THE PEERLESS PEER, THE ELUSIVE PIMPERNEL

The Real Estate Agent, the Mahatma, the Solicitor, the Expert and Several Others.—All of Which Join in Pointing Out a Moral and Adorning a Tale.

By Felix D'Arblay.

PROLOGUE

Truth is stranger than Fiction, although nobody believes it. The most incredulous, however, will change his mind after reading the following story, which, albeit related in that humorous vein which its bizarre character would seem to render appropriate, is nevertheless a true story in every detail. It is one of a series which the writer has prepared, dealing with peculiar experiences and transactions which have occurred in Victoria during the last few months. Although the writer is far from suggesting that the first of the series possess any element of improbability, he ventures to think that it lends some color to the impression that the reputation of Victoria as the happy hunting-ground of adventurers has been better advertised than some of its more important attractions. If any one imagines that he is able to identify the characters or locations mentioned in this sketch, let him beware, for there are many Peerless Peers, although they are not all in the House of Lords, and more than one Elusive Pimpernel, who is not the exclusive property of the Baroness Orczy; also of islands many a one which does not lie in the Gulf of Georgia.

CHAPTER I.

The Peerless Peer

Among the islands of the blest is one upon which I have often gazed with feelings of envy. It lies but a few cables length from the east coast of Vancouver Island. It literally basks in the sunshine, and is laved by the bluest of waters. Its southern aspect is a spreading lawn. In the background, the forest, sheltering an artistic bungalow with wide verandahs and overhanging maples. It is a veritable "bowery hollow crowned with summer sea."

The island is large enough for solitude, and yet not too large to compass with a daily stroll. Cultivation has yielded an orchard which, when I saw it a month ago, was loaded with apple blossoms; a garden producing all the necessaries for an extensive household; lush meadows in which pedigreed cattle grazed, and all the luxurious accessories of the chosen abode of an English gentleman who, absorbed in the more intellectual pursuits of life and attuned to the various moods of nature, wished to spend his happy days "far from the madding crowd."

But even luxury palls, an although "the poet's eye in fine frenzy rolling" looks out on billowy ocean, tremulous forests, or snowclad peak with rapt devotion when the divine afflatus seizes him, there is a natural rebound, and his human heart, touched with the sorrows and joys of the race, yearns once more for the busy haunts of men. Upon the shores of his little island he hears but the ripple of the indolent summer waves, or the sough of the wind in the trees; but afar off comes the echo of human strife, the clash of arms, perhaps the trumpet-sound, and then his soul is up in arms and eager for the fray.

In this latter mood, the Peerless Peer found himself three months ago. It was a late spring. The grey of winter refused to turn blue, and the sun hid himself day after day behind heavy banks of cloud. The sea would not flatten down, and a trip to the city was no longer a joy. In fact, those trips began to be the bane of existence with their inevitable wetting and shaking and jolting; and in a moment of conviction, if not of depression, it dawned on the mind of the Peer that he would abandon his lovely retreat and live once more where neither a gasoline launch nor an airship were necessary to transport him to his fellows. The decision must have caused him a wrench, for never was home more ideallic, or prospect more beautiful. Still, what must be, must be, and willy-nilly the island had to go.

CHAPTER II.

The Real Estate Agent.

Unfortunately, in mundane affairs there is more prose than poetry, which accounts for the fact that the Peer had to abandon the realm of fancy and engage the services of a mere real estate agent to rid him of his island. In fact, it is possible that he may have divulged his secret to several real estate agents. Be that as it may, he shortly afterwards received a telegram from one of the most prominent in Vancouver, which, being paraphrased in classical style, read, "Come over and help us." He went over as fast as the numerous transportation appliances in vogue between the Islands of the Blest and Vancouver, by way of the Capital City, could convey him. It would, perhaps, be unfair to suggest that visions of a mere mercenary character added any interest to the journey, or that the heart of the Peer registered one additional beat as he entered a certain well known office in Hastings street. Here the man of mundane affairs introduced him to the prospective purchaser, which necessitates starting another chapter.

CHAPTER III.

The Elusive Pimpernel.

I should like to describe the nobleman, grand duke or prince who, in defiance of the Baroness Orczy, I have dared to dub the "Elusive Pimpernel," in the words in which he was described to me by the Peerless Peer. As this portrayal took place after all the incidents mentioned in this veracious story had transpired, I am sure my readers will excuse me, as even a master of language sometimes becomes too forcible and picturesque under the influence of strong emotion. I will, however, recall the more artistic delineations as they fell from his lips.

Said he, "The Count was one of the most remarkable men I ever met. He must be a count, for he knew lots of Grand Dukes, and high military officials with whom I am acquainted. He could describe with exactitude men I have met in Russia and in England. Was familiar with many private matters in which their families were interested. Could not only tell me their names, but their nicknames, and altogether evinced such extensive knowledge of this class that I could not doubt he had acquired it at first hand. Yet he persisted that he was not a real Count, and time and again reminded me, with becoming modesty, that he was the son of a rich merchant established at Lodz, on the Austrian frontier.

"He claimed to have been born of Austrian parents in London. To have been educated at Vienna and Cambridge, and to have been engaged in very extensive and delicate business transactions.

"But I am over-running my story; I should tell you what he looked like. He was a man of medium height, slimly built, with a military bearing, a most dignified manner and a polished air. He spoke, to my knowledge, five languages fluently, and claimed to be familiar with at least half a dozen others. His hair was light brown, and his eyes almost the same shade. He was clean shaven and had a rather long and pendulous nose—which I should have suspected of a Hebraic origin but that it was too straight and aristocratic. During the whole of the time that I was acquainted with him, he never made a slip in decorum, and was the very pink of courtesy and good breeding.

"He could sing and dance like a courtier, and among his many accomplishments he included one which especially endeared him to the officers on the "Princess," whom he entertained on our way over to Victoria. After singing and dancing for us, he played the piano so wonderfully behind a screen, that one of the officers remarked, "I never heard a man play as well with one hand before." It turned out afterwards that he had been playing the piano with his nose. But what has this to do with the story? It is true it may be an unusual gift, even in the case of an Austrian, but still, by no means impossible."

I think the above description will convey some idea of the Elusive Pimpernel, and it therefore behooves me to hurry on to the business end of the transaction.

CHAPTER IV.

What He Wanted.

He wanted an island, he had just purchased a large estate in the Isle of Wight, on which to establish a convent of the Sacred Heart. Influential representatives of the church were anxious to do the like at the Pacific Coast for the Order of the Benedictines. Where in the wide world were skies so blue, sunshine so bright and climate so congenial? If the Island of the Blest which had been portrayed to him in such alluring terms by the Man of Mundane Affairs were only half as lovely and attractive as it had been painted, a Benedictine Monastery would rear its towers thereon before another Winter, and those humble and devoted sons of Mother Church would till its fertile soil, and fulfil their austere vows in its umbrageous woods.

Of course, to this there could be but one response. The Man of Mundane Affairs had not exaggerated in the least, and the Peerless Peer, being a gentleman, would say nothing for his island, but leave the matter entirely to the judgment of the purchaser.

A visit resulted. A bird's eye view of the island was had. The Elusive Pimpernel was more than delighted. The modesty of the Real Estate Agent and the Peer had failed to depict a tithe of its attractiveness. To say that the visitor was enamored is to convey only the faintest impression of the ecstasy he displayed as he was led from vantage-point to vantage-point by his hospitable owner. He would purchase. Undoubtedly he would purchase. Indeed, so charmed was he that he very much doubted whether he would hand his bargain to the Convent of the Sacred Heart or the Order of the Benedictines. He had a friend, in fact, two friends—one was the Countess de Brissac, another was his own sister, daughter of a member of the Russian Embassy in Washington. Either of these would be only too glad to acquire an Elysium for the palty consideration (vexed be the poet's soul for naming it) of twenty thousand dollars!

The visit came to an end, as do all the supreme experiences of life; but one little formality, brutally obtrusive in such ineffable affairs, remained. Not being a practical man, and furthermore desiring at the earliest possible moment to devise a complete scheme for developing his prospective purchase, the Elusive Pimpernel suggested that in a few days he would revisit the island, in company with his expert, make a more detailed examination, and start several hundred men at the presumably necessary work of clearing and cultivating—which leads to the next chapter.

CHAPTER V.

The Expert.

The expert arrived a week later, with his master. He was a Swede, who rejoiced in the euphonious name of Bolderstrom. But then, why quote names in connection with an incident which will be remembered for its illustration of certain unique and mysterious traits of human character and experience.

Well, there was an Expert, and he was a Swede. He had the light hair, blue eyes, and athletic figure of his race. He had been a working miner who had made a strike in Alaska and wisely banked the proceeds, and was living respectably in Vancouver. The Elusive One announced that the Expert was well known to him and had acted for him in numerous transactions, which I regret to say is a statement hardly borne out by the facts, so far as they are known to the writer, although, as will presently develop, there is an explanation, perfectly satisfactory to the Expert if to no one else.

Just at this juncture, I may suggest that if the dramatis personae in this remarkable play had been less transcendental and more earthly, they might have wondered why a mining expert should be considered the most suitable person to advise on the erection and accessories of a Benedictine Monastery; but that way lies dubiety, and the hydra-headed monster, suspicion—which at this stage of the story is still outside the garden.

The Elusive Pimpernel and the Expert arrived at the island on one of those days when the heavens were weeping at the impending departure of the Peerless Peer. Enveloped in slickers, and protected by hip boots, they wandered for twelve blessed hours among the trees and undergrowth of the island, disdaining escort, and returned to the hospitable shelter of the bungalow, as the shades of evening fell, in a dishevelled and exhausted condition. But, if they were soaked, their enthusiasm was not even dampened. The island looked better than ever. The purchase was positive. The Expert was as much impressed as the Elusive One, and his gigantic brain had already mapped out a program which would convert it into a perfect paradise, whether for the devoted sons of the Benedictine Order, or the rather more worldly and pleasure-loving associates of the Countess de Brissac. Whereupon the Expert took his departure to mature his plans, and the Elusive Pimpernel, accompanied by the Peerless Peer, journeyed to Victoria to perform another necessary but highly distasteful duty, in the searching of titles and the preparation of deeds. Meanwhile, the Peerless Peer moved out, lock, stock and barrel. His "household gods" were literally transported to Victoria, and he himself transferred from the roomy confines of the island to the cramped quarters of a hotel.

CHAPTER VI.

The Smaller Fry.

This chapter is just a connecting link and devised in the interests of authors who wish to take a brief breathing spell before plunging into the more exciting incidents of their narrative. It simply relates how the expert interviewed every rancher and rancher's son, and rancher's hired man within a radius of ten miles of the Island of the Blest, engaged them for a season's work, and promised that they should play no ignoble part in converting that portion of the island which was not rocky into a Garden of Eden.

It also tells how a storekeeper, his wife and child, were duly installed in a house on the island, and placed in charge of the orchard, the garden, the lush meadows, and the pedigreed cattle.

Incidentally, to save obtruding so insignificant a fact upon a more important chapter, it may be made to do duty in relating the dismissal of the said caretakers, at the end of thirty days, with a cheque for their month's services and the added experience of a temporary sojourn in the Island of the Blest.

Oh, I had almost forgotten—it might also be made to cover the fact that on the little jetty at the west shore of the island, carefully reposed a huge packing case, addressed to the Elusive One, who has not since appeared to claim it. The case contains an elaborate, artistic and expensive chinaware dinner service, of which the royal blue and gold decoration can be discerned through one tiny crack, and upon which the sum of 55 cents for freight c.o.d., still remains unpaid. Whether such an expensive service was intended for the use of the caretaker and his wife, or for the Countess de Brissac and her friends can only be conjectured.

CHAPTER VII.

The Solicitor.

Fortunately, this chapter, too, will be brief—an unusual circumstance where the Man of Law is concerned.

The Peerless Peer and the Elusive Pimpernel adjourned to the office of one of the leading and most respected solicitors in Victoria, who transacted the necessary business at the registry office, and prepared the deeds and transfers, setting forth that in consideration of the sum of twenty thousand dollars, to be paid by the party of the second part to the party of the first part, to-wit: two thousand dollars cash down, three thousand dollars in three months, and the balance at regular intervals spread over four years (the instalments bearing the usual interest) the Island of the Blest would pass from the party of the first part to the party of the second part.

This is the first time in the course of a profoundly interesting and admittedly veracious history that the mind of the narrator began to get hazy. The threads became a little interwoven; but, disentangling them to the best of his ability, although not versed in business transactions with transcendental beings, he ventures to think that what actually occurred is fairly well covered in the following paragraph.

In addition to the parties already mentioned in this chapter, the Real Estate Agent again came on the scene and when the Elusive Pimpernel spoke with emotion of his sister in the Russian Embassy at Washington, and flourished a cheque for eleven thousand dollars, payable to himself and bearing the delicate and aristocratic signature in a fine Italian hand of the Countess de Brissac, and when, further, the Elusive Pimpernel remarked that, naturally, at times, ready money was a little scarce, and that before he could cash the eleven thousand dollar cheque and make his first payment, he would have to secure the endorsement or other co-operation of his sister in the Russian Embassy at Washington, the Real Estate Agent fell down, and fell down badly. In a spontaneous burst of generosity he remarked:

"I'm sure money is no object to the Peerless Peer; it is a mere necessary nuisance, and he would be the last to wish to inconvenience a gentleman. Let me suggest that a mere nominal sum will be quite sufficient to establish bona fides and to meet the requirements of the law—say five hundred dollars."

Of course the Peerless Peer could but acquiesce, even if he entertained other ideas. So the five hundred dollars was paid and accepted, the necessary documents were signed, and, at the last moment the Elusive Pimpernel sprang a delightful surprise on the parties by requiring the name of the eldest son of a Russian Grand Duke to be inserted in the transfer.

Now, looking at all the circumstances, and especially regarding this final master-stroke of diplomacy, who can blame the Peerless Peer, or the Victoria Solicitor, if they thought that a most excellent bargain had been completed, and if, as they turned over on their pillows that night, they had rosy visions of Benedictine Monasteries, Russian Grand Dukes and French Countesses.

CHAPTER VIII.

Toujours le Femme

In the description of the Elusive Pimpernel which fell from the lips of the Peerless Peer and is faithfully recorded in a previous chapter, I find that I overlooked one important item, and once more will quote his actual words:

"What struck me most about the Austrian was his hands. I never saw such hands. They were as narrow as a child's, as white and delicate as a woman's, and the fingers were so long and attenuated that they looked more like tendrils than fingers. Those who are familiar with Arthur Hallucker books, Rudyard Kipling's poems or Burne-Jones' pictures may possibly be reminded by this description of The Vampire—but that is another story."

A few hours after the signing of the documents and the paying of the deposit, the Peerless Peer and the Elusive Pimpernel had foregathered at the Empress hotel. They had dined, possibly wined, but in any event were indulging in that after-dinner chat which is so charming a feature in high society, when the Elusive Pimpernel paled, and shivered, and exhibited all the symptoms of collapse.

With much concern, his companion expressed solicitude, and asked "What is the matter?"

Now, if this was an ordinary narrative, I should have to drop into the style of making the Austrian talk like an Austrian who speaks English with a foreign accent, and says "Ze," for "the," and "Nevaire," for "never," and introduces a lot of other lingual eccentricities. But, being an accomplished gentleman, with a Cambridge education, he spoke as follows:

"Ah, my dear friend, you did not see! My life is in danger. There is a man who is seeking to kill me. I saw him just now. I cannot stay here! I must go.

"You wonder why? I will tell you. The ladies have always been my curse. I am always in trouble with the ladies. In Paris, in Vienna, in Washington, in Seattle, and now, lately, I am in great trouble with a lady in Seattle, and she has a brother, and that brother has a friend, and that friend is the man I have just seen, and I know he seeks my life. I must get away. I am all broken up. But I will soon be back.

"I will go to my sister in Washington, and I will fix up my business and send all your money from there. I will not pay you in instalments; that is too paltry for me, I will pay all the money, and then I will take a short trip to Europe, and then I will come back to the island."

Of course, the Peerless Peer, who is quite capable of defending anyone, poohpoohed the idea of injury, and reminded the terrified Pimpernel that he was in Canada, where the law was a sufficient protector. He went further, and offered if he would only point out the offender, that he himself would give the latter a specimen of what may safely be done to a man under the Queensberry Rules; but in spite of the most careful search, the monster could not be found.

After inducing the Pimpernel to retire early, the Peerless Peer went to his own couch—and that is the last he ever saw of the Elusive One, which circumstance decided me to pirate the type of the Baronness Orczy's popular novel.

That night the Pimpernel became elusive, and the Empress hotel knew him no more.

CHAPTER IX.

The Mahatma.

A few days afterwards, whilst the Peerless Peer was cogitating on all the remarkable incidents which had engaged his attention for the last few weeks he received a visit from the Expert. Needless to say, they compared notes, and to cut the already long story short—or at any rate to precipitate the most dramatic incident in its narration, I must ask my readers to note that the Expert invited the Peerless Peer to a conference in Vancouver, when possibly many strange things would be made plain, and, to use the stereotyped but not yet obsolete phrase, he might learn 'some things which would be to his advantage."

Picture the arrival of the Peerless Peer in the Terminal city. Picture his reception, with the heartiest greeting, by the Expert. Picture them tramping wih an air of eager expectation, at any rate on the part of the visitor, along Hastings street, already sacred to one of the earlier experiences of this strange history. Picture them ascending three flights of stairs to an upper chamber. On the door is a legend, "No. 7, The Theosophical Society." The Expert produces a key, unlocks the door, and ushers the Peerless Peer into a darkened room. The room is heavily draped with sombre curtains. At one end is an alter, and several imposing chairs carved with Oriental designs. In one corner of the room, the figure of a man is dimly seen—a strong, athletic individual.

Let it not for a moment be supposed that the heart of the Peer quailed, or that even if he suspected treachery he contemplated anything but that courageous resistance which is the first characteristic of his nature. But really, this is not a tragedy, and nothing of the kind supervened.

First, came the startling revelation that the Expert was the leading light of the local Theosophical Society. It may not be technically correct, but to the ken of the narrator he may be classed as a Mahatma.

The man in the corner was introduced as Mr. O'Brien, but as he was not a Mahatma, but a successful miner and talked prospects instead of mysteries, he may be dismissed from the story, as he shortly was from the room with the remark of the Peerless Peer,

"I did not come here to talk nonsense, but business."

The Expert then proceeded to explain that the Elusive Pimpernel was undoubtedly a Theosophist of high degree, for he had shown himself conversant with all the rites of the order, and had confided to the Expert details of thir most secret ritual—which could have been known only by one initiated. The Expert was convinced, even though he had lent the elusive one the five hundred dollars which had been paid to the Peerless Peer, and several hundred dollars more which had been consumed in expenses, that he was all right, would undoubtedly return to carry out his contract, and that temporary embarrassment for funds was not an uncommon occurrence even with friends of countesses and grand dukes

Truth demands that at this stage I should remark that suspicion, for the first time entered the mind of the Peerless Peer, and he ventured to ask a pertinent question.

"Why," he said to the Expert, "did you consent to pose as a long acquaintance of the Austrian, and why did you not demur when he told me again and again in your presence that you had had many business transactions with him, and had served him frequently."

The reply of the Expert, I need hardly say, was perfectly satisfactory to himself, and whether it will be equally satisfactory to the reader depends entirely upon his attitude towards Theosophy.

"Oh," said he, "that may be true; this is not my first stage of existence, and I may have served him time and again in other spheres. I wouldn't doubt it."

I suppose, although I must confess to extreme ignorance of such matters, that the Expert had reference to other "Astral planes."

The interview was not prolonged, nor need the recital be. The Peerless Peer by this time realized that the Expert knew no more about the Austrian than he did, and that while he had suffered personal inconvenience, he still had his island and five hundred dollars, whilst the Expert, thanks to his profound belief in Theosophy—or at any rate, in one of its professors—was several hundred dollars out.

EPILOGUE:

No one on the Pacific Coast has seen the Elusive Pimpernel since he left the Empress Hotel two months ago. The Peerless Peer received a letter three days after he left, dated from Spokane, stating that he was on his way to Washington, where his sister at the Russian Embassy would enable him to remit.

The Expert is still awaiting the refund of some seven or eight hundred dollars.

The crate of crockery is still reposing on the jetty on the west coast, and the Island of the Blest is once more in the market, the option of the Elusive Pimpernel having expired last Tuesday.

Baron Tweedmouth Coming.

Liverpool, May 22.—Baron Tweedmouth, former first lord of admiralty, is another of the distinguished passengers who sailed for Canada yesterday on the Empress of Ireland.

Chicago Pitcher Is Sold.

Chicago,, Ill., May 22.—Pitcher Frank Owen was yesterday sold by President Comisky of the Chicago American League club to the Toledo club in the American association. The consideration for the deal was not announced other than that it was an out and out sale.

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SOOKE LAKE BAS IN LIMELIGHT AGAIN

Refusal of City's Offer Waterworks Company news Old Proposal But jection Is Raised

"Go to Sooke Lake."

That mandate voiced by the el when the waterworks question voted on in 1908 again stares the c cil in the face since the Esqu Waterworks company refused the offer of $900,000 for the underta at Thetis lake and Goldstream a ported in the Evening Post yester

The formal declaration of the offer was read last night befor streets, sewers, and bridges con tee and a discussion followed d which the Sooke lake proposal ca in strong limelight. The obj urged was that since the city had hard work, obtained from the le ture the right to arbitrate in ca a refusal, it would seem like a sad if the opportunity were not take vantage of.

Company Refuses.

Mr. Luttbe's refusal was shor to the point, merely stating that consideration of the city's offer directors had decided that they not entertain the proposition.

Alderman Turner believed the view of the company's refusal, next step would properly be to ceed with the arbitration.

Alderman Stewart, while s that he would like to see the cit quire the Esquimalt water works pany's holdings, believed the qu was too large a one to decide off Since the city made the offer of 000 he had been approached by a many ratepayers practically a whom had stated in no measured their opinion that the council made a great mistake in attem to purchase the Goldstream syst any such large figure. He did n lieve that there were half a people in the city who favor s move. All the ratepayers with he had come in contact appear vorable to Sooke Lake, and he, p ally, believed that it was a mere of time to talk to the Esquimalt p The directors ask $1,300,000 or t abouts for the system, and ha clared, he had been informed, t arbitration proceedings are resor the award will be within two per of that figure. The company's u takings, Alderman Stewart dec are not worth anything like amount, and if the city has to pay figure for the system, it is not it. Thetis Lake, according to A man Stewart, is absolutely worth thing at all. The main to Vi West would have to be rebuilt, larger pipes, while the whole dis tion system in Victoria West have to be rebuilt.

Go to Sooke Lake.

Alderman Stewart stated that ratepayers whom he had met pointed to the shortage of water ing the past two years, and wh had referred them to the inc supply which the company will ha reason of the improvements a plant still the ratepayers had urg necessity of going to Sooke lake. us wipe the Esquimalt Water Company's proposition from o slate," urged Alderman Fullerton referred to the offer of $600,000 the company three years ago. true, he admitted, that since th company had spent some $80,000 system, but if the city purchas system it would have to spend $400,000 on a new distribution s and by the time new mains we and $800,000 paid to the compan posing it would accept that figu city would be called upon to in the neighborhood of $1,500,00 that amount the city can go to Lake. The city's water expert, man Raymond stated, had figure the cost of acquiring the Gold plant and laying the necessary would be about the same as if t went to Sooke Lake. If a bylaw to be submitted to the people question of whether the Esq Water Works Company's under be purchased, he would sugge two bailots be prepared, one against the purchase and the ot or against the proposition of t going to Sooke Lake.

Alderman Mable pointed out t ter the trouble incurred in secu amendment to the act allowing bitration proceedings in case th pany refused the city's offer, i hardly be the proper thing to ahead with the arbitration p ings. He was not so sanguine Lake as a source of supply for t ten years. Even if the city sub to arbitration it incurred no obli and when the award is made t still does not have to purchas people can then say what they But personally he believed arbi proceedings would result in a being fixed less than that offe the city.

Advocates Arbitration.

Alderman Turner also urged t priety of going ahead with arbi proceedings, while Water Comm er Raymur stated that from th mation which he had at his c he had figupred that under the of arbitration as set forth amendment to the act, the co undertakings are worth $858, thereabouts, while one of the m while the amendment was und sideration in the legislature, a possessed better information t (Mr. Raymur) had figured th which the city would be called t pay at $720,000.

Alderman Henderson thou strange that if the value of th pany's undertakings was o stated above, the company sho have jumped at the city's offer 000. He would like to see the quire the company's system, ev cost $900,000, but the city wo have the asset the company po and if the B. C. Electric Comp 15,000,000 gallons per day, as it right to do under its contract, t would be run dry.

For Sooke Lake.

He wished to remind the cou the ratepayers have already e their desire that the city shou Sooke Lake. The argument h advanced that if the city atte go to Sooke Lake there will be litigation. He believed that if