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PROVINCE LOSES IN FISHERY CASE

Full Court Holds That It Has No
Power to Prescribe Regu-
lations

APPEALS ARE DISMISSED

Two Judges Also Hold That the
Province Cannot Impose
License Fees

(From Thursday's Daily)
Vancouver, Dec. 14.—The provincial
fishery regulations were late today
declared by the full court to be beyond
the power of the lower legislature and
wholly within the power of the Dom-
inion parliament.

Justices Irving, Morrison and Clem-
ent were unanimous in this decision
while both Justices Morrison and Clem-
ent in addition held that the prov-
ince had not even the power to issue
the present license fees for revenue
purposes. In this Justice Irving dis-
sented, holding that the province could
continue to exact this license fee from
fishermen by way of a revenue tax.

The province, however, could not im-
pose with it any conditions in the na-
ture of regulations as to time and place
for fishing, as these were solely within
the competence of the Dominion govern-
ment.

The result was dismissal with costs
of both of the provincial appeals in the
long-fought case of North vs. Kendall.
It is understood that the province
will carry the case to the Imperial
privy council, as it involves the whole
of the tidal water fisheries. Being un-
disputed owner of the fish, the province
contends that it has the right to say
when and where fish may or may not
be taken, while not disputing the right
of the Dominion government to exact
its present license for Dominion re-
venue purposes only. But in effect
the decision of the court today is that
as this is a field covered by federal
legislation, the province cannot in-
terfere and the local act exacting
a license fee and imposing regulations is
ultra vires of the legislature.

Joint A. Kendall, fisherman, took out
both a Dominion and a provincial li-
cense. He obeyed the conditions of
the former, but disobeyed the condi-
tions of the latter. He was fined in a
prosecution by Provincial Inspector
North. County Judge Howay set
aside the conviction, and today the
province failed in its double appeal to
have that conviction restored.

IRRIGATED LANDS SELLING RAPIDLY

J. S. Dennis Tells of C. P. R.
Undertaking in
Alberta

(From Thursday's Daily)

"We have east of the Rocky Moun-
tains a solid block of excellent land,"
said Mr. J. S. Dennis, the C. P. R. ir-
rigation expert, at a meeting last
evening, "containing fully three million
acres, and stretching over a distance
of some 100 miles in length and fifty
miles in width. We have already con-
structed over 1,000 miles of irrigating
ditches, taking our water from the Bow
river, and we intend to build, before
we finish this great work, 3,000 miles
of ditches, or four times the mileage
that can be found in any other irrigat-
ing system upon the whole North Amer-
ican continent. And about 1,000,000
acres of this great tract of land. The
balance of this great tract, 1,600,000
acres, does not require irrigation and
will, of course, be sold to purchasers
and settlers, as it stands."

"We are selling these irrigated lands
at \$25 per acre, and are finding many
willing purchasers. We have sold
during the past two years, and since
we began placing this property upon
the market, 600,000 acres, and the buy-
ers are perfectly satisfied with the
results. Fully 100,000 people came
into the great northwestern territories
during the past season, and we ex-
pect to see at least 200,000 come into
the country during next season, which
is, at this moment almost upon us. We
are selling the land, which does not
need water, at \$5 per acre, and the
irrigable and irrigated lands, as I have
already stated, at \$25 per acre, with
an additional charge of fifty cents per
acre as a perpetual assessment charge
for the use of the water. This is taken
from our ditches. I do not think
that we will increase these prices, as
they are fair to the settler, and are
cheap, as well as quite satisfactory
to ourselves."

Splendid Crops

"We have had phenomenal crops dur-
ing the past season, and all the farm-
ers in the northwestern territories gen-
erally speaking, have done remarkably
well, while the settlers upon our ir-
rigated tract have in many cases achiev-
ed astonishing results. They are suc-
cessfully growing winter and spring
wheat, barley, oats, sugar beets, and
all the small fruits, etc., and the yields
in many cases are particularly high.
Wheat is being raised in an average
of 200 bushels to the acre, and spring
wheat, and barley averaged 45 bushels to
the acre and oats 100 bushels to the acre,
while sugar beets have yielded from
16 to 18 tons to the acre, with an av-
erage of 200 bushels to the 100 pounds,
and standing at 84.5 in point of purity.
Sugarcane is being raised in an average
of 14,000 bushels to the acre, and has
been considered very favorable. This
extraordinarily high percentage in
sugar matter, 13.5, is due to our
one day's frost, which has had a com-
paratively enormous amount of sunshine
being poured upon the plants, facilitating
and forcing the growth and aiding in
the ripening process of the sugar cane.
We have already a sugar beet re-
finery established in the northwestern
territories, and within a few years we will
have two large refineries. I am confident,
erecited upon our own tract of land.
We can, in these rich lands of our
Canadian northwestern province, all the
sugar which can and will be consumed
in the Dominion and this is, moreover,

An industry which will prove eminently
profitable to our agriculturists, while
we have the cuttings of alfalfa during
the season."

Paid By Single Crop.

"The yields were indeed so large and
the prices which were obtained were
so satisfactory that not a few among
the purchasers of the lands paid the
full amount of their purchase money
with the single crop. Our settlers have
come from Great Britain and Ire-
land as well as from Holland, Ger-
many, Denmark, other parts of Eu-
rope from New Zealand and from Aus-
tralia, while in addition a very large
number came to us from the middle
and western states, from as far east
as Ohio, from Illinois and Indiana,
Montana, Oregon, Idaho and Washing-
ton and we are looking with the utmost
confidence for a very large increase
in the volume of this most valuable
quota of our immigration during the
coming season from that identical vast
stretch of American territory. And we
are getting more settlers from New
Zealand than we have been getting
from Australia."

"We have however one cause for
sincere regret, that not as many as we
would really like to see are coming
amongst us from the British Isles, and
at this very moment we are making
the most earnest efforts in various
desirable portions of the old-land to
excite active interest in our great
prairie country, as well as in the lands
which can be had and be so profit-
ably utilized in this province, and I
wish Columbia, where we ourselves hold
and largely in the southern sections
of the interior of the province, 5,000-
600 acres of good land, wholly apart
from the large B. and N. land grant
upon this island."

"At the present time we have an
expert, lecturing in different parts of
that country three times a week, and
splendidly illustrating his lectures
with the aid of the cinematograph and
our exertions will be attended with
the most satisfactory consequences."

"The C.P.R. company has also ex-
panded millions in erecting a very
fine building near Charlton Cross in
London, while we have in many other
places greatly improved our facilities
for attracting desirable immigrants
into the northwestern provinces and
British Columbia. We are in receipt
of a great many earnest letters of en-
quiry in reference to the attractions
and resources of this province, and I
am unhesitatingly looking forward, not
only to a very large influx of settlers
of the most valuable character, not
only into our own land of promise in
the northwest territories, but also into
this province."

Much Sunshine.

"We have a long daily period of sun-
shine in the growing season in South-
ern Alberta, beginning as early as
half-past three o'clock in the morning,
and extending on until late in the
evening. And it should prove pos-
sible successfully to raise the sugar
beet in the Yukon territory, as the day
is still longer there, the growers will
again have in this very important par-
ticular a very considerable advantage
over us."

"We have in Southern Al-
berta much the same kind of a cli-
mate as you have here. It is some-
what colder in winter, but we do not
have much snow, and when snow does
fall it is usually quickly removed by
the warm chinook winds, and we think
that we are in rather hard luck if very
fine weather is not with us, either in
the latter part of the month of Febru-
ary or in the beginning of the month
of March. We have little real winter
of anything like a severe character in
Southern Alberta."

"The future of these western coun-
tries, and of the very brightest possible
description, and the developments
which will assuredly be realized during
the next few years will be as surpris-
ing as they will and must prove to be
gratifying and satisfactory. At no
distant day, the balance of population
in this Dominion of Canada must in-
crease to the westward of the Great
Lakes."

NEW VARIETY GAME HAS REACHED ISLAND

Mongolian Pheasants Have
Reached Coast—Twenty for
Adjacent Districts

Vancouver, Dec. 14.—There arrived
on the Pacific coast from British
Columbia today a heavy Mongolian pheasant.
They were consigned to Provincial
Game Warden A. Bryan Williams, and
intended for distribution on the low-
er mainland and Vancouver Island.

They are the first shipment of
pheasants of that breed to be imported
from England and are intended to
improve the present bird shooting in
this province. These birds are also
quite different from the Mongolian
pheasants of the ring
neck type, and are in great
demand in England. They were
purchased from Lord Ernest Hamilton,
of Bovingdon, England, who has large
game reserves in the country and
who was formerly a director of the
Atlin Mining Company. The consignment
included 25 birds for Vancouver
and 25 for Victoria. The latter ship-
ment is being forwarded.

It is the intention of Mr. Williams
to ship the birds to Chilliwack where they
will be looked after by the deputy
game warden stationed at that point.
It is proposed to breed a certain num-
ber and they will then be distributed
throughout the lower mainland.

The Chilliwack Game Association
has erected pens for the birds and
they will be given every chance to
multiply. In fact, the game warden
expects that the introduction of the
Mongolian pheasant with the species that
is now becoming quite numerous on the lower
mainland will greatly improve the stock.

The expense of importing these
birds is not small, but the way was
borne entirely by a number of private
individuals who are very sportsmen
enough to wish to see the same birds
of the province kept up in a proper
manner. In fact, things are so good
that the present plethora of pheasants
is the result of a similar effort made
by a number of sportsmen some
years ago, and the result is that there
are now a hundred birds. These have thriven so
well that there is good pheasant
shooting now all over the whole lower
mainland, as well as on Vancouver
Island.

Mr. H. S. Findlay, of this city, is
going on a pleasure trip to Calgary,
where he will spend Christmas.

GREATEST SALE OF SEALSKINS

Pelts Valued in Neighborhood
of \$1,000,000 to Be Sold
in London Today

FURS FROM MANY PLACES

Tragedies Marked Taking of
Some—Hazard and Hard-
ships of Pelagic Sealers

(From Thursday's Daily)

Today, London, Eng., the biggest
sale of sealskins held for years, at
which about forty thousand sealskins,
worth in the neighborhood of a million
dollars, taken by seal-hunters of many
nationalities at cost of life and prop-
erty in many instances will be offered
to the fur buyers that gather from
Nihil-Nowgorod to San Francisco at
the metropolis for this sale. It is ex-
pected a good price will be realized
this season. Last year the average
price realized for the sealskins offered
was \$21.56, about 10 per cent less than
the amount realized in 1905 when the
highest prices were paid for the fur
seal pelts by the bidders at C. M.
Lampson & Co.'s annual sale. The
record price paid was in this year,
1905, when 13,000 Bering Sea and
northwest coast sealskins from Vic-
toria were sold for \$22.00. The
whole of the Victoria catch will not be
offered, owing to some of the sealers
having returned late and their skins
having been shipped too late to the
market in time for the sale. Last year
practically the whole Bering Sea catch of
5,387 skins arrived too late for the
sale and were held over for another
year. They were placed on the market, bring-
ing a slightly advanced price over
those sold at the big sale.

Whence They Came.

The skins to be offered today include
22,000 sealskins taken by the sealers
of the seal islands of Bering Sea, in-
cluding 7,444 skins, half of the seals
clipped on the islands of St. Paul and
St. George during 1907 and the whole
of the take on the seal rookeries in
1908 totaling 14,955 skins. The pelagic
sealing catch of 15,000 skins, includes
4,400 skins—all were on the market
in time—taken by Victoria sealers in
Bering Sea, and over 10,000 skins
taken by the Japanese sealers in
Bering Sea, off Cape Japan, and the
whole of the Okhotsk Sea. There will
also be 2,000 skins taken on the
rookery at Lobo Island, off the
Argentine Republic. The rookeries
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