

CASES HEARD BY COURT OF APPEALS

Judgment Given in Various Appeals at Vancouver—Notice Given Too Late in Victoria Suit

VANCOUVER, Nov. 4.—The Court of Appeals disposed of the following cases: Madden vs. Dixon—This was an appeal from the judgment of McInnes, C. J., in favor of the plaintiff on a contract for the sale and purchase of certain farm produce. The parties signed a memorandum in which the defendant agreed to sell fifty tons of potatoes at \$14 per ton and fifteen tons of cabbage at \$20 per ton, to be delivered by the buyer needed. There was also stated to be a cash payment of five dollars "on account of the same." This amount was not paid, or offered to be paid until some weeks after.

R. W. Harris, K. C. for defendant. The defendant was asked specifically whether he intended to carry on the contract and gave no satisfactory answer. The agreement was complete on its face and was not either an option or an offer requiring acceptance to be complete.

Per curiam: The appeal should be dismissed. There was a complete and binding contract for the sale of potatoes and the offer of payment of the five dollars at a subsequent date did not affect the intention of the parties. Per Irving, J. A. dissentiente. Dismissing the appeal. The sum of five dollars mentioned was or would be a payment on account.

WANT PRISONER

Vancouver Authorities Will Endeavor to Secure Return of Man Arrested at Portland

Upon the application of Police Chief Chamberlain of Vancouver, authority was yesterday issued by Attorney-General Bowser, Deputy Chief Charles Mulhern, of the Vancouver force, to proceed to Portland, Ore., as representing the Provincial government and take charge of the extradition proceedings for the extradition from the Oregon city of Charles James Beckett, wanted in Vancouver. The arrest of Beckett was accomplished on Tuesday night, upon telegraphic communication and request from the Vancouver police, the charges against him being two in number—the one of a theft of \$475, and the other, and more serious, of having procured at Vancouver a criminal operation. Advice of Wednesday and yesterday indicated that Beckett had retained extradition with every resource at his command.

BIG BONUS FOR CREW OF ALASKAN

Crew of Steamer, Stevedores and Firemen of San Diego Get \$10,000 From Underwriters

SAN FRANCISCO, Nov. 2.—The American Hawaiian Steamship company announced today that it will, in conjunction with the marine underwriters of this city, donate \$10,000 to the crew of the steamer Alaskan and the stevedores and firemen of San Diego for their services in subduing the fire on board the liner Alaskan at the southern port recently.

THAT KAMLOOPS JAIL

On the eve of official inquiry suggested by the grand jury upon the text of escapes, the Kamloops jail has lost another prisoner. In this case the escape is an American. It is known as John Joseph, who by a curious coincidence, was serving a term of imprisonment for breaking jail at Vernon last August. Up to the present the fugitive has been apprehended, although pursuit began very soon after the escape. Joseph and another prisoner were engaged in carrying wood to the jail, and in one of his journeys to the wood pile

NOME IS SWEEP BY HEAVY SURF

Remarkable Marine Disturbance, Without Wind, at Alaska City—Houses and Shipping Destroyed

NOME, Alaska, Nov. 3.—A terrific surf, unaccompanied by wind or disturbance of the air, swept the beach and across the Nome sandpit today, destroying two houses and fifteen cabins, and doing great damage to shipping. Several schooners were wrecked. No lives were lost, but many had narrow escapes. The water swept far up the streets, those near the shore being completely inundated. Many cellars were filled, and thousands of dollars of damage was done to shipping. Late tonight the surf began to subside.

No one here is able to account for the phenomenon, which some attribute to submarine volcanic action and others to the recent eclipse. All agree that the water rose to the highest point ever seen here, reaching far above the marks made when Behring Sea and Norton Sound are lashed into a fury by the Arctic storms.

BOOK OF WELCOME FOR ELLEN TERRY

Prominent New York People Honor Actress on Occasion of Her Lecture There—Enthusiastic Audience

NEW YORK, Nov. 3.—President and Mrs. Morgan, Mayor and Mrs. Gaynor, J. P. Morgan, E. H. Gary, president of the United States Steel Corporation, William Dean Howells, the author, and other friends of Ellen Terry, attended in surprising numbers this afternoon at a "book of welcome," bound in gold and vellum, and signed with their names, which was presented to Miss Terry as she arrived here from Chicago and had no inkling of the presentation awaiting her. When she stepped to the platform of the Hudson Theatre to deliver her lecture on "Shakespeare's Heroines Triumphant," the audience rose and cheered for five minutes.

SEKS IMPROVEMENTS

Provincial Government's Albern Agent Confering With Ministers

Mr. H. C. Rayson, the provincial government's active representative in the Albern district, is paying the capital of conferring with Hon. Thomas Taylor, public works minister, with respect to the extensive road construction and improvement programme for the West Coast country, considering which he, as government agent, has recently submitted a comprehensive report, and partially with a view to taking up with the minister of agriculture proposals for the establishment of a small experimental farm at some suitable and central point in the Albern district. Such a small farm is urged as highly necessary, in order that demonstrations may be made for the benefit of incoming settlers of the suitability of particular portions of the Albern district for specialized cultivation and of the classes of crops and varieties of trees, grains, vegetables, etc. best suited for successful raising in the different portions of the West Coast district.

CAUSTIC GRAND JURY

Bores Condition of New Westminster Goal—Praise for Provincial Institutions

An interesting presentation has been made by the Assize Grand Jury at New Westminster touching the condition of the various public institutions of the Victoria City. With respect to the Penitentiary it is noted that "your Grand Jury has had the fact brought before them that numbers of convict escapees from the maximum and would recommend that the matter be thoroughly investigated by the proper authorities." As to the city hospital, the comment is offered that "this institution might have been the wild of Africa, but for a city in British Columbia it is most magnificent."

DRIVER'S STRIKE NOT YET SETTLED

Efforts of State Board of Mediation May Still be Successful—Threats of Including All Teamsters

NEW YORK, Nov. 4.—Striking employees of the six transcontinental express companies here indirectly received assurances today from the state board of mediators that their grievances would be favorably listened to, inasmuch as they have cited specific instances of their grievances, and in the case of some of the express companies, the board has indicated that the "large" number of wagons, and in the case of some of the express companies, the board has indicated that the "large" number of wagons, and in the case of some of the express companies, the board has indicated that the "large" number of wagons.

S. A. PARLIAMENT TO OPEN TODAY

Preparations for Ceremony to be Performed by Duke of Connaught—Programme of Royal Tour

CAPETOWN, Nov. 3.—Great preparations have been made for the opening of the Union parliament by the Duke of Connaught tomorrow. The programme includes a pageant depicting the principal periods of South African history. The table on which King Edward signed the royal assent to the South African union act, together with the pen and inkstand used by him on that occasion, all of which have been presented to the union government by the King, have been placed in the parlour.

REBELLION STAMPED OUT

LIMA, Peru, Nov. 3.—By the arrest of the leaders the government wiped out the rebellion in the department of Cuzco, Peru. The rebellion was a general strike of all teamsters of the country, and all recommendations are usually adopted by the board. He added: "In the event of such a call, 150,000 men would walk out."

GRAND EDIFICE FOR EDUCATION

Duke of Connaught Lays Foundation Stone of University Hall at Capetown—Union Parliament Adjourns

CAPETOWN, Nov. 3.—University Hall, the principal building of South Africa's proposed great educational institution, had its inception today when the Duke of Connaught laid the foundation stone. The new university is expected to rank with those of England and America, and will provide facilities for the highest education to the sons of the new Union of South Africa.

LOOT PAWN SHOP

Chinese Three-Ball Emporium Visited by Thieves—Wife Made Good Haul

Thieves who broke into a Chinese pawn shop on Street near Herald street on Thursday night looted a large number of articles, mostly jewelry, and made a good haul. The matter was reported to the police but so far no clue to the robbers has been secured. The proprietor of the shop is now waiting with fear and trembling the inevitable result which is usually made on Chinese pawn shops by those who have pawned articles, who fear that their property may have been lost.

VISCOUNT MORLEY GIVES UP OFFICE

Earl Crewe Becomes Secretary for India—Mr. Lewis Harcourt Is New Secretary for Colonies

LONDON, Nov. 3.—The retirement of Viscount Morley from the office of Secretary of State for India was announced officially this evening. At the same time the following appointments, approved by King George, were made known: Viscount Morley to be president of the council, vice the Earl of Beauchamp; the Earl of Crewe, Secretary of State for India; Lewis Harcourt, secretary of state for the colonies, vice the Earl of Crewe; the Earl of Beauchamp, first commissioner of works, vice Lewis Harcourt.

MEET DECLARED OFF

Aviators Slow in Accepting San Francisco's Invitation and Event is Cancelled by Committee

SAN FRANCISCO, Nov. 6.—With \$125,000 actually subscribed for a big aviation meet in San Francisco from November 22nd to December 2nd, the executive committee having the matter in charge unexpectedly declared all negotiations off with all aviators in the East this afternoon, and decided not to hold a meet. The reason for this was the uncertainty of the attitude of the aviators themselves and the exacting demands and threatening stand taken by several persons who claimed they had promised to attend the affair and were unable to pull it off, yet demanding the sum of money to waive the rights to which they laid claim.

ESTIMATE OF LOSS IN RECENT FIRE

Insurance Companies Will Have to Pay Approximately \$850,000—Damage to Property Well Over Million Mark

Approximate estimates made by the independent adjusters now engaged in the case, show that the losses in the recent fire of the Phoenix, which was destroyed on November 2nd, are estimated at \$850,000, and the actual property loss over \$1,000,000 and probably in the neighborhood of \$1,250,000. Of the insurance companies the heaviest loss is the Phoenix of London, which will have to pay upwards of \$60,000. Lloyds will probably come second, with a loss in the neighborhood of \$20,000.

WHEEL WORKS BURNED

KINGSTON, Nov. 2.—The Ontario wheel works at Gananoque were practically wiped out by fire. The loss is \$75,000.

RIOTOUS WINNIPEG STUDENTS

Winnipeg, Nov. 3.—Hallowe'en broke out as a disturbance at the Bijou theatre. Matrons of the Presbyterian college students marched on the stage of the theatre before a crowded house and after indulging in some horseplay started to destroy the scenery. The police were called and a fight between the students and police ensued. The students used stones, chairs and anything handy. The police used tear gas, and as the charges were more furious fired revolvers in the air. The theatre was badly damaged. Arrests followed.

POPE PIUS UNWELL

ROME, Nov. 5.—The condition of Pope Pius is worrying the physicians at the Vatican. Dr. Marcia Fava today urged his holiness to cancel all foreign travel for a period of two weeks, but the Pontiff refused to accede to the request. It is believed that the Pope's heart trouble has been aggravated by worry over the situation in Portugal and the trouble between the church and state in Spain.

WIND AND SNOW DAMAGED THE FOREIGN AND AMERICAN HANGARS IN WHICH WERE STORED THE AIRPLANES OF COUNT DE LESSEPS, LATHAM, RADLEY, DRESEL, WILLIAMS, ELLIOTT, AND McARTHUR, CAUSING AN INSTANT DESTRUCTION OF THE AIRPLANES.

General Lake Goes to England. OTTAWA, Nov. 3.—Inspector-General Lake left for England today.

Mr. Joseph Martin for England. WINNIPEG, Nov. 4.—Mr. J. Martin, M.P., left tonight for Toronto, en route to New York.

Drummond Election. MONTREAL, Nov. 5.—Tonight's returns from Drummond and Archaibanks indicate that that majority for Mr. Gilbert will be between 350 and 400.

Storm Wrecks Aeroplanes. BALTIMORE, Md., Nov. 4.—Wind, snow and sleet damaged the foreign and American hangars in which were stored the aeroplanes of Count de Lesseps, Latham, Radley, Dresel, Williams, Elliott, and McArthur, causing an instant destruction of the aeroplanes.

With reference to the report that the government contemplates dividing the Colonial office into two departments it is understood that no arrangements of that kind could be carried out without an act of Parliament.

SEATTLE CASES

Judge Hears Arguments on Motion to Quash Proceedings for Contempt of Court

SEATTLE, Nov. 4.—Arguments on a motion to quash the contempt of court proceedings against Mayor C. Gill, Chief of Police Wapenstein and restricted district were heard today by Judge Mitchell Gilliam, and the matter was taken under advisement. The court will render a decision Wednesday morning. It is contended by the attorney for the defendants that the contempt proceedings were independent of the injunction case, and that the complainant should have cited specific instances of contempt instead of merely the general assertion that the parties refused to obey the injunction.

IF GOING SOUTH TAKE WEBBED STICKS

A former Victorian, L. Canniff, now a resident of Los Angeles, Cal., writes the sporting editor requesting that all lacrosse players, resident of this city, who intend spending the winter in the larger firms have as yet been advised to take their webbed sticks with them. He is engaged in boosting the Canadian national game in that state and is anxious to secure the assistance of as many Canadians as possible. Therefore, if it happens to be any of the local lads who propose spending a few weeks in Los Angeles they should take their webbed sticks on arrival make a call on Mr. Canniff, at 1223 W 37th street. He'll be delighted to make their acquaintance.

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VICTORIA EXHIBIT EASILY IN LEAD

Vancouver Island Fruit Makes Remarkable Showing at the Recent National Apple Show Held in Vancouver

Proud of the showing which the Victoria Fruit Growers made at the National Apple Show held in Vancouver last week, at which the Island fruit showed an excellence which drew forth unstinted praise from the exacting Judges, Mr. James Drummond, manager of the local fruit exchange, returned to the city yesterday. The Island growers secured the first prize for our lots, the King of Tompkins exhibited by Victoria simply romping away from the American and up-country exhibitors, not only by reason of the fact that the carload of fruit was not packed in one uniform method but instead, part was packed straight and part diagonally. The exhibit would have been awarded the sweepstakes prize of \$1,000, the blue ribbon of the show.

MAY BUILD NEW WING TO EMPRESS

Mr. Hayter Reed Says Construction Work Will be Undertaken if Conditions Warrant Addition

"If we find that we can fill the new wing of our hotel here which will be so long as the one which we will immediately commence construction of another wing on the southeast end of the building," said Mr. Hayter Reed, general superintendent of the C. P. R. hotel system. Mr. Reed arrived in the city yesterday after having spent a week in Vancouver. He will remain another week on the coast, chiefly overlooking the construction work now in progress in Vancouver.

SECOND DEGREE MURDER

Verdict in Case of Robert Thompson, Accused of Causing Death of Eva Swan at San Francisco

SAN FRANCISCO, Nov. 5.—"Guilty of murder in the second degree" was the verdict returned today against Robert Thompson, charged with the murder of Eva Swan, the young star of the opera who mutilated body was unearthed from its hiding place beneath the cement floor of a vacant house. The conviction follows the trial that lasted for several days, but the jury's deliberations required but an hour and twenty minutes. Thompson, or Dr. Grant, as he was known at the hospital he conducted, was involved in the case by the statement of Miss Measchmidt, a nurse in his employ. The nurse testified at the trial that when the girl died at the hospital, Thompson packed the body in a trunk, threw it out of the window, and conveyed it to a vacant house which he had rented. Death, the nurse said, had followed a criminal operation had been buried several months before it was discovered through the confession of a youth who assisted at the burial.

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& CO. street

Your Xmas Fresh

YOUNG let us hear from you.

- 17 1/2c, 23c, 25c, 40c, 20c, 25c, 15c, 10c, 55c, 40c, \$1.15, \$1.75, \$1.00

ES YOU MONEY. DUNG CERS

WORKS Provincial Government's Albern Agent Confering With Ministers

S. Cowan, Dawson; A. Travis, Dawson.

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