

# **BELT CLAIMED**

Attention in Statute Supreme of B. C.

## **LY TRUSTEE**

ment Not Represented in Council in Case

19.—The contention government is but the owner of the in the railway belt each side of the river to Alberta and acres in the Peace that the province these lands, never its title, was raised in a British Columbia. The chief branches E. V. Bodwell, K.C., provincial government in the long-Indian lands, the over Indian lands in the province as-ereditary interest in Indian lands, the in these lands, not merely the right as guardians of province, argument, to the sur-ening counsel and yond Indian lands millions of acres of the Dominion by of 1884. Mr. Bod-which makes use and added, in ince contends that granted to the Do-trust in aid of the C.P.R., making the ant trustees and e still the owners; vement has never it of its trusteeship, ice as owner, has d it. That account plus and the reven-Dominion since and in which the mistake regarded ite owner. Deduct-railway in British us must be based nee, the Dominion its trusteeship. ed its decision upon asses of the state- on government was n counsel, although sent to Ottawa a Dominion govern-ue part. y one side was rep- the Dominion had the questions sub-a observation and ter: "In my view ionic questions, and upon them will not upon the Dominion ourselves. The well ask us to give weather we shall there should be a dispute in the small was also the view Morrison and Cle-

mitted authority for this stated case argued that it in-pute. The fact that ment had ignored ake part in the ar- the right of the case heard. El-ment one way pr- his argument of two mplemented by the prominent local coun-let lands branch of es one of the largest put before a Can- the province is ul- the Dominion is ul- quish its trusteeship in British-Cor-ey the trust lands it must render an account of the rev- the period of mor- ing which it these lands as if it The surplus over the railway within the province might illars, and must be province.

**ENITENTIARY**  
removed to Joliet for Attempt to Take own Life  
19.—Peter Van Vliet, a forger to the ex-19, became a pris-He will be put to on factory. It was so that the Chicago and philanthropist icircle of acquaint-able which knew him and personal right- confession and the conviction which fol-

to have headaches—an easily-tired body—a stuffy-feeling brain—even for part of the time. There are too many keen alert men and women, always at their best, to give much chance of success to one thus handicapped.

These things are the direct results of a sluggish liver—constipated bowels—dry skin—overworked kidneys—in short, of a body whose sewers are clogged.

Nothing opens up these outlets of the waste, and clears the system, of poison so gently, yet so effectively, as "Fruit-a-tives." "Fruit-a-tives" are the juices of oranges, apples, figs and prunes combined—by a process that greatly increases their medicinal value—with valuable tonics and internal antiseptics, and made into tablets.

Take one or two "Fruit-a-tives" every night, eat plenty of ripe fruit, and see how quickly your urinal craves and headaches leave you. 50c a box—\$ for \$2.50. Write to 55c. Fruit-a-tives Limited, Ottawa.

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# **ACCIDENTAL DEATH IS JURY'S VERDICT**

Coroner Investigates Circumstances Surrounding Death of Charles Aubin

(From Friday's Daily)

A verdict to the effect that Charles Aubin, who was killed at Bullen's shipyard on Wednesday afternoon, came to his death through accident, was rendered by the coroner's jury which yesterday afternoon investigated the circumstances surrounding the man's death. In the course of the inquest, it was shown by the two witnesses, Raines and Daniels, both fellow workmen of the deceased, that the staging upon which they were working at the time of the accident, was the usual staging used in work of the nature they were engaged upon, and that while no special precautions were taken to prevent just such accidents, there was nothing to indicate that there was any neglect upon the part of the company or workmen.

Dr. Robertson, who was summoned to the scene of the accident immediately Aubin had taken his fatal plunge, testified that the man was dead when he arrived at the shipyard. Aubin's skull was fractured besides which severe bruises had been inflicted upon the head and breast. Death must have followed a hemorrhage of the brain, caused by the fracture of the skull.

Dr. Robertson had noticed a quantity of scaffolding about the bow of the Princess Royal in repairing which Aubin had been engaged when he fell, but to a question from the foreman of the jury, he was unable to give an opinion as to whether the scaffolding had been properly erected or whether any precautions had been taken to protect the workmen in cases of the kind.

## **Scaffolding Safe**

William Raines, a shipwright, who had been working alongside Aubin, testified that they were putting a bolt in place. Aubin and he were both using sledge hammers, the deceased working left-handed, his foot just at the edge of the two-plank staging on which they were working, when the hammer Aubin's foot slipped on the plank, and he fell back upon a staging about four feet below. From this he bounced over the foreman and fell about seven feet, alighting upon a wheelbarrow on the dock beneath. He struck with his head the handle of the barrow, breaking it off and striking the dock with great force.

Raines stated that he had been employed for nearly thirty years at shipwright work and had had long experience in Old Country yards. He considered that the scaffolding in this case was quite safe and of the kind usually used for such work. It was not customary to have the scaffolding nailed in or protected by a rope. He had known deceased for about two years and a half, and had always found him to be a careful and competent workman. The scaffolding was about two feet in width which is about the usual width, and any rails or rope to afford protection to the workmen would have been an interference with the work of hammering in the bolts. Witness considered that it was safe to work upon the scaffolding as then set up.

Arthur J. Daniels heard Aubin's body strike the wheelbarrow and dock, and he immediately rushed over to the injured man, who was quite unconscious. In his opinion, the scaffolding was quite safe, though in work of that nature, the men always worked at some distance from the work, so that in the event of an accident, they could move the planking and the scaffolding had, of necessity, to be built on an incline.

The jury took but a minute or two to render its verdict to the above effect. The jury was composed of Henry Critchley, John W. Smith, Walter A. Allen, George J. Taylor, W. Lorimer and George Cain.

The funeral of the late Mr. Aubin will take place this afternoon at 2:30 o'clock from his late residence, 2653 Third street, Rev. S. J. Thompson will conduct the services.

## **Work Commences**

Work commenced yesterday on the erection of the new business block to be erected by the B. Wilson Company on Chatham street. A gang of twenty men and ten teams started on the excavation work. Loney Bros. have the contract for the erection of the building which will cost in the neighborhood of \$25,000.

## **Fire in Boiler Casing**

There was a slight fire in the boiler casing of the steamer Princess Victoria near one of the smokestacks on Chatham street when the steamer was her way from Vancouver to Seattle. Few of the passengers were conscious of the accident. The fire was speedily extinguished and two carpenters were secured at Seattle and they repaired the damage while the steamer was on her way back to Vancouver yesterday.

## **TIDE TABLE**

Victoria, B. C., November, 1908.

Date.	Time	High	Time	Low	Time	High	Time	Low
1	12:12	1:11	2:08	3:05	4:02	5:00	6:00	7:00
2	12:12	1:11	2:08	3:05	4:02	5:00	6:00	7:00
3	12:12	1:11	2:08	3:05	4:02	5:00	6:00	7:00
4	12:12	1:11	2:08	3:05	4:02	5:00	6:00	7:00
5	12:12	1:11	2:08	3:05	4:02	5:00	6:00	7:00
6	12:12	1:11	2:08	3:05	4:02	5:00	6:00	7:00
7	12:12	1:11	2:08	3:05	4:02	5:00	6:00	7:00
8	12:12	1:11	2:08	3:05	4:02	5:00	6:00	7:00
9	12:12	1:11	2:08	3:05	4:02	5:00	6:00	7:00
10	12:12	1:11	2:08	3:05	4:02	5:00	6:00	7:00
11	12:12	1:11	2:08	3:05	4:02	5:00	6:00	7:00
12	12:12	1:11	2:08	3:05	4:02	5:00	6:00	7:00
13	12:12	1:11	2:08	3:05	4:02	5:00	6:00	7:00
14	12:12	1:11	2:08	3:05	4:02	5:00	6:00	7:00
15	12:12	1:11	2:08	3:05	4:02	5:00	6:00	7:00
16	12:12	1:11	2:08	3:05	4:02	5:00	6:00	7:00
17	12:12	1:11	2:08	3:05	4:02	5:00	6:00	7:00
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25	12:12	1:11	2:08	3:05	4:02	5:00	6:00	7:00
26	12:12	1:11	2:08	3:05	4:02	5:00	6:00	7:00
27	12:12	1:11	2:08	3:05	4:02	5:00	6:00	7:00
28	12:12	1:11	2:08	3:05	4:02	5:00	6:00	7:00
29	12:12	1:11	2:08	3:05	4:02	5:00	6:00	7:00
30	12:12	1:11	2:08	3:05	4:02	5:00	6:00	7:00

The time used is Pacific Standard, for the 12th Meridian west. It is counted from 12 o'clock, from midnight to midnight. The figure for height serves to distinguish High Water from Low Water.

The height is in feet and tenths of a foot, above the average level of the low water of the month of January.

This level is half a foot lower than the datum to which the soundings in the port of Victoria harbor are reduced.

The tea you buy may be good, but you may be quite sure it is not "Bada." It is infinitely more delicious and decidedly more economical than other teas because it goes farther.

# **WAS SUNK BY AN ANCHOR-FLUKE**

Tug Owen, Which Has Been Raised, Met With Peculiar Accident

(From Friday's Daily)

The tug Owen, which met with disaster at Cowichan gap, when towing a scowload of coal to Vancouver for Green Corney and Skene company, was sunk in consequence of a fluke of her anchor being knocked through the hull below the water line. The heavy small lumps of coal against her bow when the towline was shortened up at Cowichan gap and the impact drove a fluke of the anchor through the timber below the waterline. When Capt. McKillop sent word to J. H. Greer, who with Mr. Newton, owns the Owen, he despatched the British Columbia Salvage company's steamer Maude and the salvagers quickly pitched up the partially submerged tug and floated her, and bringing the Owen to Victoria for repairs on Turpin's ways.

The Owen took water very quickly after the hole was driven through her timbers by the anchor's fluke and the fires were damped out in a short time. An effort was made to run the vessel ashore by her crew before the rush of water drowned out the fires and the vessel foundered. She was in shallow water, and the water such, though, that her pilothouse was submerged at low water. Capt. McKillop and crew took to the tug's boat and landed on the beach near the wrecked vessel.

When the Maude arrived on Wednesday morning a patch of wood and canvas was found on the beach, and when the Maude's pumps were started the vessel was quickly brought to the surface. She was beached and temporary repairs made, and she was being brought to Victoria. The damage to the Owen is not great. The injury caused by the salt water causing the motor to stop. The damage is covered by insurance.

Repairs will be effected at once and it is expected the Owen will be ready to start on her next trip to Seattle, operated under the management of J. H. Greer within a few days.

## **Ma Kat Must Return**

Ma Kat, a Chinaman who was taken in charge by the immigration authorities on the arrival of the Blue Funnel liner Antiochus at Vancouver, was brought back to this city, notified on the Charmer and will be held until the arrival of the Holt liner here on her outward trip. The Celestial endeavored to land at Seattle, but was refused by the immigration authorities and must return to China.

## **Charge of Tampering With Witness**

The provincial police have laid charge against Alexander Lipsky of this city of attempting to tamper with a crown witness. The charge arises out of the Taylor case, in which Lipsky claimed that Lipsky in the interests of Taylor visited Mrs. Taylor and endeavored to persuade her to modify her story upon which the charge against Taylor is based. Lipsky was released on \$2,000 bail.

## **Appointments Gazette**

The following appointments appear in the current issue of the B. C. Gazette: To be justices of the peace for the province of British Columbia, August Kilbes Stuart, of Lake Francois, and Langton Lazenby, of Hammond. Howard Rumney, of 12 Craven street, Strand, London, England, to be a commissioner for taking affidavits within the counties of London, Middlesex, Sussex and Kent, for use in the courts of British Columbia. Alexander C. Minty, of Rocky Bay, Vancouver Island, to be deputy mining recorder for the Nanaimo mining division.

## **PRINCESS ROYAL TO RESUME ON SUNDAY**

Former Schedule of Princess Royal and Princess Victoria Will Then Prevail

The steamer Princess Royal which has practically completed her repairs necessary in consequence of her collision with the Japanese steamer Fukuryu Maru, will resume her return to the Victoria-Seattle and Seattle-Vancouver service on Sunday when she will sail from the C.P.R. dock for Seattle at 3:30 p.m. The steamer Princess Victoria will then return to the Seattle-Victoria and Vancouver-Seattle service.

## **CRAIGFLOWER HAS SERIES OF MISHAPS**

Little Sternwheeler, Formerly on the George, Has Many Experiences on Skeena River

The steamer Craigflower, Captain Troupe, docked on Thursday evening at the Wadham wharf, says the Port Esquimalt Lloyd's of Nov. 24. In an interview yesterday morning, Captain Troupe said he had a most eventful trip, full of mishaps. The first occurred between here and Kitimat; a steam pipe burst which caused a delay of two days before repairs could be made. All went well until Kitimat was reached, when he had to tie up for three days until the water was right for the trip through the canyon. Getting about ten miles above Oliver creek the eccentric got out of gear, and before that could be fixed it broke. Not having the necessary appliances on board to repair the damages the chief engineer and pilot skinned back over the trail to Skeena took the stern wheeler and been made and the engineer got the proper hitch on his overalls, the Craigflower steamed away in proper style, but not very far before the boiler blooming trip ran up to the boiler and advised him to return on account of the ice. And it was getting cold, so he decided to have to cover the boiler with mud to keep her warm. After due consideration the captain put about and headed for Spokeshoot. At the 12th Meridian west. It is counted from 12 o'clock, from midnight to midnight. The figure for height serves to distinguish High Water from Low Water.

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# **EXPANSION OF SILVER SPRING BREWERY**

Harry Maynard Adds the Fairall Plant to His Property

(From Friday's Daily)

That quality counts in the rise and progress of any firm was never more in evidence than in the remarkable success which has attended the efforts of the new management of the Silver Spring brewery. For several years Mr. Tate, the founder, assisted by his sons, manufacturers, was admitted by connoisseurs the most palatable, appetizing and purest of ales in Canada. Through failing health, the elder Tate was compelled to relinquish the management of the concern to his sons, he himself taking a trip to his former home. Mr. Tate, having disposed of his interests to Mr. Harry Maynard and associates, the latter immediately set to work to increase the plant, put in new machinery and reconstruct the premises, but in spite of every effort made, they have outgrown the premises, and on Saturday last purchased the Fairall brewery, to enlarge the water works and all the premises hitherto used by the latter firm. It is seldom that one hears of such a remarkable success attending a new firm in the short space of time that has ensued since the Mr. Maynard purchased the Silver Spring brewery.

The energy displayed under his management, enabled the firm to do business on a larger scale, and today they are bearing the well known brand of the Silver Spring brewery is used in all the leading clubs and hotels on the Pacific slope.

The purchase of the Fairall interlocking with all the buildings, will enable the firm to meet the increasing demands. New machinery has already been ordered and everything will be arranged for keeping with the most modern and scientific ideas in brewing. A system of cold storage will be installed, and sterilizing machine of an improved kind employed.

The success which has attended the firm up to date is mainly due to the wisdom taken to use one's own best materials in the process of manufacture. The hops and malt are most carefully selected, and price has never been allowed to enter into the purchase of the ingredients required.

Last month the firm was employed night and day processing an immense quantity of hops which were graded Christmas brew which will gradden the hearts of British Columbians when the festive season approaches. Mr. Maynard and those associated with him, are to be congratulated on the enterprise and energy shown, and there is no doubt that the concern, in time, will become one of the best known institutions in Canada. The credit for the excellence of the output of the Silver Spring brewery rests with Mr. Fred Tate who will still remain in charge of the brewing department. With the improvements made and the supply of one of the best beer better opportunity for him to display his well known skill.

## **EMPRESS OF INDIA FOR THE FAR EAST**

C. P. R. Liner Took Large Number of Homing Chinese—Craigflower Used Woodwork for Fires

(From Friday's Daily)  
The R.M.S. Empress of India, which sailed from the outer wharf yesterday morning for the far east carried a full cargo of general freight, including a large number of homing Chinese. There was a small complement of saloon passengers and about 300 Chinese in the steerage, of whom 170 embarked here.

The Craigflower was reported up in yesterday's issue, arrived at Seattle yesterday after an arduous trip. The steamer was delayed 26 days from Yokohama and owing to her coal being almost exhausted part of her framework was torn down and replaced, and the steamer was encountered during the voyage.

## **TROUBLES ON THETIS WERE EXAGGERATED**

Capt. Henderson Denies Statements Made—Brought News of Capt. Meggie's Expedition

With the arrival of the United States revenue cutter Thetis at Seattle the reports from the north regarding trouble on board were declared exaggerated. A statement was published by the United States navy that the cutter had been placed under arrest for violation of service rules. This was absolutely denied. Lieut. Muller S. Hay, an officer of the Thetis, who had been on duty for eight hours during the stay in the north, and charges have been filed against him with specifications alleging conduct prejudicial to the best interests of the revenue cutter service. Mr. Hay was at no time subordinated to the cutter, and he means and states that he is ready to stand an investigation attacking his official acts.

Capt. Henderson said: "I can only remark that the stories circulated are gross misstatements." For several weeks of the stay of the Thetis in the Arctic the cutter was associated with the fleet of whaling vessels engaged in the north. The season with the whalers has been exceedingly unfavorable, owing to the unusual quantity of ice encountered. By the whaler Karluk, which reached a point near Herschel Island, was brought to Capt. Henderson that the gasoline steamer Olga, commanded by Capt. William Meggie, had been spoken while en route to the coast, bound from Banskland to Herschel.

Mogg is one of the best known of the whalers, and his exploits have been long with his entire command. The loss of the Mogg expedition was reported early in the month of 1907, news reaching the mouth of the Mackenzie river that a storm had taken the Olga and her crew. Mogg was reported to have been killed and his body found by the whaler Karluk.

Capt. Henderson believes that but little hardship is to be experienced by the Eskimos of the Arctic by reason of the severe weather and dense ice that have prevailed for many months. An unusually large number of whales have been taken and with necessary stores delivered no great difficulties are to be expected.

## **Vancouver Mayoralty**

Vancouver, Nov. 19.—Mayor Bethune today declined re-nomination for another year. Alderman Stewart will run for the mayoralty.

# **BENEVOLENT SPIRIT OF STANDARD OIL CO.**

John D. Rockefeller's History of the Trust—His Direct Story Finished

(From Friday's Daily)

New York, Nov. 19.—With the telling of the story of the first score of years of the industrial development of the Standard Oil Company, the testimony of John D. Rockefeller, president of the oil combine, on direct examination in the federal suit to dissolve the Standard Oil Company, was brought to an unexpected close this afternoon. The head of the Standard Oil Company told today of the processes and causes of the company's growth up to the trust present of 1882, and identifying the parties to that agreement. Counsel for the defence, then announced that Mr. Rockefeller had concluded his direct testimony, and requested an adjournment until tomorrow.

Friday will find Mr. Rockefeller on the witness stand under the sharp cross-examination of the government. Frank B. Kellogg, special assistant attorney-general, prosecuting the case for the government. The cross-examination by the government will be generally confined to the period from 1882 to 1882, except where the testimony has a direct bearing on developments in the company's affairs in its later period.

Counsel for the Standard Oil list it to be known tonight that the history of the company from the first significant of 1862 would be told on the witness stand by John D. Archbold, vice-president of the company, who is conversant with the combined development. Mr. Rockefeller's testimony today had to do principally with the acquisition of other refining companies, together with transportation concerns, and pipe line systems, which he declared were necessitated by the natural growth of the Standard company.

The hearing was transferred today to a larger room in order to accommodate counsel and reporters. Policemen were stationed in the corridors, and only those having friends connected with the case were permitted to enter. Mr. Rockefeller was smiling as he took the witness stand and resumed his testimony.

Mr. Rockefeller's counsel again called his attention to the uncertainties of the oil business in the early seventies, and asked him what bearing the supply of raw materials had thereon. "It had an important bearing, and must always have such importance as we never know when the supply may give out, rendering the production for the refining of oil comparatively valueless," replied Mr. Rockefeller. He added that in the early oil business the supply of oil was limited to a small area, principally in Virginia and Pennsylvania. Mr. Rockefeller said that the oil business was made a hazardous business because of the apprehension that the supply of crude oil would be exhausted. Some of the oil wells were very short-lived.

Mr. Rockefeller's counsel then asked him if he recalled that a producer's union was formed at the time of the agitation regarding the South Improvement Company. "Yes," replied Mr. Rockefeller. "It was formed a little later, and was composed of a large proportion of oil producers." That led to an association of oil refiners, who were desirous of having a steady supply of crude oil which was not controlled by interests antagonistic to them, and one refiners also wanted to be assured of a market for their refined material.

"We desired pleasant relations with the producers," said Mr. Rockefeller. In December, 1872, Mr. Rockefeller led to the producers, and refiners' association entered an agreement "to secure as high a price for the crude oil as possible and to introduce an element of regularity in the business which had been fluctuating greatly." Mr. Rockefeller said he was unable to give the number of producers in the union, but it included a large percentage of the refiners' association. It included a large proportion of the refiners.

By direction of his counsel, Mr. Rockefeller noted that the agreement fixed the price of crude oil at \$5 per barrel at common points. The operation of that agreement, he said, constituted an over-production of oil, beyond what the refiners could use at that price. The temptation was great with the producers to develop more oil, and they had a great deal of oil. The refiners could only take as much oil as the public would consume. As a result, the producers violated the agreement and