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SEEK TO BREAK WILL.

Vancouver, Feb. 21.—Relatives of the ate Dr. Eady Stevenson have entered action in the Supreme Court for the purpose of declaring the will of the physician, in which his property is chiefly bestowed for charitable purposes, declared void, and also asking the appointment of a receiver for the estate.

The plaintiffs in the action are as follows: John Stevenson, Frances McNellie, Priscilla Hamilton, Mary Ann Jackson, Robt. R. Stevenson, F. W. Stevenson, Alice L. Tait, Carolina Kay, Isabella Kay, Alexander Chadwick, Edith McBride and Arthur W. Cowley. All the above are relatives of the late Dr. Stevenson, only the first named living in Vancouver, the others residing at Toronto and other points in Ontario, at Yorkton and other places in Saskatchewan, and several hailing from cities in Michigan.

Dr. Stevenson left a quarter million dollars' worth of property, with the city as trustee, for a fund for indigent women who are not members of any Christian church.

Lever Brothers, Toronto, will send you free a cake of their famous Plantol toilet soap, if you mention this paper.

Form No. 11.
LAND ACT.

FORM OF NOTICE.

Range 1, Coast Land District.

Take notice that Murray C. Potts, of Cracroft Island, occupation, rancher, intends to apply for permission to lease the following described lands: Commencing at a post planted on the shore near the westerly end of Felix Bay, Call Creek, thence running easterly 80 chains along shore line, thence to point of commencement.

Located Nov. 26th, 1909.
MURRAY CLARKE POTTS.
December 20th, 1909.

Form No. 11.
LAND ACT.

FORM OF NOTICE.

Range 1, Coast Land District.

Take notice that Gilbert Oswald Smith, of Vancouver, B. C., occupation, real estate agent, intends to apply for permission to lease the following described lands: Commencing at a post planted on the north shore of Call Creek, about 3 miles westerly from the head of said Call Creek, thence following shore line easterly 160 chains, thence southerly 20 chains, thence following shore line 20 chains distant therefrom westerly 160 chains, thence to point of commencement.

Located Nov. 26th, 1909.
GILBERT OSWALD SMITH.
December 20th, 1909.

Victoria TWICE-A-WEEK Times.

VOLUME 38. VICTORIA, B. C., TUESDAY, MARCH 1, 1910. NO. 15.

ANY SEEKING CITY POSITIONS

STREAM OF APPLICANTS MUST BE DEALT WITH

Engineers Are Applying From Points in Canada and the United States

(From Monday's Daily.)

This has been City Clerk Dowler's busy day. For weeks past applications for the position of city engineer have been pouring in from many points in Canada and the United States, and for city solicitor from all over the province; and as this is the last day on which the same may be received, they were practically all in this morning. Heaped in a roomy basket on the clerk's desk, the letters containing the applications, which are in both cases accompanied by photographs, presented a most formidable appearance—and all day Mr. Dowler and his assistant, Ernest Bradley, have been busy sorting the same so as to have them ready for the scrutiny of the city council this evening, or whenever it may suit the convenience of the members of that body to go through them. It is not anticipated that any attempt will be made to make the appointments this evening, as the inspection of the applications will occupy some time.

There are some forty applications for the position of city engineer, and the applicants are scattered all over Canada. There are a few from points in the United States. Quite a number of those who think they have the necessary qualifications for the post reside in a number of the smaller cities of Canada, and these, unless they have unusually excellent recommendations, are not likely to be considered seriously, as it is the aim of the council to get an official who is competent to look after the business of a large and growing city. The larger cities in Canada are, however, well represented in the number applying. Those who are applying from points in the United States are in a number of instances of Canadian birth.

The salary attaching to the post is $3,500 per year, and it is hoped that for such remuneration the city may secure the services of a thoroughly competent man, though Mayor Morley was strongly of the opinion that a larger sum should have been offered. All the applicants have conformed with the request that photographs be sent, though just how pictures of the persons applying will be helpful to the council in making a selection does not appear. In this connection it is pointed out that some of the most famous engineers on the continent are, so far as their personal appearances go, the reverse of good-looking.

There are fewer application for the post of city solicitor. The salary offered for this officer is $3,000, and while, in the main, the applicants are residents of the province, a number who reside outside are applying. It is doubtful if these latter can be considered, as the officer must be one entitled to practice in British Columiba.

CUSTOMS REVENUE CONTINUES TO GROW

February's Total $1,071,176 More Than Same Month Last Year

Ottawa, Feb. 28.—The customs revenue of the Dominion for February increased $1,071,176 over the same month last year, the total for the month being $5,174,824. For the eleven months of the present fiscal year the revenue amounted to $54,081,937, or half a million dollars of increase over 1907, the banner year. The total gain for the eleven month is $15,461,228. If the receipts continue to gain at this rate it is expected that the figures for the year to March 31st will total $60,000,000.

IMPORTANT MINING DEAL IS PUT THROUGH

Sullivan Group of Copper Claims on Moresby Island Changes Hands

At Vancouver on Saturday the Sullivan group of five copper claims on Moresby Island, in the Queen Charlotte Islands, acquired by O. Gerle, mining engineer, acting on behalf of a syndicate represented by Messrs. Burns & Walker, of this city. The price paid was $50,000, practically cash. Mr. Gerle made the announcement, after the purchase had been consummated, that within six months a smelter would have been erected on the Sound to handle all the ore produced from the Queen Charlotte Islands, and that if all went in operation further and more extensive developments may be expected.

Opposite the Sullivan group is the famous Moresby group, and through both the same lode, a vein of copper-gold ore, runs between 3½ and 4 per cent. The ore is of value being apparent to the naked eye, and it is recalled that the Granby, on the Boundary country yields 3½ per cent.

IS REJECTED BY OAK BAY

AGREEMENT WITH CITY OF VICTORIA FALLS

Private Bills Committee Will Decide the Important Question To-morrow

(From Monday's Daily.)

Somewhat in the nature of a bolt from the blue came the announcement this morning that the municipality of Oak Bay had rejected the amende agreement that had been passed by the city council on Friday evening, binding the two municipalities for the term of two years in respect to the question of water supply. At a meeting of the council of Oak Bay, held on Friday, the agreement was unanimously rejected, as "not being in the interests of the municipality." All negotiations between the city and Oak Bay are therefore terminated, and it remains for the private bills committee of the legislature, which will to-morrow take up the application from Oak Bay for a charter, to pronounce judgment upon the merits of the claims advanced both by the city and Oak Bay on the important problem of water, in so far as its bears upon the relations between the two municipalities.

It was ascertained this morning from a gentleman familiar with the position of Oak Bay on this question that opposition to the amended agreement was due to the inclusion in the document of a clause leaving it open for the city to say that after the expiration of two years what the "cost" of water is. This clause reads as follows:

"From the 1st day of April, 1910, to the 1st day of April, 1912, the city shall supply the district with water delivered in bulk at the existing points at which water is now supplied at a price of 10 cents per thousand gallons.

"Thereafter the price for each year shall be adjusted on the 1st of April of each year at a price of 2½ cents per thousand gallons over and above the actual cost per thousand gallons to points designated on the 1st of April of the year."

"Had Oak Bay agreed to this," said the Times informant, "it would have been a most dangerous thing to do from the standpoint of the municipality. This will be understood from what occurred at the Victoria council meeting at the time that the agreement was discussed in its original form. Then, despite the assurance of the water commissioner that the acutal cost of the water was only 7½ cents per thousand gallons, there were some of the aldermen who contended that as the cost to the consumer in Victoria was 14 cents, this sum should be designated the "cost" price in selling to Oak Bay. Then, again, supposing it is decided to go to Sooke, and that the cost of that enterprise should be enormous, do you not see that by signing such agreement Oak Bay would be delivering itself into the hands of the city without any guarantee that it might not be made to suffer for extravagent expenditure?

"Now take the next clause which reads: '2. Should the city by the 31st day of December, 1911, have failed to make arrangements to augment its supply of water from a source other than Elk lake, then the district may proceed with its application to the legislative assembly and the city may oppose the same as they may see fit in the same manner and in all respects as if the agreement had never been made.'

"The original agreement was bad enough from the standpoint of Oak Bay, but here you have a binding agreement to give Victoria two years to further debate as to where it shall go for a water supply, and in the event of a decision to go to Sooke, there is the certainty that seven years will have elapsed before an adequate supply of good, pure water shall be available.

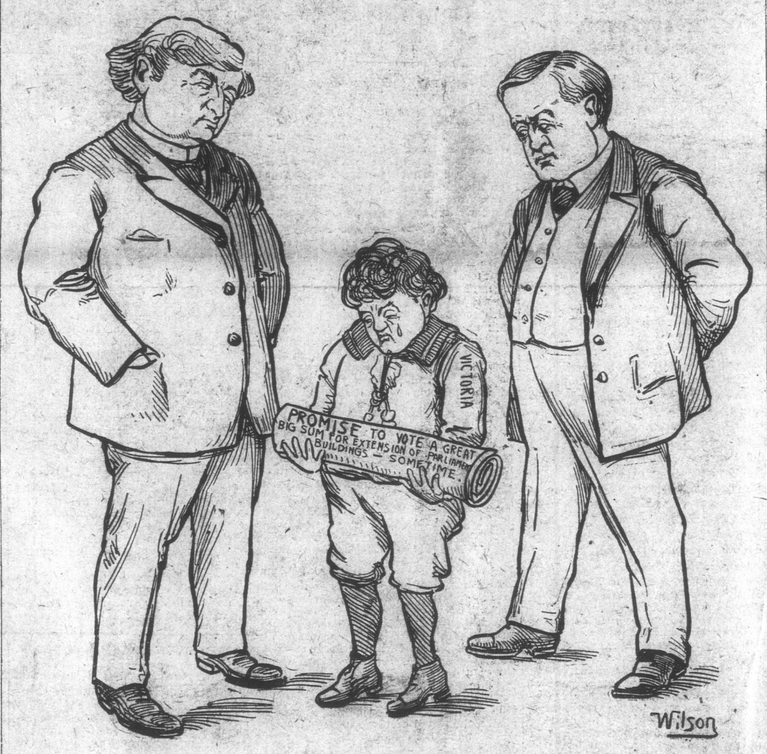
"Oak Bay wants its charter whether it shall be necessary to use the powers conferred under that charter or not. The public appear to think that the suggested agreement with the city was a matter of Oak Bay's seeking. This is not the case. Oak Bay received overtures from the city and met the city in a fair spirit—but the agreement as now proposed negatives all the plans of the municipality for an improved water supply and contains no assurance that an improvement in the situation may be looked for at an early date, and is therefore quite unacceptable."

The private bills committee of the legislature was to have taken up the Oak Bay bill this morning, but final action with this important measure was deferred until to-morrow morning. The city will continue to put a vigorous fight against the bill, and the impression prevailed in some quarters this morning that the committee will refuse the right to Oak Bay to run pipes through the streets of Victoria. On the other hand, there are many citizens who anticipate that the committee will pass the bill without any further hesitation.

JUVENILE SMOKING SUPPRESSED.

British Act Proves Success and Anti-Cigarette League Passes Out of Existence.

London, Feb. 28.—After being in operation for less than a year the Children's act prohibiting smoking by children under 16 years of age, has proved so successful that recently the flourishing Anti-cigarette League has now terminated its existence. After organized inspection and inquiry it has been found that juvenile smoking has been practically stamped out.



INSATIABLE.

RICHARD—"Now, if the brat isn't satisfied with THAT, Billy, what does he want?"
BILLY—"Search me! It's just like his nerve to expect as much as North Vancouver!"

MORE RIOTING AT PHILADELPHIA

MORE THAN SEVENTY PERSONS INJURED

Labor Leaders Will Ask City Council to Enforce Arbitration

Philadelphia, Pa., Feb. 28.—The leading representatives of labor to-day began plans for calling upon the city council to enforce arbitration of the differences between the striking carmen and the Philadelphia Rapid Transit Company. The leaders maintain that the present crisis demands the interference of the authorities and the ending of industrial stagnation.

It is announced that the refusal of the council to act will precipitate a call for a general strike of all union men in Philadelphia to become effective on Saturday. In the appeal to the council now being formulated, the union leaders will present a complete list of their grievances.

The contention of the men is that several hundred motormen and conductors dismissed over a week ago by the company "for the good of the service," were discharged because they were union men. They declare that the company violated its agreement to re-employ all the men who left the service in the first strike in May, 1909.

The men claim that the company shields itself behind the excuse that it did comply with its agreement to re-employ all the strikers, but that it retained the ring-leaders in the last strike only long enough to permit of the breaking in of new platform men. When these men were competent to operate cars, discharge of the union men followed.

The bone of contention, however, is a demand of the strikers for a flat wage scale of 25 cents an hour and recognition of the union.

Business men, ministers and others, alarmed at the prospect of a general strike, are calling upon the mayor and councilmen to urge the prevention of a general walk-out.

In the meantime, one thousand cars are being operated, according to the company. These are protected by heavy police guards and carry but few passengers.

Riots by the score marked the developments of the strike Saturday and Sunday. In one of these, two persons were killed by a car that had been derailed by a mob. Two persons were fatally wounded in a riot and a casualty list of 75 resulted from the disorders of the last 28 hours.

Walkout Likely.

Philadelphia, Pa., Feb. 28.—Developments in the street car strike to-day indicated that the threatened general walkout of 125,000 union labor men of thus city actually will take place next Saturday. The underlying current of political manoeuvres shows that the city council, to whom the people of this city have appealed for a cessation of hostilities, is bound to the interests of those favoring a continuation of the street car strike.

Labor leaders held a meeting this afternoon at which plans were formulated for the general strike. These will be put into execution as soon as hope of compromise is abandoned.

A few of the leaders have taken a stand against the proposed strike on the ground that working agreements with employers would be violated in other controversies. The majority, however, look upon the present situation as a crisis in the affairs of union labor here, and are insisting that the question be settled for all time.

FIGHTING HARD TO HOLD CAPITAL

NICARAGUAN TROOPS ARE OUTNUMBERED

Revolutionary Army is Steadily Closing in on Managua

New Orleans, La., Feb. 28.—The forces of the government, overwhelmed by odds, fighting with makeshift weapons, hungry and dispirited, are desperately holding Managua, according to dispatches here to-day from the isthmus. The revoluntary army, under General Chamorro, anticipating early victory, is reported as closing on the Nicaraugan capital. The proximity of Chamorro's forces to the capital, as indicated in dispatches, is regarded as disproving the previous reports that Chamorro was defeated by the administration troops at the battle of Tipitapa, in which there was heavy slaughter on both sides.

Messages to-day confirm details of the battle of El Morrito in which Gen. Romero, of the government army, was killed and two hundred men of his command captured, Gen. Mena, of the insurgents, is reported to have captured most of the arms of the government forces in the engagement.

The junction of provisional forces under Gen. Chamorro and Estrada is indicated in the dispatches.

This combined force is working in conjunction with Gen. Mena, who is approaching the capital from the north along lake Managua, and the fall of the capital is expected soon.

WORST WEATHER IN SIX YEARS

Seattle, Wash., Feb. 28.—"The worst combination of weather in six years," is the way the United States weather bureau characterizes the situation in Seattle and the Puget Sound territory to-day.

The rain for the past five days has been more than the normal precipitation for the entire month of February, and all day yesterday a "sou'wester" blew down sign boards and tossed the waters of Puget Sound and lakes into great waves.

To-day the sun is making an effort to shine and the wind has subsided, but the weather bureau promises no relief. Yesterday the wind blew 38 miles an hour all day. Warnings have been sent to all Puyalup valley farms to prepare for a flood, as a thaw seems imminent, and the snow is far heavier than usual in the mountains.

SOLDIERS AND NATIVES CLASH

NUMBER KILLED IN FIGHTING IN INDIA

Troops Succeed in Reaching Jagdalhur After Routing Forces of Hindus

(Times Leased Wire.)

Allahabad, India, Feb. 28.—Messages received here to-day from Jagdalphur state that a detachment of soldiers arrived there after a march, during which they were opposed by natives, and were engaged in almost constant skirmishing.

The soldiers are assisting the local authorities in protecting the city against the rebellious natives who have threatened daily to make an attack.

Several soldiers were killed in the fighting on their way here, and a score sustained slight injuries.

The loss sustained by the natives was heavy.

At one point the natives drew up a line that presented a formidable barrier, it was necessary to make use of a machine gun, and it was not until the withering fire had swept down the advance detachment of the natives that they fell back and were routed.

The arrival of the soldiers at Jagdalpur has given a feeling of assurance to the British officials, but the rebels have not shown any sign of permanently desisting in their efforts.

The soldiers will be assigned to police duty, which will place the town under martial protection.

TOURISTS ENTERTAINED.

Tokio, Feb. 28.—The seven hundred American tourists who are on their way around the world on the steamship Cleveland were entertained by the city of Tokio at the Yuraku theatre to-day. Mayor Ozaki made the first address of welcome. Baron Shibusawa, who was at the head of the recent commercial commission which visited the United States, followed the mayor and extended a hearty welcome. He referred to the many courtesies shown to the Japanese merchants in America and expressed their desire that American tourists should have the best of everything while here.

TWO KILLED BY ENGINE.

Father Powerless to Save the Lives of His Children.

Brookville, Pa., Feb. 28.—Standing by a railroad track, his wife unconscious on the ground near him, William Carrier saw a locomotive crush out the lives of his two children. Carrier and the family were in a sleigh which had overturned on a crossing just as a freight train was bearing down. Mrs. Carrier was struck on the head and rendered senseless, while a babe in her arms was unhurt. A five-year-old son and an eight-year-old daughter had been tumbled in front of the locomotive before the father could rescue them.

TWO MINING TOWNS BURIED BY AVALANCHES

Bodies of Thirty Victims Have Already Been Recovered—Rescue Parties Prosecute Work Under Perilous Conditions.

(Times Leased Wire.)

Wallace, Idaho, Feb. 28.—With the towns of Mace and Burke buried deep under a double avalanche of snow, ice and debris and thirty dead bodies already recovered, hundreds of rescuers are working desperately this afternoon in the hope of saving the lives of scores imprisoned beneath their collapsed houses who still may be alive.

The heroic work is being carried on against tremendous odds and the men who are struggling against the great weight of snow are in constant danger of being entombed by a third slide.

After the first avalanche last night had smothered the town of Mace and crushed the slight frame structures of the little mining camp as if they had been made of pasteboard, scores of persons from the adjoining towns began the work of rescue, continuing their labors through the night.

Second Avalanche.

At daylight a great mass of snow and ice that had overhung the town of Burke, gave way and with a grinding roaring rush, swept down the mountain side burying the camp under tons of rocks, trees, earth and snow.

The men who were attempting to rescue the imprisoned victims of the first slide, fled in terror as the mass impending over Burke began to move.

Most of the men of Burke had responded to the call for volunteers when Mace was buried, and these beheld the destruction of their homes and the probable death of the wives and children of those who were married.

Work of Rescue.

Rescue trains began arriving here from adjacent towns to answer the frantic appeals from the scene of the disaster. As fast as it was possible to handle the crowds with the poor equipment of the little ore car railroad line to Mace, the men were rushed to the entombed camp.

Large quantities of dynamite were taken to the scene as the enormous masses of frozen earth and rock could only be removed by the use of explosives.

The rescuers, however, were afraid to resort to blasting, for fear that persons still alive under the debris would be killed by the concussion.

Warning Unheeded.

The little mining town of Mace lies between two precipitious mountains, a straggling line of buildings in the creek bottom, bisected by the lines of the Northern Pacific and Oregon Railroad & Navigation Company. Its one industry is mining and its big mine is the Standard.

With scarce a dividing line between them, the towns of Black Bear, Gem, Mace and Burke form a long string of houses for six miles. Mace has a population of 150 all, excepting a few storekeepers and school teachers, working in the mine.

Three box cars containing fifty Northern Pacific section men were standing on the side-tracks when the slide came. All of these are supposed to have been killed.

Never since Burke, another canyon mining camp, was almost wiped out by a landslide, February 1, 1890, has a Coeur d'Alene town been so sorely stricken as Mace. On that memorable occasion the canyon was filled 1,000 feet across by a grinding mass of trees, earth, boulders, 50 to 75 feet deep and packed almost as solid as ice. Its track down the mountain side was swept as clean as a floor and its deafening roar was heard for miles down the gulch. Chinook winds and warm rains started the Burke slide, and it tore down the mountain side increasing in velocity every second, until only a blinding mist and a deafening roar warned the miners of its approach.

Warnings were published yesterday to canyon towns, that conditions were favorable for another bad slide, but no one seems to have paid any attention.

Crowded into the narrow canyon just below Burke, the little mining camp of Mace was isolated from the outside world except for the ore railroad that winds its way up the steep mountain grade to Wallace.

Burke is the end of the spur which extends up the canyon to serve the camps of Gem, Frisco, Dorn and Mace. It was down this gorge that the stolen train carrying 1,000 men and two tons of dynamite was run on the fatal day when the Bunker Hill and Sullivan mill was blown to atoms at Wardner.

Mace was a typical western mining camp with straggling cabins perched along the base of the mountain on either side of a small stream. A large percentage of the miners were foreigners with families. In recent years, however, the mine officials had imported many married men from the mining districts of Missouri. These men built their cabins far up the mountain side, and it is quite likely that they, with their families, have been wiped out by the avalanche.

Some of Victims.

At daylight this morning twelve bodies had been recovered at Mace. A partial list of the dead follows: Mrs. Geo. Farwell, Mrs. F. Fennell, Mrs. Carrie Hooper, Edward Kittrell, a miner, and his wife and two babies; A. J. Laird and wife, Dick Merrell, Edgard Pascoe, son of Standard mine superintendent; Innse Pascoe, daughter of superintendent.

H. A. Pascoe and wife are missing and believed to be dead.

Word reached here that eight bodies had been recovered at Mace and that twelve persons were killed on the outskirts of Burke by the second slide.

The known victims of the Burke slide were not buried and were easily recovered.

It is impossible to make a correct or authoritative estimate of the lives lost. No one can tell the exact number of persons who were in the wrecked towns.

Many are believed to be alive in their houses.

While the excavations so far made show that the houses crumbled like paper, there is no doubt that the walls of many of the stronger structures at least partially withstood the weight of the slides. Therefore the miners here predict that the rescue work will show that many persons are imprisoned in their buried houses and are still alive under from twenty to thirty feet of snow and debris.

The fact that the majority of the eight hundred inhabitants of Burke were not caught in the second slide was the result of the warning given by the old time miners after the first slide.

Scores of persons fled from the town during the night and camped out on the higher ground, while most of the men went to the scene of the first slide to aid in the work of excavation.

(Concluded on page 4.)

FOR CHURCH WORK.

Church of England Desires to Send Fifty Men Yearly to Western Canada.

(Special to the Times.)

London, Feb. 28.—The Archbishops of Canterbury and York have issued an appeal in connection with church work in western Canada, and ask for more interest, prayer, men and money. They wish to send fifty men yearly for a decade.

KAISER WATCHES SOCIALIST PARADE

Procession Passes in Front of the Royal Palace in Berlin

(Times Leased Wire.)

Berlin, Feb. 28.—The Socialists are rejoicing to-day over the success of their parades which passed before the Kaiser's palace yesterday for the first time. Wilhelm himself stood at a front window and observed the procession with great interest.

Heretofore the soldiers have positively refused to allow the Socialist parades to pass the street, adjacent to the palace, but yesterday the Kaiser personally issued an order that the marchers should not be molested as long as their demonstration was conducted in an orderly manner.

The leaders look upon this incident as a victory. It shows they have brought their power forcibly to the attention of the Kaiser, and that his order practically amounted to a recognition of their rights to declare their policies in public.

ALLEGED EMBEZZLER WAIVES EXTRADITION

Man Arrested at Vancouver Will Return to Denver, Colorado

(Times Leased Wire.)

Vancouver, B. C., Feb. 28.—A. S. Geddes, who was taken away from his books at Pat Burns & Company, butchers, on Saturday night by the provincial police and charged with embezzling the funds of the Brecht Butcher Supply Company at Denver, Colo., waives extradition proceedings and will accompany a Pinkerton detective across the line this evening. The charge read against him covered a sum of $500, but it is alleged that his defalcations amount to $6,000 and he has been sought by the police since last summer. The man was, however, working under his own name for Messrs. Burns & Co., and he had been with them from the beginning of the year. His wife and three children were with him in the city.

He was brought before Judge McInnes in the County court this morning, but intimated that he was willing to waive extradition and to go back and take his trial at Denver. Detective Robinson, of the Seattle branch of the Pinkerton agency, is here to take the accused man back.

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