# THE GOLD GOD—A TALE

BY W. B. ANDERSON.

Every traveller in lands where gold is sought for comes in contact with some of the army of men with whom the search for a vast, elusive vein of fabulous richness has become a mania. Sometimes it is a lost mine, from which in the dim past, virgin gold had been cut out with chisels, like so much putty. Sometimes the home of a piece of rich float is sought, a piece of rock richly veined and crusted with the metal which makes men mad. Often the Chimera of dreams is followed. Will o' the Whisps which lead the wanderers in a crazed search of the unattainable through bad lands, wild mountains, frozen wildernesses. These men will say: "I dreamed the same dream thrice. It must come true."

Others again will talk of nature's alchemy, of how the nuggets which are washed from the gravel of the placers are smelted from the refractory ores and vomited forth by the bushel, to be spread abroad and carried away by glaciers and moraines, to be finally washed out by water and carried down the beds of rivers, where they are panned out by the miner. Could one but find this secret laboratory. Ah! Deaths occur, disappearances without number, yearly take their toll from the ranks of the fraternity, yet others step into their places, and so the unending march goes on until all things are done.

Poking about the northern British Columbia coast I once made camp in a pretty little bay. An Indian village was built on the sloping ground at the head, the smooth sandy beach, protected from all winds, formed an ideal canoe landing. A small stream, from its home in the snow topped mountains at the back, poured its pure, cold waters down a fern-clad channel, and debouching, flowed over the silvery sand alongside the village. Many fine totem poles stood before the main lodges, and these, with the wild picturesqueness of the surroundings, promised a wealth of work for the camera. Upon the same side of the stream I had pinched my tent, across from the village, a small log cabin stood a little back in the green fir woods. This at first seemed to be deserted, until perhaps on the third day of my stay, when I noticed smoke issuing from the rude stone chimney, and upon walking by, I saw a strange looking being sitting on a box in front of the fire, intently examining something which he held in his hand, and which he quickly concealed as my shadow fell in the doorway. I said "good morning," and the man rose from his seat, and looked at me in a wild, startled manner as he muttered an answer. He was clearly a piece of the frontier flotsam which had drifted far from home, civilization, and every gentle influence. His clothing was patched and worn, but clean. A battered hat of grey felt was on his head, from which long locks of grizzled hair strayed. The thin gaunt face, the wild eyes, the nervous, suspicious manner, all bespoke hardship, privation and incipient insanity. Noting from his manner that he was disinclined to sociability, I moved on, and during the rest of that day, and for a good many others, I did not see much of my strange neighbor.

I stayed in this camp for three or four weeks, shooting, fishing and photographing, enjoying myself as only a lover of wild nature can. Sometimes the shack was deserted for several days together, then smoke would be seen coming from the chimney, and I would see my neighbor going to the creek for water, or bringing in wood. No conversation passed between us, no word other than "time o' day," he still maintained a distrustful attitude towards me, until I got to regard him as a poor waif, who from living long away from those of his own blood had become mistrustful of everything save wild things and wild people.

One evening, as I lay reading by the light of the little camp in my tent, I heard footsteps outside, the tent flap was gently shaken, and upon bidding the visitor enter, I was more than surprised to see my strange neighbor open the door. I invited him to enter, but he hesitated and then said: "I thought I would ask you to come to the cabin, I would like to talk to you." Wondering at this change of demeanour, I said I would be pleased, and rising from the cot upon which I had been lying, we crossed together to his cabin. A good fire burned in the large fireplace, casting a cheery glow over the smokebrowned interior. I noticed that while utensils and furnishings were scanty and few, clothing old and patched, everything was scrupulously clean, and that the man's language was evidently that of one possessed of a good education. A few mining tools stood in a corner, a rifle hung from the beams, fishing tackle lay on a shelf, where also were piled a few well worn books. I seated myself upon a stool which my host placed for me, he then seating himself on an empty box.

"I see you are just 'round camping for fun," he began. "I thought at first you had heard something," he looked at me sharply, suspiciously. I assured him I was merely a loafing camper, out "for fun," as he had expressed it, and asked him what he meant by saying I had "heard something."

"I thought at first you might be after gold—the rich lead," he continued. Upon my telling him that I would not know gold ore from tin he looked much relieved.

"Yes," he said, "I have watched you, and you never seemed to be looking for mineral. Look here," he drew a little buckskin bag from his breast and opened it, taking from it an object carefully rolled in newspaper, he removed its coverings, and placed in my hand a piece of rock. It was slate, which parted in my palm at a cleavage. The interior was rusty, and over the brown surfaces was a glorious filagree of gold, pure, virgin gold! in sprays and cords of exquisite beauty. I gasped; for tyro though I was, I could not fail to realize that a lead of rock like the specimen shown me would be of inconceivable value. "Why," I exclaimed, "that is surely very rich; why don't you develop the mine, and go back to civilization a rich man?"

"Rich!" he breathed, "rich! why man, that is the Mother Lode itself, the one who finds that will be worth billions. Develop it? Ah! if I could but find it. Listen: Years ago, I dropped into this little nook much as you happened to the other day. You were an idler, seeking pleasure; I was a gold hunter, had been looking for the elusive stuff over half the world. Africa, Australia, South America, California. All these countries and others, had I tramped and slept in. Sometimes I found a little, more often I starved. Everywhere I went, I met men who searched for the Mother Lode, the fountain head of gold, and I had learned to think of their tales as idle, mythical fancies. Gradually, I drifted north, Alaska was an almost unknown land, and gold had been found in small quantities by a few hardy prospectors. In a small boat, I worked my way up the coast, aiming for the great frozen northland, where I hoped to win a fortune and go back to friends, home, and comfort," he stopped, his head drooped, and a softer light came into the wild, tired looking eyes.

He began again: "As I said, I happened into this bay one evening and made camp. I was tired, my boat was leaking, provisions low, so I thought a few days' rest would help me. I would repair the boat, get fresh meat, and then push on. The next day I was ill, worn out and half starved, I guess. It was days before I was able to get about. The Indians were kind, they brought me food and attended to me until I was well. By the time I felt strong enough to go on, it was late in the season, stormy weather prevailed, so taking the advice of the Indians, I made up my mind to stay for the winter, and so built myself this cabin. The life was pleasant here in this sheltered nook, it was a haven of refuge after the Stormy Petrel's existence of the past few years. It would only mean a few months longer to fortune I thought, so I was content to stay. I hunted and fished and laid in a store for the winter and for my prospective voyage in the spring. I could not cast off the miner's habits, and so would examine bits of rock and pan gravel from the streams, until one day, in the bed of a small creek flowing into this one out of the big range, I picked up this piece of float. It was then cemented together, and upon prying it open with my knife, inserted into a crack where the traces of gold showed plain, its richness lay revealed. Amazed, I stared at the sight, then began a hurried search for more, but seek as I would, not another fragment could I find. Then, day after day I searched the rocky sides of the creek. Up the steep mountain sides I toiled, risking limb and life in vain efforts to locate the Mother Lode.

"Among the Indians was a girl, the daughter of the chief, who had told me much of the country and coast; to her I showed the float, asking her if she had ever seen any like it among her people, or about the rivers. She told me a story which said that in olden times a certain mountain in the range had broken out in fire, and had thrown out vast quantities of melted stone, that the Indians stayed for days in their lodges in fear and trembling until the fire was over and the ashes and rocks had ceased to fall. Then the men had ventured forth, and climbing the mountains, they came to where a great hole had been made. All around it was melted stone not yet cold, and at a certain place a quantity of yellow metal had run down and filled the cracks in the rock. The mountain had been held sacred ever after, and no person was allowed to go there except the medicine men of the tribe. I asked her if she knew where this place was, she said she did, but was afraid to go there because of the ban of the medicine men. I tried to induce her to guide me to the spot, but for a long time she refused, until one day she came and told me that if I wished she would go, as the men of the tribe were going away in a short time, on a protracted hunting trip at some distance. When they were gone, she would try to guide me to the spot.

"I waited impatiently for the time, and then one day she bade me be ready by daybreak the following morning. We would have to get away quietly, she said, for fear of being followed by some of the old men, who would be left in camp. In the gloom of the early morning, she tapped at the door, and being already prepared, I slipped out and we started, and pushing through the woods, and into the mountains, we came at midday to where a lone oak stood in a sort of depression in the range, its flat top at once showing its volcanic nature, though now cold and dead. Great masses of lava were strewn about, and the scene was of the wildest description. I had somehow missed prospecting that particular region in my wanderings, and so had not seen the place before. We threaded our way down the side of the depression and crossing the lava strewn plain, we came to the base of the mountain and began to climb. Near the top of the peak a narrow shelf wound around and upward, and along this we picked our way, until the lip of the crater was gained. 'On the far side,' she said, 'they say the yellow metal was spilled out.' Slowly we worked around the crater, when suddenly, without warning, several of the tribe's head medicine men appeared from among the rocks about us. Sternly they asked the reason for our being there.

"Unable to answer, we stood, wondering what was in store. They spoke to the girl. 'You know the penalty,' they said. She bowed her head and stood waiting. Two seized her by the arms and led her to the yawning gulf; then I spoke, telling them that it was my doing, that I had persuaded her to come, and that the fault was mine, not hers, and that mine should be the punishment. They answered: 'You are only a foolish white man, and do not know our ways. She is the chief's daughter, and our doctrines have been taught her from childhood. Well she knew that death must be the portion of any who seek the mysteries of this mountain sacred to the rites of our order. You we will excuse, she must die. Come!'

"Rudely they forced me away, but I struggled and fought as I saw the others lift the girl from the earth and move nearer to the brink of the pit. I was strong then, and had nearly succeeded in breaking away from my captors when one of them struck me a crushing blow on the head with his club, then as I reeled and fell, I saw the girl's form disappear over the edge of the abyss. Then came unconsciousness, and the next I know of, I was lying on my bunk in this cabin, very weak and ill. The Indians were quite kind, administering to my wants unceasingly and never making any allusion to the dreadful scene which had been enacted on the lava mountain, but it was long before I was able to move about in full strength, and they told me later that I had lain weeks raving in delirium.

"After I had recovered fully, and all I had gone through had come back to me clearly, I resumed my search for the source of the gold ever striving to find some secret way to the mountain, and ever finding I was watched in secret by the medicine men, but I shall yet outwit them; I shall yet find the rich masses of gold as it was poured out from the parent rocks."

He ceased, his cavernous eyes fixed on the glowing coals in the huge fireplace, and as I gazed at him I felt sorrow and pity that a man of his evident education and former refinement had so fallen under the spell of the Gold God, as to be thus lost to the world. Soon after, I bade him goodnight, for he remained in the state of silent absorption into which he had lapsed. The next day the cabin was again deserted, and remained so for several days. Upon the fourth day, I think, some Indians came running to my tent and told me that my neighbor had been found at the foot of a cliff, badly mangled, he was still alive, and was being brought in. Hastening to the cabin, I effected an entrance and arranged his poor pallet in readiness, prepared bandages, heated water and got my travelling medicine chest open. Presently, the party arrived, but the first glance told me that the poor fellow's quest was nearly ended. He was quite rational, his eyes had lost their wild look, but he was very, very weak. I did what I could for his relief, and he smiled faintly: "No use, old chap," he said, "I am done; my foot slipped and I fell ——, Some letters in that box ——, bury them with me." He lay back, a smile on his face. The Gold God had claimed another sacrifice.

We buried him next day, making his grave on a little grassy hill near the stream. The letters were from a fond mother, and from a sweetheart far away, the signatures and addresses had been carefully cut away to render identification impossible.

After all was done, I questioned the Indians about the story the dead man had told me of the fire-mountain and the sacrifice of the girl. They laughed, and said there was no truth in it. The dead man had always been searching for gold, and some years before had fallen from the rocks close to the place where he had just met his death. Some hunters had found him, brought him home, and nursed him to health, but ever after, he had been a little crazy. "Tenass Scotty," they said. The girl he spoke of had been married to a man of a distant tribe, and had left with her husband while the miner lay ill. That was all. The Gold God had worked its devlish will.

—The school board will meet Wednesday night. The early meeting is called as the board must hand its estimates for the year into the council by January 31st.

—Superintendent of Provincial Police F. H. Hussey Friday afternoon sustained a painful injury, coming out of his office. Mr. Hussey slipped on the curb and broke one of the small bones of his left ankle. He was conveyed to the Jubilee hospital, where he is receiving attention. Saturday he was reported as having spent a good night, and being on the road to recovery.

—The annual meeting of the Victoria Farmers' Institute was held in the Royal Oak schoolhouse last Monday evening. The following officers were elected: President, F. G. Quick; vice-president, J. Nicholson; secretary-treasurer, C. E. King; directors, J. P. Merriman, W. F. Loveland, P. D. Goepel, Wm. Campbell, H. E. Tanner, C. B. Jones, S. Cameron, A. E. Gale, S. McCulloch and Fred Turgoose. Delegate to central institute, F. G. Quick. The institute will not hold the usual annual basket social and dance at Saanichton this year, but will instead hold a series of social meetings in various parts of the district.

—The British Israel class will resume their meetings on Monday at 8 p.m. in the educational room of the Young Men's Christian Association, Broad street. The "Universal Week of Prayer," a witnessing to our Israelitish origin, will be the subject for study. An examination of the "Topics for universal prayer in one hundred countries," recently used, will be made. This study will be an introduction to a series of addresses on the "Promised Outpouring of the Holy Spirit to Israel." Bible students of all denominations and the public are respectfully invited to participate. The speaker will be E. Middleton.

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# NEW PULP AND PAPER COMPANY

## HEADQUARTERS ARE LOCATED IN CITY

### Quatsino Limits Acquired by Interests Who Will Construct Works.

The Western Canada Wood Pulp & Paper Co., Ltd., a new company recently organized by Greely Kolts, yesterday filed articles of incorporation for the purpose of entering into the manufacture of wood pulp and paper and to acquire the entire pulp limits, consisting of 55,669 acres, formerly owned by the Quatsino Power & Pulp Company, on Quatsino Sound, Vancouver Island. Those prominently identified with Mr. Kolts in the enterprise are Col. Henry Appleton, of this city; Joseph McPhee, of Cumberland; F. A. Marshall, a former banker of London, England; Frederick Appleton, of the M. R. Smith Company, and a number of other well-known local men. The plan of the new company is to erect at once a large pulp and paper plant at Quatsino Sound for the manufacture of newspaper, box board, wood pulp, building and roofing paper, and a general line of wrapping paper.

The company hopes to have the sulphite plant and one unit of the big paper mill in operation prior to December 1st of this year, and upon the completion of the sulphite plant construction work will be pushed on the mechanical pulp division.

Much interest is manifested in the new company, for if its plans muture it will be the means of further developing one of the most important industries of British Columbia, and will do more to develop the north part of Vancouver Island than any other enterprise ever attempted. The pulp limits secured by the company represent almost 90 square miles of timber lands situated on Quatsino Sound, about 175 miles north of Victoria, and were originally taken up by the Quatsino Power & Pulp Company under a special pulp lease approved by the provincial government. Under the terms of the lease the company was given the right to acquire the land at an annual rental of $12.80 per section instead of $140, as provided under an ordinary timber lease. The lease also provided for a royalty of 15c per cord stumpage on cordwood instead of 25c. The object of such discrimination was to encourage the development of the wood pulp and paper industry in British Columbia. The only exaction imposed under the leasees was the proviso that the Quatsino Power & Pulp Company was to erect a pulp or paper plant with a certain capacity upon the premises within a specified time. The act under which the leases were granted was enacted in 1901 and repealed in 1903. The limits covered by the transfer represent some of the choicest and most valuable timber claims of British Columbia, and commence about three-quarters of a mile west of Hardy bay on the east coast of Vancouver Island, extending west to Quatsino Sound, and consist principally of spruce, hemlock, cedar and balsam. The new company under the terms of the transfer also secures the water rights, consisting of 20,000 inches on Marble Creek, Quatsino Sound, formerly owned by the Quatsino Company, which is capable, according to engineers' reports, of developing from 12,000 to 15,000 horse-power. The plan of the company is to proceed at once with the installation of a Fourdrinier paper machine for the manufacture of newspaper—as well as a combination machine for the manufacture of box wood, building, wrapping and other kinds of paper. The majority of the output will be placed either on the Oriental or English market.

Mr. Kolts, who was instrumental in the organization of the Western Canada Wood Pulp & Paper Company, also organized the British Canadian Wood Pulp & Power Company last year. The latter company is now erecting a large pulp and paper plant at Howe Sound, near Vancouver. Work on the latter plant was begun about May 1st of the past year and is expected to be in operation in about 60 days. Col. Henry Appleton, Frederick Appleton and Joseph McPhee, of the new company, are also heavily interested in the Vancouver mill. The organization of the local company will in no wise effect the British Canadian Wood Pulp & Paper Company as the latter company only manufactures chemical pulp which is to be used for the manufacture of fibre paper, book and ledger paper, high grade newspaper, tissue and tinted papers, while the Western Canada Wood Pulp & Paper Company is to confine itself to the production of mechanical pulp solely for the manufacture of wrapping paper, ordinary newspaper, building paper, pulp boards, etc. The interests of both concerns, while much in common, are not at the same time competitive, and by combining foreign shipments, each will be able to enjoy much advantage from the other.

The new company has opened handsome offices on View street, opposite the Driard hotel, and the entire work of construction and general business will be directed from the Victoria office. The erection of the mill means much to the north part of Vancouver Island and the progress of the work will therefore be watched with unusual interest.

## MINES ARE REOPENED.

### Cold Spell in Boundary at End, and Work Is Resumed.

Nelson, Jan. 15.—The mines and smelters at Trail, Rossland and Boundary, which were closed down on Saturday owing to the extreme cold stopping the electrical power supply of the West Kootenay Company at Bonnington, resumed work Wednesday, and the power company is now able to supply its customers with all necessary power and light. The cold spell is over here.

## W. A. CARLYLE'S APPOINTMENT.

### Former Provincial Mineralogist Made Professor of Metallurgy in London Institution.

W. A. Carlyle, formerly provincial mineralogist in this province, has been appointed professor of technology and metallury in the Imperial College of Science, London, England.

Mr. Carlyle was ten years ago provincial mineralogist for British Columbia. He also held the position of engineer in charge at Le Roi mine in Rossland. Later he went to Spain as consulting engineer for the Rio Tinto, the great copper property, which had been a producer for 1,000 years. He stayed in Spain until the low price of copper compelled the closing of the mine a year ago, and then went to London. Mr. Carlyle is a brother of Mrs. R. B. Ellis, of Vancouver, and his many friends in this province will be pleased to hear of his appointment to this position.

# SEATTLE MILLS ARE DESTROYED BY FIRE

## Loss to Lumber Firm Estimated at $150,000—Only Small Insurance.

Seattle, Wash., Jan. 16.—Fire which started in the engine room, completely destroyed the lumber manufacturing plant of the Western Mills (Brace & Hergert), at the south end of Lake Union, at an early hour this morning. The loss, estimated by Frank Hergert, of the company, is $150,000, with insurance of $35,000, making the net loss $115,000. All the mill machinery and buildings except the dry kilns were destroyed. The lumber supply on hand will all be saved.

It was about 2:45 a. m., when Bob Nichols, the night fireman, noticed flames in one end of the engine room. He promptly gave the alarm, but before the fire department could get water on the fire the fate of the mill was sealed, though they managed to save the whole stock of lumber.

The mill was the result of several additions to the old plant built by the late D. T. Denny more than twenty years ago. It was acquired by Brace & Hergert twelve years ago, and constantly enlarged until its capacity was 70,000 feet of lumber every day. Eighty-five men were employed.

The plant had been closed for repairs for about ten days and was to have resumed operations this morning.

The company has a flooding system of its own for fire fighting, but the blaze quickly grew entirely beyond the control of this system, and when the city department arrived the mill was a sheet of flame.

## AID TO AGED WOMEN.

### Donations Received at the Home From Residents of City.

The following donations have been gratefully received at the Aged Woman's Home for Christmas and during the month of December: Hooper & Watkins, cash, $253; A. B. Fraser, jr., $25; A Friend, $5; L. N. Conyers, $10; G. J. Bagshaw, $5; Thos. Styles, $2; Mrs. J. H. Todd, $5; Friends, $15; Mrs. Chapman, Fort Rupert, $1; R. L. Drury, $50; Mrs. Alex. Young, $5; Miss O'Rielly, $10; Mrs. McTavish, senior, $5; W. Fernie, $10; Mrs. C. F. Todd, $5; Taylor Mill Company, picture moulding; Lemon & Gonnanson, picture moulding; Mrs. Munsie, invalid's chair and tinned tomatoes; Shawnigan Lake Mill Company, 2 loads wood; Mrs. Elliott, preserved fruit; Mrs. Wm. E. B. McKay, magazines; Mrs. Fred. Landsberg, syrup, oranges, sack of sugar and tea; Mrs. Vigor, 5 lbs. tea and tin of candy; Mrs. Carne, Christmas fruit and sponge cake; Mrs. Fred. Davey, sugar, tea and Christmas cake; Mrs. Wm. Templeman, 1 turkey; Mrs. Thos. Shotbolt, 2 dressing gowns; Mrs. (Dr.) E. Hall, 2 lbs. tea; Mrs. Dixie Ross, 1 turkey; Mrs. Laurie, Gladstone avenue, social teas, pound tea, 2 boxes figs, candy and oranges; Mrs. G. W. Wynne, sack of sugar and 2 lbs. tea; Mrs. J. Somers, Yates street, table oilcloth and jar of honey; Mrs. F. Barnard, box oranges; A. Lee, 2 tins pineapple, raisins and jar of jam; Young Ladies of First Baptist church, fruit and flowers; Robert Porter & Sons, goose; Goodacre & Sons, goose; B. C. Market, goose; Mrs. Goodacre, half dozen linen tablecloths, 1 dozen tea towels, and presents to all the inmates; Hon. James Dunsmuir, 5 tons coal; F. R. Stewart, box oranges, box apples; Jalland Bros., candy, raisins, grapes, oranges and celery; H. D. Helmcken, 2 boxes bonbons; Knight's Book & Stationery Company, magazines; Mrs. Grant, presents to all the inmates.

## COLLIERY FUND.

Ladysmith, Jan. 15.—At the annual meeting of the accident and benefit fund, the auditors reported having found the books correct and in good order. The secretary's report showed that during the six months covered by the statement, from May 18th, 1908, to November 13th, 1908, one death occurred, that of F. W. Greaves, who died through accident received while at work in the mine. Special assessments were levied in the months of June, July and October, amounting to $1,135.75. The total income for six months amounted to $2,996.46, while disbursements totalled $1,968.25. On May 18th, 1908, cash on hand amounted to $4,809.72, while on November 3rd the balance at credit was $5,837.93.

The following officers were elected for the ensuing term: President, P. Malone; vice-president, James Glenn; financial secretary, Wm. Russell; secretary, J. E. Lowe; treasurer, Hon. James Dunsmuir:

The following were appointed to act in conjunction with the officers: Messrs. James Deeming, James Malpass, R. White and F. Thick.

—Catherine Smith, a native of Glasgow, Scotland, aged 47 years, wife of W. H. Smith, of 132' Fairfield road, died on Saturday after a long illness. She leaves a husband, six sons and one daughter (Mrs. Savage) to mourn her loss.

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# NEW COUNCIL WAS SWORN IN

## TOOK OATH BEFORE JUDGE LAMPMAN THIS MORNING

### City Seal Placed in Mayor Hall's Keeping for Second Time.

(From Saturday's Daily.)

The city council of Victoria for 1909 is now in office.

This morning at eleven o'clock, Mayor-elect Hall and his aldermanic colleagues attended before Judge Lampman in the County court room and were sworn in. They gathered at the city hall and reached the court house promptly, and the judge was equally prompt.

It was a thoroughly democratic proceeding, without fuss or feathers, and was all over inside ten minutes. Beginning with the Mayor and proceeding ward by ward, observing the seniority of vote in each ward, the oath was administered, the certificates signed by the judge and sealed by Deputy Registrar Austin, the new council was congratulated by His Honor, and the ceremony was over. There were present with the members of council City Clerk Dowler and Returning Officer Northcott. Sheriff Richards was also present.

The oath of office taken by the Mayor, and with proper alteration by each alderman, was as follows:

"I, Lewis Hall, mayor-elect for the city of Victoria, do declare that I am a British subject, possessing the qualifications by law required, and that I am not in any way disqualified from holding the office of mayor, and I have not, nor will have, while holding office, any interest, directly or indirectly, in any contract or services connected with the corporation, except such as I may lawfully have under the provisions of the 'Municipal Clauses Act' in that behalf. I have not by myself or any other person, knowingly employed any bribery, corruption, or intimidation to gain my election, and I will faithfully perform the duties of my office, and will not allow any private interest to influence my conduct in public matters.

"And I further do solemnly promise and swear that I will be faithful and bear true allegiance to His Majesty, King Edward VII., his hefrs and successors. So help me God."

Following the administration of the oath to the Mayor, it was in turn taken by Aldermen Wm. J. Mable, Wm. McK. Ross, Henry F. Bishop, W. H. Russell Humber, Alexander Stewart, Wm. F. Fullerton, Percy A. Raymond, Angus McKeown, John A. Turner and Anton Henderson.

After His Honor had satisfied himself from the returning officer's certificate he handed out the certificates, placed the city seal in Mayor Hall's hands, and congratulated the members of council on their election. He had no doubt they would perform their duties, in which he wished them success.

# NEW STEAMER TO BE BUILT IN VICTORIA

## Butler Freighting Co. to Operate Another Craft of Forager Type

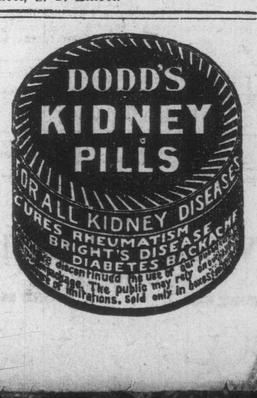
Specifications are being prepared by the Butler Freighting Company of this city for a new steamer to ply between this city and the Fraser river, carrying all kinds of produce. While nothing very definite has been done it is understood that she will be able to carry about 150 tons and will be 110 feet long with a 22-foot beam. She will in all probability be built here.

The Butler Freighting Company already operate the steamer Forager on the same route. These vessels are built suitable for running up the sloughs where the larger steamers find it impossible to go.

## MUNICIPAL ELECTIONS.

Vernon, Jan. 15.—The city elections resulted as follows: For mayor, R. W. Timmins 244, H. W. Knight 132; 8 ballots spoiled. Aldermen: M. V. Ailan, C. F. Costerton, J. A. Glover, H. W. Husband, H. A. Perry, J. Sheers, R. Swift, G. Woods. School trustees: John Hyman, T. G. Wanless.

Kelowna, Jan. 15.—Election results: Mayor, F. R. Edehart 120, F. Buckland 99; majority 21. Aldermen: A. Cox, Dr. Ceddes, T. W. Stirling, A. E. Burnett, S. T. Elliott.




# PEDDLERS FIGHT A RESTRICTION

## VANCOUVER CHINESE WOULD SELL BEFORE TEN

### Appeal to Full Court to Declare a By-Law Ultra Vires.

(From Saturday's Daily.)

Vancouver has a by-law which forbids peddlers crying their wares through the streets before ten o'clock in the morning. One Lang Chung, in spite of this, drove in from his market garden with a load of vegetables and proceeded to sell them to Vancouver housewives. A policeman nabbed him and a conviction in the police court followed as a matter of course.

An appeal was taken to a judge, and Mr. Justice Clement, who heard it, held the by-law valid, his oral judgment being based on the right of municipalities to pass by-laws regulating markets and peddlers. From this decision an appeal was taken to the full ocurt, and argument was commenced yesterday afternoon before Chief Justice Hunter, Mr. Justice Irving and Mr. Justice Morrison. For the appellant J. W. DeB. Farris is appearing, and for the city J. D. Kennedy.

Mr. Farris maintained that the by-law was ultra-vires of the council insofar as it acted, not as a regulation, but as a prohibition of business. He relied to a great extent on the Privy Council decision in Toronto vs. Virgo, the by-law in which case forbade street peddling on several of the leading business streets. The city police magistrate, the chief justice and the Ontario court of appeals held the by-law good but the supreme court of Canada, three to two, and the Privy Council upset the conviction and declared the by-law bad because it sought to interfere with the doing of a lawful act in a lawful way.

Mr. Justice Irving suggested humorously that the people of Vancouver objected to being aroused before ten a. m. by the cries or bells of peddlers.

Mr. Farris replied that if such was intended, the end should have been effected by a by-law forbidding noises before that hour but not forbidding the act of peddling. In the Toronto case the aim of the council had been to prevent congestion of traffic in the crowded part of the city, but the Privy Council held that its by-law prohibiting the doing of a lawful act within a certain area was ultra vires. By analogy, Mr. Farris argued, it would be ultra vires of any municipality to pass a by-law prohibiting peddling before a certain hour, however proper a provision against the nuisance of a noise might be.

Mr. Farris contended that the Vancouver by-law was an inconvenience both to seller and customer in that it prevented the vegetable peddlers from bringing their produce round fresh and crisp early in the day, when housewives wanted it, compelling them instead to peddle it about in a wetted condition at an hour when, in outlying sections, it would be too late for dinner use. This he thought clearly brought the by-law within the disapproval expressed by the Privy Council.

Further argument was left over until the court reassembles on Tuesday. Interest in this case is so great in Vancouver that the Chinese newspaper over there is reporting the full court argument.

## ANNUAL BURNS CONCERT.

### Will Be Held in First Presbyterian Church Lecture Room on January 25th.

The twenty-first annual Burns concert, under the auspices of the First Presbyterian church choir, will be held in the lecture hall of the church, Blanchard street, on Monday evening, the 25th inst. It will be under the direction of J. G. Brown, the veteran choir leader, who inaugurated the concerts, and has been present at and directed each one of the twenty already given. These concerts have not lost any of their popularity as the years go by, but rather have gained, and this year's promises to excel any previously given in the matter of variety and excellence of the artists taking part. A feature of this annual concert is that Mr. Brown always manages to have some new artists to make their debut before a Victoria audience. Another feature of the concert is the singing of the Scottish part songs by the well-trained and splendidly balanced choir. It will be sufficient to say that the cream of Victoria's soloists, etc., have been secured for this Scottish event and the sons and daughters of auld Scotland should see that the evening of the 25th inst. is kept free and should purchase their tickets early in order to save disappointment.

## FLYING MAN IN TRAIN WRECK.

Pau, France, Jan. 16.—Orville Wright, the American aeroplanist, his sister, and Mrs. Hart Oberg, wife of the European business manager of the Wright Brothers, were in a railroad wreck near Habas in the Landes, to-day. None of them sustained injury, but ten of the passengers on their train were hurt, four of them seriously.