

From Its New Home the Times Wishes All Its Readers and Patrons a Happy and Prosperous New Year

WARM TIME AT COUNCIL BOARD

WILLIAM OLIPHANT ATTACKS SOLICITOR

Latter Defends Himself—Chairman Has Difficulty in Keeping Order

(From Saturday's Daily.)

Wm. Oliphant, one of the property owners on Vancouver street, who waited on the streets committee of the city council last evening in connection with the condition of that thoroughfare, had not been on his feet two minutes in addressing the board before he succeeded in kicking up the prettiest kind of a row which involved the city solicitor, the mayor and himself, and which resulted in the routing of the attacking party, Mr. Oliphant himself. The latter cast some reflections upon the city solicitor, the mayor rushed to the assistance of that official, and Mr. McDiarmid joining in the fray, defended himself with such vigor that Mr. Oliphant, in the opinion of those present, was badly worsted. During the wordy melee it was necessary for the chairman of the committee, Ald. Bannerman, to several times call for order.

Mr. Oliphant in his opening remarks, assumed the aggressive. He came before them, he said, to object to a stand of the property owners on Vancouver street, between Humboldt street and Oliphant avenue, and to protest against the turning down of the report of the special committee at the advice of the city solicitor, "the wise man from the east." He advised the board to be very chary of taking the advice of that official unless it wished to invite a lot of lawsuits. In his opinion the council itself was quite able to settle matters without constant interference on the part of the solicitor, and he directed attention to the fact that the city solicitor in Vancouver took a stand in opposition to the official in Victoria, ruling that owners have the right to petition for any class of pavement and that the council has no alternative but to accept that petition.

"If the city solicitor goes on as he has been going," said Mr. Oliphant, "we will have to petition for his resignation." The committee had offered to repair the road. Repair what? Why, there was no road to repair? It was worse than before the local improvement was made. All that the owners wanted was fair play. They were willing to pay for a good pavement and should get it.

"And I should like to know," continued Mr. Oliphant, "what was paid for the improvement on Park road where Mayor Morley used to live. I understand that both ex-Ald. Henderson and the mayor got that work done for very little or nothing."

Mr. Oliphant concluded by saying that what the owners wanted was only justice. They had petitioned for an asphalt pavement and if the city wished to avoid litigation they should grant the request, which was fair and reasonable.

Mayor Morley—Mr. Oliphant, as personalities have been dragged into this matter I think I am entitled to a few words in reply. I only wish to say that the mayor never had any such work done on Park road for which he did not pay full value. In respect to the work which was done on the street below my property I may say that at the time I protested at the manner in which it was being done, to Mr. Henderson.

Mr. Oliphant—Do you deny, Mr. Mayor, that you said to me when the work was being done that you were going to get out of paying anything for it?

The Mayor—Yes, I do. That is a lie of the worst kind.

Mr. Oliphant—Oh, that's like all the rest of your statements.

The chairman again called for order, but the mayor maintained that he had the right to make the remark he did. Mr. Oliphant was allowed to come to the meeting and indulge in all kinds of personalities.

Mr. Oliphant—You, Mr. Mayor, are getting the benefit of the work which was done on Park road and you never paid for it.

The Mayor—You should keep personalities out of this. I am not going to say anything to you. I am only going to say that this is the beginning of the campaign.

The question as to whether the wishes of the property owners should be met, the chairman said that if all the owners were unanimous no doubt the matter could be adjusted to their satisfaction. The city solicitor was now looking into the matter.

The mayor said he felt it only right that he should protest against the attack made on the city solicitor by Mr. Oliphant. That official had done and was doing good work for the city. It was not in good taste for any citizen to come to the meeting and make attacks on city officials, and it was the

duty of members of the board to protect their officials from unfair attacks. Mr. McDiarmid (the city solicitor)—Perhaps you will allow me one word, Mr. Chairman. You will probably remember that when the case of Oliphant vs. the city was before the courts, Mr. Justice Gregory stated that he could not believe witness (Mr. Oliphant) on oath. Yet he comes here to-night and attacks my reputation. I don't think I am called upon to say anything more in reply.

Mr. Oliphant—Reputation! You have no reputation. You are not responsible for the time.

The Chairman—Order, we must have order. We are going to protect our employees. We cannot as members of this council allow men to come here and slander the employees of the city. This ended the incident of Mr. Oliphant's visit, but later in the evening the city solicitor, in justification of the remarks which he made in reference to that gentleman, read from the judgment of Mr. Justice Gregory in the case referred to, and the board approved his action in the matter.

TWO MORE FIRE HALLS AND MORE EQUIPMENT

City Council Adopts Special Report of the Fire Wardens

At last evening's meeting of the city council the following special report from the fire wardens was adopted: "Your committee would recommend that the city solicitor be instructed to offer Morris Congdon the sum of \$900 for lot 1, block 10, corner Fernwood road and Cedar Hill road, for site for a fire hall.

Your committee, after taking into consideration the wishes received for motor apparatus, would recommend the acceptance of the following:

"One Seagrave combination hose and chemical wagon, as per specifications, \$8,334. Both of these machines are motor propelled.

"Your committee would further recommend that the staff of the city engineer's office be instructed to prepare plans for two new fire halls."

NEW AEROPLANE RECORD.

Henry Farman Flies 384 Miles, Winning the Michelin Prize.

Etampes, France, Dec. 31.—Henry Farman, in a Farman biplane, to-day smashed previous records and won the Michelin prize for distance, flying 384 miles. This breaks the record established yesterday at Duc by Maurice Tabuteau, who flew 352.66 miles.

LINEMAN BURIED IN HEAVY SNOWSLIDE

Succeeds in Extricating Himself and is Finally Rescued in Exhausted Condition

(Times Leased Wire.)

Cleelum, Wash., Dec. 31.—Buried in a heavy snowslide, carried down a precipitous mountain side, and finally rescued by a party for which he telephoned after climbing a telephone pole that had stopped his descent, J. C. Hutchinson, a Sunset Telephone lineman, probably will be crippled for life, according to physicians at the Cleelum hospital to-day. When brought to the hospital yesterday by his rescuers, Hutchinson was suffering from a badly frozen arm and was bruised and exhausted.

While ascending the hump near Northern Pacific tunnel No. 3, which is between Stampede and Martin, he was caught in a snowslide and buried. His progress was stopped by the telephone pole. The man dug his way to the surface, climbed the pole and with his pocket telephone set called Cleelum. The telephone company appealed to the railroad and a freight engine crew was ordered to Hutchinson's aid.

As Hutchinson was several hundred feet above them, with a deep bank of soft snow between, the railroad men were unable to reach him and sent back for a party of Western Union linemen, who were repairing a line on the tunnel.

The linemen rigged up a swinging seat and two of them slowly worked their way along the telephone cable toward the imperiled man clinging to the tip of the pole a quarter of a mile away. They accomplished the uphill journey and returned with Hutchinson in three hours. He was then placed aboard the locomotive and rushed to Cleelum for medical attention.

OVERHEAD WIRES MENACE TO CITY

SUCH IS THE OPINION GIVEN BY CHIEF DAVIS

Head of Fire Department Urges Passage of Underground By-law

(From Saturday's Daily.)

"By any means, but the wires underground. They are not only unsightly, but in the way, and as far as the operation of my department is concerned they are a constant menace to the business section."

The speaker was Thos. Davis, chief of the fire department, and he was chatting with a Times reporter this morning, when a reference to the Underground Telephone by-law, which will be voted on by the ratepayers on January 12 next gave the opportunity for the chief to express himself as above. Continuing, he said: "Why, there are no two ways about it—we must have those wires underground. As far as I am concerned, in connection with my work, I don't bother about the unsightly appearance caused by the forest of ugly poles along the leading business thoroughfares, but I do care about the wires. They are more than a nuisance; they are a positive danger, and their presence would not be tolerated in the heart of the business section in any live city on the continent."

"Just imagine for yourself how difficult it is for the firemen, when called to a blaze in a block in the business section, to raise the long ladders with the speed that a man of wire."

"But there is another point to be considered. During some months of the year Victoria is subject to strong gales, particularly from the southwest; and at such periods the presence of overhead wires in the heart of the business section constitutes a standing menace from the fact of the liability of the wires becoming crossed and thus starting fires. It happens not infrequently that our alarm system is burned out through crossed wires during a high wind."

"I am sure that if the people of Victoria could but see the business section of Toronto as it is to-day they would not take long to make up their minds as to how to vote on the by-law. Why, one would hardly know the place, so great is the improvement to be noticed since they placed all the wires underground. I certainly hope that the by-law will pass. Big wooden poles and overhead wires on the streets of a modern city are as much out of place as coal oil lanterns for street lighting."

FATAL WRACK

San Antonio, Tex., Dec. 31.—One passenger, James A. Bell, of Kansas City, was killed, two persons were seriously injured, and a score of others were bruised when a San Antonio mail train, Kansas Pass passenger train, was wrecked at Pecos, 75 miles south of here, yesterday.

GIVES AWAY OVER NINETEEN MILLIONS

Andrew Carnegie's Donations in 1910—Chicago Newspapers Publish Statistics

Chicago, Dec. 31.—Andrew Carnegie has allowed his purse strings to hang more loosely than any other American multi-millionaire in 1910, according to statistics printed to-day in the Chicago Tribune. These figures show that the ironmaster has given \$19,864,325 for public benefactions during the year. The total amount of such gifts during the year is \$14,694,639.

Embezzlements during the year aggregated \$36,000,000, compared with \$5,000,000 for the preceding year.

Fire losses came to \$223,000,000, including \$20,000,000 in forest fires.

There were 12,608 suicides, 5,112 drownings, 3,582 deaths in fires, 1,604 killed in mines, 355 in storms, 351 by explosions, 159 from electrical shocks, 220 in automobile accidents, 129 by lightning, 228 by asphyxiation, 122 by elevators and 3,530 by railroads, which also injured 31,956.

The most serious railroad fatalities occurred in the Washington snow slides where 118 persons were killed.

Legal executions numbered 104 and lynchings 74.

CANADIAN CUSTOMS REVENUE GROWS

Collections Show Increase of Nearly Twelve Million Dollars Over Last Year

(Special to the Times.)

Ottawa, Dec. 31.—Canadian customs houses during the year closing to-day collected \$68,513,333, which is a betterment over the previous year of almost \$12,000,000, the exact figure being \$11,500,000.

Federal customs collections for the nine months of the fiscal year are slightly over \$53,000,000, an increase of \$3,700,000 over last year. For December the collections totalled \$7,727,578, an increase of \$279,362.

CITY GETS LOW POWER RATES

B. C. ELECTRIC CO. MAKES CONCESSIONS

Little Over One Cent Per Kilowatt Hour to Be Charged by Company

(From Saturday's Daily.)

Ald. Mable, chairman of the streets committee of the city council, made a very gratifying announcement at last evening's meeting of the streets committee, which was to the effect that the conference in the afternoon with A. T. Governor, local manager of the B. C. Electric Railway Company, relative to power rates, had resulted in a satisfactory arrangement being arrived at. After a prolonged enquiry as to the rates, which had been reached and the figure of 1.07 1/2 cents per kilowatt hour agreed upon as the price for power.

Both the Mayor and Ald. Mable expressed themselves as of the opinion that the city had made a very good bargain. Mr. Hutchinson, superintendent of the civic electrical plant, had told the chairman of the committee that in his opinion the company had acted very generously with the city, and that had the matter gone to arbitration it is doubtful if as good a rate would have been obtained.

The report of the committee, which was as follows, was thereupon adopted unanimously:

"Your electric light committee had another conference with the officials of the B. C. Electric Railway Company, and it has been pointed out that the city's whole figure are based upon the current consumption of 577,427 K.W. hours, which is an estimate, and is necessarily an estimate, as only a portion of the current consumption is metered, and as to the estimate, it is necessary to arrive at it by assuming the number of houses burning by the estimated current consumption of the lamp. Your committee is confident that the current consumption is approximately correct, but it is necessary to compromise the matter and, after prolonged discussion, and purely as a compromise, your committee has agreed to pay the city for the current supplied by the B. C. Electric Railway Company under the terms of the agreement made last year, and your committee would recommend a secondly:

"Your committee further recommends that the tender of \$10,000 a day over the supply of the following prices, be accepted: 250 lamps at \$127 per hundred; one gross of 14in. globes at \$270; two gross of 12in. globes at \$18."

MYSTERIOUS CABLEGRAMS.

London, Dec. 31.—The Aero club of the city is puzzled to-day over the receipt of mysterious cables received from Lima, Ohio, in connection with the disappearance of Cecil Grace, the aviator lost while crossing the English Channel in an aeroplane from France. The first cable read:

"Grace landed with machine in crevice under high cliff. Exact location unknown."

The Aero club asked for further information and received the following cable:

"Dropped on shore, not water. Could not rise above cliff. Request British coast line people search water's edge minutely."

Although believing the messages were sent as the result of a dream, the Aero club officials are having the coast searched to-day.

TESTING LAW AGAINST TRUSTS

FIRST CASE NOW BEFORE TORONTO COURT

U. S. Shoe Manufacturing Co. Alleged to Be Illegal Combination

(Times Leased Wire.)

Toronto, Dec. 31.—As the first test of the new Canadian anti-trust law, whereby patents used to establish restraint of trade may be voided, the suit against the United States Shoe Machinery Company, charged with being an illegal combination, is to be pressed in the courts here. The suit was brought at the instance of a number of manufacturers in Quebec, who alleged that the machinery company has combined to boost prices in restraint of trade. If the courts find the charges sustained the patent rights held by the company may be evoked and the protective duty on the articles it manufactures removed.

A preliminary hearing was held before Judge Cannon, who ruled that the manufacturers in their complaint had failed to make out a prima facie case against the United States Shoe Machinery Co. of the manufacturing machinery trade in Canada will follow.

Under the law, when six British subjects believe prices are restricted, an "inquiry" hearing, while the complainants name one member of the investigating committee, the alleged trust names another, and the government names a third. The commission has unlimited powers in conducting the investigation.

When the case was filed against the machinery company in Quebec, a change of venue was taken to Toronto on the ground of prejudice. The preliminary hearing, while nominally against the complainants, gives them the investigation they asked, and a commission will be selected at once. If the inquiry shows that an illegal combination exists, and the drastic steps provided in the law are taken to break it up, it is generally believed that trust methods in Canada will come to an abrupt end, and that big corporations will resort to old methods of competition to build up their businesses.

Most of the shoe manufacturers in the Dominion, it is explained, use trust-made machinery, and the combination attacked is the first in operation here. The charge that will require most consideration by the investigators is the question of the patent rights. Patents which have heretofore been held to give some concerns a legalized monopoly have been the basis of much trust agitation. Since the government grants the patent for the protection of the invention and manufacturers, insuring them a reasonable profit from the invention, it is argued that the government has an equal right to protect the people from extortion through their use. In the present case it is explained that the patents have been the means by which the machinery company has stifled competition and been able to enforce extortionate prices.

TROOPS GUARD ARIZONA BORDER

Commanders Will Prevent Any Large Body of Men Crossing Into Mexico

(Times Leased Wire.)

Huachuca, Ariz., Dec. 31.—Troop G, federal cavalry, stationed at Fort Huachuca, Ariz., was ordered to the Sonora border at noon to-day upon receipt of advice that trouble was expected there between Mexican government troops and insurgents who have mobilized on the Arizona side.

The cavalry was given orders to patrol the border between that Naco and Douglas. Although it could not be confirmed at the forts, it was said that the commanders of the soldiers have been given authority to prevent the passage into Mexico of any large body of men, whether armed or otherwise.

For several days it has been reported here that Mexican rebels were mobilizing in the Huachuca hills preparatory to a sortie into Mexico. It was also known that the federal forces in northern Sonora have been reinforced during the last week. One company of infantry ordered to Huachuca from Whipple barracks, near Prescott, was scheduled to arrive here to-day. It was stated that the infantry would be used along the border in conjunction with the cavalry.

SHOCK AT SAN FRANCISCO.

San Francisco, Cal., Dec. 31.—A sharp earthquake shock was felt in this city at 4:20 o'clock this morning. The vibrations lasted several seconds. No damage has been reported.

WAGES INCREASED

(Special to the Times.)

Ottawa, Dec. 31.—The navy branch has found that the rate of pay offered for shipwrights and carpenters' mates in the Canadian navy was not high enough to attract the right kind of men and an increase has been authorized. The original scale was from \$1 to \$1.50. In future the pay will be \$1.25 to \$2.25.

COLD WAVE STRIKES OTTAWA.

Ottawa, Dec. 31.—The western cold wave has reached Ottawa. The temperature during the night was low, set this year and also lower than at any time during 1909. The thermometer as the experimental farm during the night registered as low as 25.2 below zero, and was at 33 below zero at 3 this morning. Several thermometers at business places throughout the city registered at around 18 to 19 degrees below zero mark during the forenoon.

PIONEER PASSES AWAY AT NANAIMO

Death of A. R. Johnson—Mrs. J. P. Booth Dies at Nanoose Bay

Nanaimo, Dec. 31.—The death occurred last night of A. R. Johnson, one of the best known of Nanaimo's prominent business men.

Death was due to cerebral hemorrhage. Deceased was 69 years of age. He was a native of Scotland, but had been a resident of British Columbia for upwards of fifty years. He was a Cariboo miner, and opened business in Nanaimo thirty years ago, his firm being wholesale grocers and butchers. He was married and had two daughters and one son. He was a member of Columbia lodge, I. O. O. F., Victoria.

One of the oldest residents of Vancouver Island died Thursday at Nanoose Bay in the person of Elizabeth Booth, widow of the late J. P. Booth, for some time speaker of the provincial house. Deceased had been a resident of the province upwards of 50 years. She was 86 years of age, and is survived by three nieces, Mrs. Jas. Knicker, of Nanaimo Bay, Mrs. M. A. Croft, of Victoria, and Mrs. (Capt.) Langley, of Seattle. The remains were brought to Nanaimo Thursday evening, and will be taken to Salt Spring Island for interment.

SEATTLE PIONEER DEAD.

Seattle, Wash., Dec. 31.—Mrs. A. A. Denny, widow of one of the founders of Seattle, is dead after a protracted illness. Mrs. Denny was 89 years old and was a member of the first party of overland immigrants who landed on Alki point in 1851. She has since lived in this city. She was born in Nashville, Tenn. The funeral will be held to-morrow.

FIGHT OVER STREET RAILWAY FARES

Armistice Arranged Between Citizens of Chicago's Suburbs and Company

(Times Leased Wire.)

Chicago, Dec. 31.—An armistice arranged between the citizens of Chicago's outlying suburbs and the Chicago Railways Company, which at least temporarily ends the warfare between the company and citizens over double car fares, went into effect to-day. Peace was patched between the warring factions by Judge Grosscup, and will last until Lincoln's birthday, February 12.

The company restored the 5-cent charge to the communities from which it was abruptly snatched last Tuesday night and all other conditions which formerly existed on the Consolidated traction system were resumed to-day, save in the matter of the place changing cars between the city and suburban districts. Although this feature of Tuesday's unwelcome order was retained, the company has promised to provide shelters for those transferring at the city limits.

Last week the company announced that five cents would be charged for transportation to the city limits and an additional five cents for passage to the various suburban towns on its lines. Suburbanites immediately revolted on account of extra charge and several riots occurred. The towns affected by the armistice are River Forest, Oak Park, Cicero, Berwyn, Maywood, Riverside and Forest Park.

MOISSANT AT SAN FRANCISCO.

San Francisco, Cal., Dec. 31.—A sharp earthquake shock was felt in this city at 4:20 o'clock this morning. The vibrations lasted several seconds. No damage has been reported.

J. B. MOISSANT FALLS TO DEATH

DARING AVIATOR KILLED IN LOUISIANA

Machine Capsized While Birdman Was Competing for the Michelin Cup

(Continued on page 5.)

DEATHS IN DECEMBER.

Cecil Grace, British, supposed drowned in North Sea, on attempted return flight across English Channel, Calais to Dover. Marquis Paula, passenger, and Alexandre Lafon, instructor, at Antoinette school of aviation, killed in France when their machine dropped 200 feet as they started on a Paris to Brussels flight.

John B. Moissant, American, killed in New Orleans.

New Orleans, La., Dec. 31.—John B. Moissant, daring aviator who sprang into fame among the birdmen by his daring flight from Paris to London, carrying his mechanic, Albert, as a passenger, was killed to-day when his machine capsized at Harahan. Moissant fell a hundred feet, and was frightfully bruised and crushed. He died two minutes after being taken from the wreckage of his machine. Moissant had started on an attempt to lift the Michelin cup for distance flying.

The California aviator made the ascent in a fifty horse-power Bleriot. He flew from New Orleans to Harahan, where he alighted to put the finishing touches to his machine before ascending for the long flight.

Special arrangements had been made at Harahan, which is ten miles from New Orleans, for the assault on the long distance record.

Moissant carried a great can of petrol, and just before he ascended assured his friends that he firmly expected to establish a record which would astonish the aviation world.

When he ascended at Harahan he expected to remain aloft until evening, completing his spectacular flight by returning to the aviation grounds in New Orleans.

He circled the field at Harahan twice at an altitude of about 200 feet. Suddenly the machine became unmanageable. It seemed to leap ahead in short, jerky movements, like a bucking horse. Then it turned earthward and plunged to the ground.

Moissant fought desperately to regain control of the planes, but the mechanism apparently was completely deranged, and he had no control of his tilting apparatus. When the machine was about 100 feet above the earth it resumed its bucking tactics. The strap holding Moissant to the seat broke and the aviator shot forward and was hurled from the car.

A few feet ahead of the falling aeroplane, he struck the ground. The wildly excited spectators caught one sight of him writhing in agony when the great wings of the machine crashed around him and shut him from view.

Spectators rushed to his assistance, lifting the broken bits of machinery from his body. Moissant was still breathing faintly, though unconscious. A special train which was standing on the track leading to the field was requisitioned to rush the dying man to a hospital. On a bed made of coats hastily spread on the bottom of a flat car, the bruised body of the birdman was gently placed. Before the train was fairly on its way here Moissant died.

His machine was completely wrecked. The struts of the great wings were splintered and shattered, the propeller was a twisted bit of steel clinging grimly to some pieces of splintered wood. The engines were broken and the wings torn and dragged.

The spectators walked about the wreckage, awed by the accident. After the train with the dying aviator pulled away they remained for some time quietly waiting about the field.

Moissant was here with Audemars, Garros and Hamilton. Moissant was the best known aviator of the group. He was giving exhibitions together. The combination was working westward and expected to reach the Pacific coast in February.

Moissant led an adventurous life. Before becoming an aviator, he took a prominent part in the tempestuous affairs in Nicaragua. He was at one time a planter in Salvador, in partnership with his brothers, George and Alfred, and incidentally was a leader in the gun powder politics of three critical American countries.

Moissant was once a colonel in the Nicaraguan army, receiving his commission from President Zelaya, who fled when Estrada began his successful revolution. The commission was given as a mark of his ability as a fighter.

(Continued on page 5.)