder Bay, about eight or nine miles from Victoria by water and fifteen or sixteen by land. These two lots together totalled 1,635 acres. Purchase of these lots was recommended, but the deputy superintendent general reported against their purchase until a sale had been made of the Esquimalt and Songhees reserves or until the consent of the Indians to sale had been obtained.

This report was concurred in by the then minister, Sir John A. Macdonald.

The correspondence with reference to the removal of the Indians to the Metchosen district was continued up to August, 1888, but led to little further being done. In the meantime an offer was made for the Songhees reserve by R. Dunsmuir, acting for the Esquimalt & Nanaimo Railway company. The price offered by the company was $60,000 for the whole reserve, or $20,000 for one-half of it. Mr. Dunsmuir was authorized to negotiate with the Indians for the sale of the reserve, but failed to secure their consent to its sale.

Between the years 1887 and 1893 considerable correspondence took place between the department, Mr. Dunsmuir and also the provincial government (whose claim to a reversion to the lands had been advanced), with the result, however, that the settlement of this matter seemed to be about as far off as ever. Several interviews had been held with the Indians, but they were not prepared to give their consent to sale.

It was during the period above mentioned that the request of the city of Victoria to have the Indians removed and the reserve conveyed to the corporation upon certain conditions formed part of the correspondence in the negotiations for a settlement of this question.

The Indian superintendent at Victoria was informed on 17th September, 1891, that if the reserve were sold to the city none of the money derivable therefrom would be used for the improvement of Victoria harbor, as had been suggested, but all should be utilized for the benefit of the Indians.

On the 26th August, 1891, a telegram was received from the Vancouver Island Land Investment company offering $350,000 for the reserve and to deed 15 acres to the Esquimalt & Nanaimo Railway company. Following this offer a meeting of the Indians was held to consider the question of surrender upon terms as to desirable location, buildings, etc., and investment of balance of funds for their benefit.

Declined to Surrender

In 1893 the superintendent reported he had interviewed the Indians several times, but that they declined to surrender.

On the 9th March, 1895, the deputy clerk of the executive council of British Columbia forwarded an approved minute expressing the views of the government as to the best method of effecting a settlement of the question of the removal of the Songhees tribe from their reserve to a suitable locality, and, after stating claim of the provincial government to the reversion of the reserve, he intimated that the Songhees Indians would be willing to treat for removal to another location on the following basis, namely: The obtaining of 949 acres, more or less, in the Metchosin district; payment of three-fifths of the value of the improvements on the reserve after valuation and removal in cash, the balance to be used for the purchase and delivery of houses on the new reserve; that the funds at that time at the credit of the band should be utilized for the purchase of live stock, implements, the erection of a school, etc.; that in the case of several Indians who had shown themselves to be thrifty by steady labor at a trade in the city a suitable lot or more should be obtained for each of them in the neighborhood of Rock Bay, the Dominion government to pay the taxes, and that provision should be made for the removal of the Indian dead from the present reserve.

The provincial government was to bear the whole cost attendant on the removal of the said Indians with the exception of the taxes and to provide a new reserve in consideration of the release of the present Songhees reserve to the province. This arrangement was not accepted.

On the 31st January, 1896, the Lieutenant Governor of British Columbia forwarded an approved report of a committee of his executive council embodying a resolution of the legislature of British Columbia requesting that the question of the removal of the Songhees Indians should be referred to a special commission of three commissioners, one to be appointed by the Dominion government, one by the Lieutenant Governor, and the two so appointed to choose a third, and, in the event of the two so appointed being unable to agree upon a third, some member of the supreme court of British Columbia to be the third commissioner. This was agreed to by the Dominion government by an order in council passed on the 1st April, 1896, agreeing to the proposition without prejudice to the claim of the Dominion government as to all other reserves in the province of British Columbia and that the title of the land which may be occupied as a reserve for the Songhees Indians in lieu of their present reserve be conveyed in fee simple to the Indians. Mr. Peter O'Reilly, Indian reserve commissioner, was named as the commissioner for the Dominion.

The principal difficulty of arriving at an agreement as to the points to be submitted arose from the objection of the provincial government to accept a provision of compensating the Indians for the difference in value between the present reserve and the new reserve which might be set apart for them. The provincial government intimated in effect that the new reserve should be taken as a fair equivalent for the old one. This proposition was not acceptable by the Dominion government.

Two Proposals Made

In 1897 the Hon. Mr. Turner, then premier of British Columbia, visited Ottawa and discussed with the Hon. Mr. Sifton, then superintendent general of Indian affairs, the question of the removal of the Songhees Indians. Following this discussion two proposals were made by the Dominion government:

(1) That the government of British Columbia should concur in the Dominion's conveying to the Esquimalt & Nanaimo Railway company the 19 acres occupied by that company upon the reserve, and in exchange for the remaining 93 acres procure a new location for the Indians and bear the expense of removing them thereto and rehabilitating them.

(2) That they should agree to the Dominion's proposal of disposing of the whole reserve on the understanding that the Dominion government should procure a new reserve, remove the Indians thereto and rehabilitate them, the proceeds of the sale of the present reserve, less the cost of a new reserve and the expense of rehabilitating them to be capitalized for the benefit of the Songhees Indians.

The provincial government declined to agree to the first proposal and on the second proposal being submitted offered to agree to the Dominion government's disposing of one-half of the present reserve, namely, 56 acres, on the condition of its procuring a new reserve and bearing the expense of the removal and rehabilitation of the Indians, the provincial government to take the other half of the present reserve unburdened.

The Dominion government did not see its way clear to accept the provincial government's proposition and the negotiations in connection therewith ceased.

In February, 1901, the Hon. James Dunsmuir, then premier of British Columbia, submitted a proposition for the removal of the Indians, namely, that the government of the Dominion would surrender absolutely to the province two portions of the reserve, one consisting of 17 1-4 acres, and the other consisting of 25 acres, the remainder of the reserve to be sold. The money in the hands of the department, amounting to $9,820.20, and a further amount of $2,400, which should be paid in a short time for leasing privileges, together with the proceeds of that portion of the reserve to be furnished free of cost in return for the land to be reseived by them.

The Dominion government would under this arrangement absolutely own the reserve, but if there were any surplus moneys after rehabilitating the Indians as proceeds of the old reserve, the province would retain its reversionary right to such surplus.

This proposition received the assent of the minister on the 7th June, 1901, and Mr. Dunsmuir was informed that the Indian superintendent had been asked to take the necessary steps to have the arrangement carried out if possible.

It would appear that no selection of a new reserve was ever made under this arrangement, although the Indian superintendent and Mr. Dunsmuir made several attempts in this connection.

In addition to this the Indian superintendent laid the matter before the Indians and in 1904 reported that there was little hope of obtaining their consent, and nothing further appears to have been done with this proposition.

Mr. Pedley's Visit

During the summer of 1906 the necessity and advisability of again trying to reach a settlement was brought to the attention of the department by the Hon. Mr. Templeman, and, as a result, I left for Victoria on the 10th September, reaching there on the 15th.

I met there the mayor of the city and learned from him that some correspondence had passed between him and the provincial government regarding this matter, which he, as representing the city, was desirous of having settled. I took the ground with the mayor at the outset, that the city, so far as I was aware, had no legal status in this affair, though vitally interested in having it disposed of.

I concluded that the only hope of reaching a settlement with the Indians was by direct negotiations with them by this department.

Inasmuch, however, as a great deal of correspondence had passed between the Dominion and provincial governments, very largely, as I gathered, because of the claim of the province to a reversion in the reserve, though so far as I know, this has never been conceded, I thought it better to consult with the government of the province and obtain a waiver of the claim to such an extent as would leave this department unhampered in its negotiations with the Indians.

As a result of several interviews with the premier and the members of the provincial cabinet I obtained the following letters:

"Premier's Office,
Victoria, Sept. 19, 1906.

"To the Superintendent-General of Indian Affairs, Ottawa, Ont.:

"Sir—In further explanation of the proposed arrangement for the settlement of the Songhees reserve question I beg to say that my government is prepared to execute any document that may be desired for the purpose of transferring any reversionary interests the province of British Columbia has in the reserve, and make a good title thereto to any purchaser.

"I may add our understanding of the arrangement is that the administration of this reserve (including the right to sell, lease and convey) and funds derivable therefrom, shall remain with the Dominion government, and that in the event of the sale of the lands the reversionary interest of the province, if any, shall not immediately be enforced, but shall attach to the proceeds, and be dealt with and settled in respect thereto and in the same manner and for the same period of time as if the lands had remained unsold.

"RICHARD McBRIDE,
"Premier."

"Prime Minister's Office,
Victoria, B.C., Sept. 28, 1906.

"The Honorable the Superintendent-General of Indian Affairs, Ottawa, Canada:

(Songhees Reserve.)

"With further reference to the correspondence relating to this question between the federal and provincial authorities, I beg to say that I am now authorized by the local government to advise you that they are agreeable to the deduction from their reversionary claim to the moneys to be netted from the sale of the reserve of the total expenditure to be made on account of the removal and rehabilitation of the Indians and the surrender of their present title.

"RICHARD McBRIDE,
"Premier."

Conference With Indians

Having cleared the way as above indicated, I proceeded to arrange to discuss the matter with the Indians, but was unable to meet them for a few days owing to the fact that a number of them were absent from the reserve. I met the chief in the meantime, and was informed by him that, owing to the many attempts to settle with them without material result, the Indians were tired of the whole business, and did not care to reopen negotiations.

At my request, however, a meeting was held on the 6th October, when, after considerable discussion, I submitted the following proposition:

1. The Indians will be paid at the time of the surrender $10,000 in cash, and $5,000 in cash upon being settled on the new reserve.

2. The owners of the improvements on the present reserve will be paid for these in cash, or will be given in their place improvements on the new reserve, as the Indians may desire.

3. A new reserve will be provided before removal from the present one.

4. The cost of removal of the Indians from the present reserve will be paid for as well as any permanent band improvements on the new reserve.

5. The interest on the band fund remaining in the hands of the government after deducting the amounts necessary to carry out this proposition will be paid to the Indians annually or funded for their benefit.

At this meeting the Indians declined to express an opinion upon the merits of the proposition, but intimated their intention of talking it over amongst themselves and meeting me one week later, when they would communicate their views. I met the Indians on the 13th of October, a large majority of the voting members of the band being present.

After considerable discussion, I amended by original offer, agreeing to pay $10,000 in cash upon surrender being given, $15,000 in cash a week or ten days afterwards, $5,000 on settlement on a new reserve; to pay the cost of removal, provide a new reserve and set aside a fund of $10,000 to be spent for the purchase of implements, boats, tools, horses, cattle, etc., for use in the business of the applicants upon requisition to and certificate by the agent or superintendent, and to pay semi-annually interest on balance remaining to the credit of the band, and further agreeing that if any member entitled to share in the distribution wished to remain in the city his share could be used as he saw fit in providing himself with a new home, and he would still retain his interest in the band property. When I made this amended offer to the band there were some at least who appeared to be willing to accept, but the majority were unwilling, and the chief intimated that the band did not wish to sell and would not accept my offer.

Want Site at Cadboro Bay

I met the Indians again on the 20th October at their request, and heard from them what they were prepared to accept as settlement of this question. They intimated they were willing to take $1,000 per family on a basis of 42 families, and a reserve at Cadboro Bay. This proposition meant an additional cash payment of $2,000 over my previous offer, and to this I agreed, the money to be distributed as indicated before, with the exception that the extra $2,000 was to be paid on removing to a new reserve. I intimated that I saw some difficulty in acquiring a reserve for them at Cadboro Bay, as the land in that neighborhood was held at very high prices and the Hudson's Bay property, I had learned, was not for sale.

After discussing the matter at considerable length, a vote was taken, the band expressing themselves as unwilling to accept the government's proposition on the other grounds and surrender the present reserve upon a new one being secured for them at Cadboro Bay.

During the week following this meeting I was able to secure what appeared to me to be a very desirable property for these Indians at Cadboro Bay adjoining the Hudson's Bay company land, consisting of between 50 and 60 acres on the waterfront, with a splendid beach and sufficient agricultural ground for those who wished to secure a somewhat larger tract of land, about 120 acres, at the head of Portage Inlet, up what are known as the Gorge waters, situated about two or three miles from the city limits, but having direct water communication with Victoria harbor.

I took the chief and two other members of the band to see the property at Cadboro Bay, and the chief himself to see the property at Portage Inlet. The chief intimated to me that neither of these properties was satisfactory and would not be accepted by the Indians. In order, however, to place the matter properly before them, I called a meeting of the band on November 1, intimated what I had done and was there and then informed by the Indians that no reserve other than their old camping ground, or the Hudson's Bay property at Cadboro Bay would be accepted by them.

I expressed my regret at that time that the Indians had not seen their way clear to accept my proposition in full, that it was made more in their interest than that of any others, that in my opinion they were standing in their own light in not giving their consent to surrender on the terms proposed.

Division of Opinion

While I am prepared to admit that with some of the members of this band the selection of a new reserve may be the all-important matter, I am thoroughly satisfied that with a large number, if not a majority of them, the new reserve is merely a secondary matter, but when they came to act as a band it seemed much easier for them to follow the old beaten paths and refuse to surrender than to disagree with a number of the old members.

The band at present consists of about 101 souls, 42 families, including the male heads of families, widows and the families represented by orphans.

The voting strength of the band is 26.

At the meetings held by me there was a general expression of opinion from the members present that they were independent of and receiving very little assistance, if any, from the government, that the reserve was their own and that they should be allowed to do as they pleased with it.

This reserve as now situated divides the eastern and western sections of the city. A large portion of it on the water front is capable of and would be used for wharfage and general business purposes, while that part lying to the inland would be a very valuable addition to the residential section. At present it is practically undeveloped, and while it remains a reserve will, so far as one can foresee, be the chief obstacle in preventing the natural growth and development of the city.

(Signed) FRANK PEDLEY,
Deputy Superintendent-General of Indian Affairs.

A. J. PHILLIPS BURIED

Ottawa, Jan. 10.—The funeral of A. J. Phillips, the well known newspaperman, took place this morning at Beechwood cemetery. There was a large attendance of members of the press, members of the House of Commons and leading citizens of Ottawa present. The press gallery sent a floral wreath, as did also St. George's society and Conservative members of the House. Around the coffin was the Union Jack, the late Mr. Phillips being the author of "The Flag for Me."

CHARGES AGAINST McGILL

Toronto, Jan. 10.—On two further charges, involving the theft of over a million dollars, Charles McGill, former manager of the Ontario bank, was committed for trial this morning.

Concert Postponed.—Mr. Matthews, of the Spring Ridge Methodist Sunday school, who has been arranging for the school to give their cantata in the W. C. T. U. mission, Saturday night coming, has postponed the entertainment in favor of the initial meeting of Evangelist McComb's mission service, which will commence a series of meetings under the auspices of the Y. M. C. A. and W. C. T. U.

JAPANESE SQUADRON AVOIDS COAST CITIES

Government Fears Stirring Up of Agitation at San Francisco

Tokio, Jan. 10.—The Japanese government has decided that on account of the anti-Japanese agitation on the Pacific coast the training squadron will not visit the Pacific coast, but will go as far as Honolulu only.

Washington, Jan. 10.—Members of the California delegation in congress in discussing tonight the decision of the Japanese government to abandon the proposed visit of the training squadron to the Pacific coast, on account of the anti-Japanese agitation, expressed the opinion that San Francisco would have extended a welcome to the fleet. Representative Kahn, who represents San Francisco in the house, suggested that the action of the Tokio government may have been on advice of the Japanese consul general at San Francisco.

"I think," said Mr. Kahn, "that I know the people of California well enough to say that the great masses of the population would resent any harm that might be done the Mikado's seamen should they visit San Francisco. While the people of California are opposed to the wholesale importation of Japanese coolies, we respect the right of the Japanese who are now here, and the training squadron would certainly be as safe in the bay of San Francisco as it would be in a home port."

Mr. Hasano Hanihara, secretary of the Japanese embassy, said tonight that Viscount Aoki, the Japanese ambassador to the United States, has not been officially notified of his government's decision not to allow the training squadron to proceed to San Francisco.

"The visit of a Japanese fleet to the Pacific coast now," said Mr. Hanhara, "might occasion a renewal of the controversy, and as the Japanese government is desirious of maintaining the present cordial relations with this government, it has been considering for several weeks the advisability of postponing the visit of the fleet to the Pacific coast. The Japanese consul at San Francisco has made no report to the ambassador, though it is possible that he may have communicated direct with Tokio."

Mr. Hanihara said most positively in response to an inquiry, that the question of the fleet or the Japanese seamen being in danger at San Francisco had not been considered, or even suggested, at the embassy, and he did not believe that his home government entertained any such fears.

THE CIVIC OFFICES

Candidates for Places on Council and School Board

George Jay yesterday announced his intention of again becoming a candidate for the school board. Mr. Jay is at present a member of the board, but had given it to be understood that he would not again endeavor to obtain a position on that body. On mature consideration, however, Mr. Jay has changed his mind. "I have been asked by several well known citizens to run again for the position," said Mr. Jay to the Colonist yesterday, "and as I consider that present conditions make it more than ever imperative that we should have good schools, I have decided to again become a candidate."

Henry F. Bishop also announced his intention of becoming a candidate for the school board yesterday. For some days past a petition has been circulating, and has been signed by many prominent citizens. Yesterday evening the document was presented to Mr. Bishop, who thanked his petitioners for the honor they had done him, and promised to accede to their wishes. Mr. Bishop is a well known and highly respected citizen and has been in the province since 1870. E. M. Whyte has also decided to present himself as a candidate for school trustee.

Another candidate for aldermanic honors is Henry Norman, a prominent member of the Canadian Labor party, who has decided to contest Ward 1. Mr. Norman's notice appears in another column.

FAMINE IN CHINA SIMPLY APPALLING

Four Millions in Actual Want Area Afflicted is 40,000 Square Miles

Steamer Shinano Maru which arrived Wednesday morning from the Orient brought further advices regarding the appalling famine in Central China. The extent of the famine-area is bounded on the south by a line drawn from the sea through Huinan and along Huai river in North Anhui, on the west by a line drawn from Pochou to Kweitch, north from the eastern corner of Honan to the sea which bounds the eastern side. The worst conditions are expected to set in after Chinese New Year in mid-February. The population affected is set at ten millions, of which Viceroy Tuan Fang estimates that four millions are in actual want, mostly starving. The famine area is about 40,000 square miles, embracing between 20 and 30 large walled cities besides the scattered country population. The figures given from nine large cities show 800,000 starving refugees have already collected, this taking no count of those who have migrated south or congregated in walled cities outside the famine area. Mr. Bostwick, sent from Shanghai to investigate, says all these refugees must perish from starvation unless fed by government or public charity. He estimates 1½ cents will keep each individual alive for one day, the daily expenditure to feed four millions being estimated at $20,000, while the period of relief must be extended over some months. With tens of thousands of starving huddled in the walled cities it is feared epidemics will add to the horrors of famine.

The North China Daily News of Shanghai publishes many telegrams from missionaries in the famine area. A typical one from Hsouchoufu says: "Half people actually without provisions. Daily many die; many leave country. Numberless brigandages and murders. No local relief hoped."

In a letter from this city a special correspondent, T. B. Grafton describes a fatal stampede for relief. He writes: "This morning four women were crushed to death in the rush for the famine relief grain. On arriving at the scene I found great excitement prevailing both among the officials in charge and the bystanders who blocked the street. Soldiers cleared the way, and on entering the yamen I found one woman already dead, two badly bruised and one already carried away, said to be dead, although the official in charge said she was still breathing when she was carried out. Later we heard of her death.

Among a large number of cablegrams sent by the relief committee seeking aid were the following: To President Roosevelt: "Famine relief committee appeal through you to American people for a shipload of flour." To Messrs. Carnegie and Rockefeller: "Famine relief committee appeal your generous assistance relieve terrible famine prevailing." Similar messages were sent to Lord Mayors of London, Liverpool, Birmingham and Manchester. Sir Robert Hart has detached a number of members of the customs staff who speak Chinese to assist in the distribution of relief.

COURT OF REVISION STILL UNDER FIRE

Numerous Citizens Insist That Their Names Should Go Back on List

The troubles of the court of revision on the municipal voters' list are by no means over. With the recent decision of the chief justice, and the replacing of a large number of the names on the list, the members of the court had been congratulating themselves that their work was concluded. There are several gentlemen in this city, however, whose names were struck from the list and replaced, who think that they have as much right as any to be put back on the roll of voters again. Three of these gentlemen are so certain of their claims that they intend making an appeal to the courts.

This morning in the county court, Frank Higgins will bring appeal against the action of the court of revision before His Honor Judge Lampman, on behalf of Thomas J. W. Hicks, William Austin Austin, and J. Austin. These three gentlemen all claim that they paid taxes to the amount of $2.00 previous to Oct. 31, 1906, for the then current year, and that accordingly they are entitled to a vote.

Mr. Hicks claims that he paid enough in water and road taxes to qualify him. Mr. Dickinson states that he qualified on his dog tax, while J. H. Austin declares that he has paid sufficient in the way of water rates to entitle him to a vote.

Mr. Higgins stated to the Colonist yesterday that he had spoken to the city solicitor in regard to the matter, and had been informed that no more names could be added to the voters' list as the court of revision had finished its labors. "If the court of revision won't place the names on the list, we intend to do it for them" declares Mr. Higgins.

LEGAL INTELLIGENCE

Ashcroft Water, Electric and Improvement company v. Ryan. (Before Irving, Martin and Clement, J. J.) This is an appeal from the decision of Morrison, J., in an action tried before him at Vancouver, on the 12th, 13th, 16th and 17th of May, 1906, when judgment was given dismissing the plaintiff's action with costs and allowing the defendant's counterclaim.

The action arose out of certain transactions between the defendant and John Shields, who were in partnership in these transactions and were also, irrespective of such transactions the controlling members of the plaintiff company. In addition to its operations as a water and electric power company, there were a sawmill and other undertakings carried on by it. Financial difficulties overtook it and negotiations were had for disposing of the property as a going concern. Mr. Ryan, who lives in Toronto, arranged a sale on certain terms, understanding that Mr. Shields consented, but after the sale was arranged, if not actually settled, disputes arose. In the meantime Mr. Ryan had disbursed some $100,000 of the purchase money in settling various indebtednesses of the company, of Mr. Shields and which in connection with their joint affairs, when Mr. Shields withheld his consent, the chief objections on his part being a certain judgment standing against him and the question of ownership of certain timber limits. As to the latter, Mr. Ryan claims they were his property jointly with Mr. Shields and did not in any sense form part of the assets of the plaintiff company. As to the former, an agreement was set up which it was contended that defendant, among other things, undertook to settle and discharge it. The agreement the defendant counterclaimed to have set aside on the ground that it was obtained by duress and fraud and that it was ultra vires of the company. The duress alleged was the fact that he had accepted $100,000 of the purchase price and disbursed it as above mentioned, and then Shields, as alleged, having withheld his consent or ratification of the deal, except upon the conditions imposed in the agreement, defendant was forced to consent in the circumstances.

Argument is still proceeding by Mr. Martin, K.C., for respondent (defendant), Mr. Davis K.C., and Mr. McPhillips, K. C., for appellant.

Bow, McLachlan & Co., Limited, vs. the Steamship Camosun. (Before Martin, J., local judge in Admiralty.) In this case plaintiffs built a ship in Paisley, Scotland, for a company in Vancouver. On her way out, certain repairs were made, amounting to £5,638. The first instalment of the purchase price not being paid, action was commenced by a seizure of the ship. Defendants counterclaimed for the above-mentioned sum the expenditure of which they alleged was rendered necessary by the defective work and material in her construction and equipment. On a motion made before Morrison, J., sitting as Deputy Local Judge in Admiralty, to strike out this counterclaim as not being a subject of admiralty jurisdiction, it was held that, the counterclaim not being one made against the ship, the motion to strike it out must be allowed. This ruling was affirmed on appeal to the Exchequer Court, and the present motion before His Lordship, Mr. Justice Martin is, in consequence of the former decision, to deliver an amended statement of defence.

Objection was taken to paragraph 7 of the amended defence, which claimed as an equitable set off the payment of the said sum of £5,638, on the ground that it was merely another way of getting around the decision of Morrison J., and that it was not really a set-off but a counterclaim disguised. A third objection was that the set-off could not be conveniently disposed of here, but would have to be dealt with where the ship was built.

His Lordship could not see that he would be justified in excluding the proposed set-off in circumstances such as those at bar, for they seemed to him to equitably entitle the defendants in a reduction of the mortgage granted by the owners to the builders to secure the purchase price, and as to place of trial, as the repairs alleged to have been made were effected in Montevideo and San Francisco, the matter could be as conveniently investigated here as in Scotland. The result was that the motion was allowed.

Mr. Bond for plaintiffs, Mr. Davis, K.C., for defendants.

The Chief Justice disposed of a number of minor matters in Chambers in the morning.

FAVOR PATERSON AS LIVE BUSINESS MAN

More Citizens Testify to His Ability—H. M. Grahame Aldermanic Candidate

"T. W. Paterson is a thorough man; that's one of the reasons why I think he would be a good mayor for Victoria," said H. G. Wilson to the Colonist yesterday. "Mr. Paterson will give no opinion, nor start any undertaking until he has a thorough understanding of the project. That's the kind of man that the city wants for a mayor at this time. We are entering upon a very important stage of our development, and ahead of us there are large questions to be dealt with. Mr. Paterson is accustomed to dealing with large questions, and I think that he is the man best calculated to properly guide the city in the times that are ahead of us.

"I know Mr. Paterson to be a thorough man," concluded Mr. Wilson, "because I worked under him, when he was president of the Board of Trade. I take no particular interest in politics, and should not have endorsed Mr. Paterson had I not believed that he, as mayor, would be calculated to administer the affairs of the city in the very best manner possible."

Frank Higgins, one of Mr. Paterson's strongest supporters, expressed indignation against certain stories which are being circulated by Mr. Paterson's opponents against him in the campaign. It is ridiculous to say that Mr. Paterson would reduce the wages of the city employees if he came into power," said he. "The Labor men must know that he couldn't do so even if he wished, which, of course, he doesn't. Furthermore, Mr. Paterson is the man best calculated to advance the interests of the workingmen of the city. He is a man who is accustomed to deal with business on a large scale. If elected he will take hold of the transportation question. He will induce new industries to locate in the city, and will thus increase the demand for labor. I regard it as of the greatest importance that the city should have a man well in touch with railway affairs at the helm, at this stage of its development."

"I object to Mayor Morley," concluded Mr. Higgins, "because he is not a thorough man. He does not make himself acquainted with all the details of an undertaking before passing judgment, while his failure to get along with his council I attribute to a lack of tact."

"Mr. Paterson is, I believe, a good, commonsense, practical business man, and that's the reason why I think he would be the best man for mayor in this city at the present time." Such was the view of F. A. Pauline, as expressed to the Colonist yesterday. "I think that Mr. Paterson is able to, and will, administer the affairs of the city in a creditable manner," said Mr. Pauline.

Mr. Paterson's supporters are planning to hold a big meeting at Victoria West in his support tomorrow evening. Mr. Paterson will himself address the meeting, and the leaders of his forces will also speak. Mr. Paterson has many friends in Victoria West, and the meeting promises to be a memorable one.

The members of the Victoria West Municipal Voters' association have extended an invitation to the candidates for mayor and aldermen, and also for the School Board, to speak at a meeting to be held in Victoria West on Tuesday of the coming week. It is expected that the invitation will be taken advantage of by both mayoral candidates, and the majority of those who aim for aldermanic honors.

Harry M. Grahame, at the solicitation of a large number of electors, will stand as a candidate for alderman for Ward No. 2. Mr. Grahame has had large experience in civic work, having served at the council board for several years, and being immensely popular with all classes in the ward, is looked upon as a candidate sure of election.

INTOXICATED MAN ATTEMPTS SUICIDE

Took Large Amount of Morphine After Being Brought to Police Station

Frank Fuller, who was brought to the lock-up charged with drunkenness yesterday about 4 p. m. tried to poison himself an hour later by swallowing morphine sulphate in one-fourth grain tablets. He had secreted about him a small phial containing the drugs and when placed in a cell seemed in a drunken stupor. The jailer left him and on going in an hour later found him unconscious with the empty phial beside him. Dr. Hermann Robertson, city health officer was summoned and at once administered an hypodermic injection which relieved the unfortunate man, who will recover. An attendant was called and remained with him during the night.

The city police were notified yesterday evening that a man was lying unconscious in the roadway near the corner of Johnson and Cook streets and the patrol was sent with Constable Palmer who found that the unfortunate man, David Currie, had been the victim of a runaway accident, and had been thrown from his rig. He had a bad cut on the head and over the left eye, and was unconscious. He was taken to