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The Victoria Times.

TWICE-A-WEEK EDITION.

VOL. 38 VICTORIA, B. C. TUESDAY, MARCH 5, 1907. No. 36.

NEW ACT MADE NO DIFFERENCE

Conditions Here Were Unchanged Sunday---Local Government Undecided as to Action.

(From Monday's Daily.)

"No action or prosecution for a violation of this act shall be commenced without the leave of the attorney-general for the province in which the offence is alleged to have been committed, nor after the expiration of sixty days from the time of the commission of the alleged offence."

This section of the new Sabbath Observance Act appears to put upon the provincial governments the responsibility for authorizing the enforcement of the statute. Up to the present the attorney-general of this province has not taken any action. Hon. F. J. Fulton, when spoken to to-day, said that it would probably be a week before a decision was reached by the local government relative to what course would be pursued with respect to the enforcement of the statute. In the meantime the question of whether a provincial act should be passed would be considered.

Yesterday was the first Sunday since the Dominion Act was supposed to come into effect. There was no noticeable change in the city as a result. In view of the fact that there was no announcement from the local government that prosecutions were to be sanctioned, it was not to be expected that any results would follow. It was fully expected that if the act is to be enforced strictly, due notice would be given by the local authorities. The small number of stores and stands which have hitherto continued to do business on the Sababth, were all plying their trade yesterday. The same applied to Chinatown, where there was no diminution in the ordinary business.

The Sunday papers from the Sound arrived in due course and were offered for sale in Victoria, although under the strict interpretation of the act this would not be permissable. The Colonist also issued yesterday.

The local police officers on their rounds made note of any violations of the new Dominion Act under instructions from Chief Langley. The chief's instructions were that all violations should be reported, but that there should be nothing done in the way of interfering with those who might be contravening the provisions of the act.

The chief will report in turn to the attorney-general of the province. In view of the fact that there has been no decision reached by the local government as to the course which it will take on the subject it is not at all likely that there will be any prosecutions for yesterday's violations.

The local branch of the Lord's Day Alliance last week took occasion to officially notify the mayor of the city that the act came into effect on March 1st. The executive of the association has also arranged for a meeting with the members of the government next Friday. A meeting of the executive committee will be held this evening for the purpose of preparing for the conference with the government.

The provincial police have taken no steps in relation to the act pending authorization of the provincial authorities.

ATTORNEY-GENERAL HAS NO OPTION

Referring to the announcement recently made, that the provincial government contemplates introducing Lord's Day legislation, and that in the meantime no assent would be given by the attorney-general to any prosecution under the Dominion Lord's Day Act, Mr. Rochester, western secretary of the Lord's Day Alliance, makes the following statement:

"So far as the Alliance is concerned it regards it as a matter of no consequence from what sources legislation comes, whether from the provincial or the Dominion government. It may be that the legislation contemplated by the local government would be more acceptable to the Alliance than the Dominion act. The important requisite, however, is that legislation come from a competent source.

"In the public's view of the present situation one fact may easily be overlooked, namely, that the Dominion Lord's Day Act is

Now in Force,

and it is assumed to be known to be in force. Everyone, therefore, violating its provisions by an open store, or conducting business on the Lord's Day, is violating the law of the land. The words of the act are specific in this particular, "that this law shall come into force on March 1st, 1907." The action of the provincial government in no way alters that fact.

"The attitude of the attorney-general is an important consideration. Whether rightly or wrongly, the Dominion, in this legislation, has placed responsibility upon his shoulders. As to the nature of this obligation there is a difference of opinion. Our view is that the attorney-general, by virtue of his office, has no option but to give consent to prosecutions under the Dominion law, unless such prosecution shall be shown to be petty or malicious; and, further, the intent of the law is not that the attorney-general shall, if he so desires, over-ride the law, but that he shall secure its just administration. He is but an officer designated by the act, to secure its fair enforcement. Otherwise he annuls a law which, the competent legislature passing that law, says is in force. The jurisdiction of the Dominion in this particular has never been questioned.

"It is well to notice that British Columbia alone in the West has taken this position with respect to the Dominion act. Manitoba, Saskatchewan and Alberta have signified, through their respective attorney-generals, their desire to secure the enforcement of this Lord's Day legislation.

"In its application to this province it may be fittingly urged that this Sunday legislation can give little ground for complaint. The act, whilst aiming to secure national well-being, is broad in its consideration of individual liberty, and is generous in its provision with respect to the commercial interests of this province. This has been clearly thrown out in the recent interview with the attorney-general published in the daily papers.

"The whole

Question of Jurisdiction

of the province is, at once, raised by the government's announcement. Has the province power in this particular? It is asserted that the Dominion Lord's Day Act purports to legislate in its own interests in respect of the Lord's Day. It is to be remembered, however, that its saying so does not necessarily convey to the province such power. The provinces have their constitutions under the British North America Act; and if they have such power in Lord's Day legislation, they have it independent of the Dominion parliament; and if they have it not, the Dominion cannot bestow these powers.

"So far as this question has come under review, the provinces have no encouragement to move in the direction of Lord's Day legislation. The judicial committee of the Privy Council of England has given its decision that the

Provincial Sunday Laws

of Canada were ultra vires, and before consenting to introduce to parliament a Sunday law the Hon. C. Fitzpatrick, then minister of justice, prepared a draft provincial law and submitted it to the Supreme court of Canada, with the result that such legislation was declared incompetent for the provinces. In view of these decisions, and notwithstanding the example set by the province of Quebec, it would seem inconsiderate on the part of any province to attempt direct Sunday legislation.

"Assuming, however, that the question of power to pass Lord's Day legislation has not been settled, and that there is still ground for believing that the province has power to enact a Sunday law, a course is open to the government which would commend itself as fair and one that would save much trouble later. According to the 'act regarding the constition, practice and procedure of the Supreme court of British Columbia,' it is competent for 'the lieutenant-governor in council to refer to the Full court or to a judge for hearing and consideration any matter which he thinks fit to refer, and the Full court or judge shall thereupon hear and consider the same." The act then specifies particularly matters which 'relate to the

Constitutional Validity

of any act which has heretofore been or shall hereafter be passed by the legislature of this province, or of some provision in any such act.' Therefore, in the present circumstances, it would seem a reasonable method to pursue that the local government should prepare a draft bill of its proposed legislation and submit it, according to the terms of the act quoted to the Supreme court of the province for consideration and judgment.

"Meanwhile, awaiting whatever action in the judgment of the provincial government may be deemed best, every citizen ought to remember that the Dominion Lord's Day Act is now law, and, because it is the law of the land, it should meet with respect from every honorable citizen. If its provisions are unreasonable in any particular, redress may be sought not in disregard of the law, but in amendment thereof, when opportunity offers."

The ancient Egyptians used a form of blast furnace in 2000 B. C.

POSTAL AFFAIRS.

United States Officials Will Confer With Canadian Authorities.

Washington, March 4.—Postmaster-General Cortelyou has instructed Second Assistant Postmaster-General Shallenberger and Mr. H. M. Bacon, of the third assistant's office, to proceed to Ottawa, Canada, and confer with the postal administration of the Dominion with reference to questions which have arisen between the two administrations covered by postal treaty with a view to a satisfactory adjustment. They will reach Ottawa on Wednesday.

MURDERER ELECTROCUTED.

Man Put to Death in Electric Chair For Killing His Aunt.

Ossing, N. Y., March 4.—Frank Furlong, who killed his aunt, Mrs. Margaret Keeler in New York city in 1904, was put to death in the electric chair in Sing Sing prison to-day. Furlong was 21 years of age.

BIG TIMBER FOR GOLD DREDGES

AMERICAN COMPANY SEEKS IT IN VANCOUVER

Four Camps of the Pacific Coast Lumber Company are Busy Upon It.

(From Monday's Daily.)

Timbers for four gold-mining dredges, which will operate in California, are now being cut by the Pacific Coast Lumber Company of Vancouver. In all 1,300,000 feet of lumber will be cut, mainly clear cut, at a price of $35 per thousand feet. This will give a total contract valued at $45,500.

"Apart from the intrinsic value of the contract, a feature is that American companies should come to British Columbia for fir timber, in preference to Washington and Oregon," says the Vancouver News-Advertiser. Importing from Canada into the United States means that a duty of $2 per thousand feet will have to be paid, and in addition 50 cents per thousand for each side of the timber dressed. As most of it will be dressed on four sides, this will be another $2 per thousand, or $4 in all, an additonal expense of $5,200.

The contract is being filled for the Western Engineering & Construction Company, of San Francisco, which firm will charter the steamer to carry the timbers. The name of this boat is not yet known, but as the 1,300,000 feet will not make a full load, miscellaneous merchandise will probably be carried to make up the cargo.

Some of the timbers are as long as 98 feet, many being 82, 80 and 64 feet in length, respectively, by 14 by 16 inches. To cut sticks of this length, good logs are required and four of the camps of the Pacific Coast Lumber Company are busy selecting trees for this purpose only.

FIFTH REGIMENT PARADES TO CHURCH

Attended Divine Service at St. Andrew's Church--Strength of the Regiment.

(From Monday's Daily.)

The Fifth Regiment, C. A., attended divine service yesterday in St. Andrew's Presbyterian church. There was a very creditable turn out of officers and men, the parade state being as follows:

No. 1 company, officers, 4; sergeants, 4; rank and fire, 22; total, 30; No. 2 company, officers, 3; sergeants, 8; rank and file, 24; total, 35; No. 3 company, officers, 2; sergeants, 5; rank and file, 24; total, 31.

C. O. and staff officers 2; sergeants, 3; bugle band sergeant, 1; buglers, 9; band, bandmaster, 1; bandsmen, 22.

Recapitulation officers, 11; sergeants, 23; rank and file, 101; total, 134.

An excellent sermon was preached by the pastor of the church, Rev. W. Leslie Clay. Taking lessons from the Destruction of Sodom he alluded to the fact that the real defence of a nation lay in its righteousness. As a part of the defence of the country he admonished the members of the regiment to live righteous lives.

Mrs. Benj. P. O'Connell, 42 years old, was probably fatally injured, her husband, aged 42, seriously injured and seven of their ten small children painfully injured by an explosion of a can of kerosene oil at their home on Popular street, Brooklyn, Saturday. The explosion of the can caused a lamp to explode also. The mother, father and children received burns as they ran out to the street.

MILLIONS DYING OF STARVATION

CHINESE FAMINE WORST IN WORLD'S HISTORY

Revolutionaries Are Active and Hatred of the Foreigner is Fanned.

(From Monday's Daily.)

Unless the Chinese famine sufferers in the district north of the Yangste river receive immediate relief, the lives of ten million of them will be endangered within a few weeks' time, according to reports received per the Empress of India.

The famine in North China is the most terrible known to the world. Not even the great famine of India can compare with it. The stricken area extends for over forty thousand square miles, and the number of people effected is said to be 10,000,000. Supreme efforts have been made to relieve the distress, but not a fraction of the demand has been met.

An appeal to the Chinese throughout the world will probably be made, and it is altogether likely that an extra effort will be made by the local colony, though already a large sum has been forwarded to the Chinese Red Cross Society, having its headquarters at Shanghai.

The situation moreover has been complicated by the activity of the revolutionaries. They have taken advantage of the disorganization which has attended the famine to forward their propaganda. It is largely the students, those who have been studying in Japan, who are responsible, and there is an element in China which asserts that these revolutionary activities are being fostered by Japan in order that she may have an excuse for interfering.

The Yuman students in Japan have jointly wired to the Waiwupu and the board of communications protesting against the proposed British concession for the Tengyueh railway, and have appointed Ku Shi and Kao Shu-chang as their representatives to further their action. This is regarded as merely another ramification of the "China for the Chinese movement," a branch of the larger effort, "the Orient for Orientals."

Censor Li's memorial regarding the suppression of Chinese dominos and cigarette smoking has been duly sanctioned by the throne, and the British and the United States ministers have jointly protested to the Waiwupu against the suppression of cigarette smoking, as cigarettes are one of the most important items of the import trade to China. It is extremely unlikely that any attention will be paid to the protest. As a Chinese official remarked, "The day is past when the foreigner can ruin the Chinese physically, morally and mentally, merely to increase his trade as was the case in the last opium war."

COMEDIAN KILLED.

Jumped From Third Story Window of a Burning Building.

Chester, Pa., March 4.—In an effort to escape being burned, John Conly, a comedian of the "Vanity Fair" company, was instantly killed yesterday by jumping from a window of the Arcade hotel, where the theatrical company was stopping.

The flames broke out on the first floor of the building and cut off the escape of all the members of the company. Firemen were on the scene before the flames gained much headway and rescued all the occupants of the hotel except Conly, who seemed to lose his head and jumped from a third story window despite the warnings.

Mrs. Watson, also a member of the company, was severely burned. She is in a hospital in a serious condition.

The loss will amount to about $150,000.

DOCTOR'S DEATH.

Was Indirectly Result of Overtraining During His Athletic Career.

Seattle, March 3.—Dr. Frederick E. Schacht, former tackle of the University of Minnesota football team, who died at Providence hospital Friday night, expired indirectly as a result of overtraining during his athletic career. That his heart had been weakened, thus hastening his death, is the belief of Dr. C. W. Sharples, who attended the young physician while he was ill in Seattle. Dr. Schacht was but 31 years of age. The deceased arrived in Seattle a few days ago and was taken to Providence hospital for treatment for Bright's disease, which was the direct cause of his death.

GALE SWEEPS BUFFALO.

Buffalo, N. Y., March 2.—A gale, which reached a velocity of 80 miles an hour at noon, has prevailed all day. While no serious damage has been reported many plate glass windows have been destroyed and chimneys blown over. The ice in the harbor has pretty well broken up, and the water has risen about two feet. No damage to vessels is anticipated, but tugs are kept in readiness to go to the assistance of any that may drag anchors.

STEAMER FLOATED.

Vessel Which Grounded on Goodwin Sands Proceeds on Voyage, Apparently Uninjured.

London, March 4.—Advices received from Dover to-day state that the Red line steamer Vaderland, which grounded on the Goodwin Sands last night, got off early to-day, and proceeded on her voyage. The fact that the steamer continued her voyage indicates that she sustained no serious damage as result of the grounding.

LOGGER DROWNED.

Astoria, Or., March 2.—Duncan McMullan, one of the best known loggers in the lower Columbia river district, was drowned Friday afternoon at the Colwell logging camp on Tucker creek. He was subject to heart failure, and during an attack he fell face down in a pool of water and was smothered to death. He was a native of Michigan, 51 years of age and has resided in this vicinity for the past 20 years.

SIDELIGHT ON TRIPLE ALLIANCE

OFFICIAL OF EMBASSY MAKES REVELATIONS

Varied Motives Which Inspired the Formation of the Dreibund Laid Bare.

Paris, March 4.—Some interesting revelations concerning the diplomatic history of the Tripple Alliance are made in a recent published volume entitled "The Ambassadorship at Paris of Baron de Mohrenheim." Mohrenheim was for 19 years the Russian ambassador here, and conducted the Russian end of the negotiations, which resulted in the dual alliance. Jules Hansen, the author of the book, was the counsellor of the embassy during that period.

Mr. Hansen says that his information comes from a sure source. He says that beside the official treaty constituting the tripple alliance, with its appended military convention, Emperor William and King Humbert verbally engaged their words of honor to remain true to the alliance and to use every influence, should the case arise, to prevent their ministers from dissolving it. Emperor Francis Joseph later joined this, and several letters between the three sovereigns concerning it were afterwards exchanged when Mr. Hansen says the Kaiser was thinking only of France, Emperor Francis Joseph only of the possible aggressions of Russia and the Slavs in the Balkans.

The military portion of the convention was prepared with the most scrupulous care. It foresaw the possible necessity for the union of the Australian and German forces on the Rhenish frontier against France, the union if the Italian and the German fleets in the Baltic against Russia and joint operations of the allied armies and navies in the Dardanelles and beyond.

M. Hansen says: "This information is absolutely exact, and one of the reasons Germany always opposed the publication of the treaty was because it contained as many clauses against Russia as against France, and its divulgence would only have hastened the conclusion of the dual alliance by dispersing Russia's last hesitation."

In the treaty as it existed before 1902 there was a clause inserted by the Italian cabinet whereby in no case would Italy be engaged in league against England. In the renewal of the treaty in 1902, Italy forgot the reserve concerning England. The foreign office of England limited itself to declaring that in the event of war between Russia and Austria or between France and Italy in the Mediterranean, it was very probable that Great Britain would intervene against Russia in one case and France in the other.

ANOTHER RAILROAD WRECK.

One Man Killed—Injured Number More Than Thirty.

San Bernardino, Cal., March 2.—Well laden with passengers, including eastern visitors, the Atchison, Topeka & Santa Fe passenger train, which makes daily trips around the kite-shaped scenic track, ran through an open switch north of Colin yesterday, killing A. J. Peppar, fatally injuring the trainmen and fireman, and inflicting injury to more than thirty others.

RUSSIAN BARON SLAIN.

Reval, Russia, March 2.—Baron Budberg, ex-chief of the Esthonian nobility, and a member of the council of the Empire, was set upon by six unknown men while driving near his country seat today and killed. Of two servants accompanying the Baron, one was killed and the other was wounded. The pockets of the dead men were rifled by the assailants, who escaped.

THAW'S MOTHER TO GIVE EVIDENCE

WILL BE CALLED TO STAND THIS WEEK

Three Medical Men Have Yet to Be Cross-Examined By District-Attorney.

New York, March 4.—When the trial of H. K. Thaw is resumed to-day Dr. B. D. Evans, alienist, called for the defence, will resume the witness chair so that District Attorney Jerome can finish his cross-examination. Several points will be pressed home closely. One of the most important of these is the question, whether the district attorney may read into the evidence extracts from books on insanity, will be ruled on by Justice Fitzgerald. These extracts were shut out improperly on Friday, the justice wishing more time to examine into precedents. If these extracts are admitted, Jerome will try to show that Thaw's symptoms as described by the witness indicated that the prisoner was suffering from paranoia. Such a ruling, followed by such evidence, it can easily be seen would have an important bearing on Jerome's plans for asking for a commission in lunacy.

A dramatice feature of the trial this week will occur with the appearance in the witness chair of Mrs. Thaw, the prisoner's mother. Her testimony, it is said, will be in the line of prenatal influences which made of Thaw the nervous, sleepless, headstrong child, described by the family physicians. Dr. Charles Wagner, of Binghamton, and Drs. Binghaman and Deomor, of Pittsburg, will also be witnesses this week. Dr. Wagner has testified in a manner similar to Dr. Evans regarding the prisoner's mental state, and will be put through a thorough cross-examination by District Attorney Jerome. Drs. Bingaman and Boemar, who attended Thaw when he passed through a severe case of infantile disease, will tell of the prisoner's early life.

SPORTSMEN WILL ASK LEGISLATION

Want Gun License Levied and Inland Fisheries Restocked With Trout.

(From Monday's Daily.)

Most of the recommendations put forward by the local sportsmen at the recent meeting called by the Gun Club have been adopted by the convention of the delegates from the various gun clubs of the province. The resolutions approved of, which a delegation will bring to the attention of the government at the approaching session of the provincial parliament, are as follows:

1. "That this meeting is thoroughly in favor of the imposition of a gun licence, with the limitations that bona fide farmers be exempted when shooting on their own lands."

2. "That the privilege accredited to 'free miners,' 'and surveyors by virtue of their licences, be restricted."

3. "That beaver be protected throughout the whole province; that the sale of same be prohibited, and that the government be requested to rescind the order-in-council declaring an open season in certain districts."

4. "That as trout fishing has been seriously depleted, the authorities be petitioned to at once re-stock and preserve the inland fisheries."

The sessions of the convention were held in the Fairview block, Vancouver, and the following delegates were present:

Dr. Wilson, Paul Ladner, Ladner Gun Club; J. Musgrave, W. H. Binns, W. M. Lenfesty, Vancouver Island Fish and Game Club; H. Hulbert, Chilliwack Gun Club; Dr. Roberts, delegate for Fernie District Game Protectice Association; W. H. Heald, C. P. R. E. & N. reserve; Mr. J. H. Vidal, New Westminster Gun Club; F. M. Chaldecott, Association for Importation of Game Birds; J. L. G. Abbott, B. C. Field Trials Club; A. Bryan Williams, Provincial Game Warden; J. Williams, Quesnel Gun Club; J. A. Stewart, Hatzic; W. E. Fisher, Atlin; E. Cornwall, Ashcroft; M. Ward, Kootenay.

The following will meet the government and present the resolutions adopted by the convention:

H. Abbott, Sidney Williams, Dr. Wilson, Paul Ladner, J. L. G. Abbott, F. M. Chaldecott, Dr. K. Roberts, H. Hulbert, Dr. Brown, J. Musgrave and J. H. Vidal.

Rochester, N. Y., March 2.—Henry N. Stork, a noted conjuror, died to-day at his home, No. 8, Chamberlain street. He made his professional debut in the early eighties in New York. For many years he was associated with Harry Kellar, the magician.

MANY DEPUTIES REACH CAPITAL

FOR OPENING OF RUSSIAN PARLIAMENT

Leaders of the Various Parties Arrange Their Programmes For the Session.

St. Petersburg, March 4.—The deputies to Russia's second parliament are streaming into St. Petersburg from all directions in readiness for the opening session at noon to-morrow. Over 300 members have already arrived and others are expected by the morning train to-morrow.

The deputies here are nearly all strangers in St. Petersburg. Many of them who are having their first glimpse of the big city are excited, and are seen in wandering groups staring at the stately palaces and cathedrals. All went to the Tauride Palace yesterday, where after inspecting the remodelled building they took their places in the session hall by the simple process of laying their cards on seats.

Nearly 495 of the 524 deputies will participate at the opening. Twenty-nine have not yet been selected.

The present composition of the Lower House is as follows: Monarchists, 90; Moderates Octoberists, 36; Polish Nationalists, 43; Progressives, 29; Constitutional Democrats and their adherents, 92; Left Party, 192; Indefinites, 13.

Excluding the latter party the House may be arrayed in three groups, 126 on the right, composed of Monarchists, Constitutional Democrats and Moderates; 164 in the centre, composed of Constitutional Democrates, Progresses and Poles; 192 on the left, composed of Social Democrats, Group of Democrats, Group of Toil and Social Revolutionaries. This arrangement is liable to change on account of the shifting attitude of the Octoberists, Poles and other groups on various questions.

Yesterday was a busy day for the leaders. Conference of all parties were held to determine what the opening tactics should be. As had been anticipated there was a general disposition on the part of the opposition parties to avoid as far as possible anything likely to invoke an immediate dissolution. At the same time opportunity will be given the hot-heads to vent their hostility on the ministers and the government, although the danger of a few rash actions precipitating a calamity is recognized.

The Constitutional Democrats conference placed itself on record against revolutionary activity, Joseph Hessen, one of the leaders, declaring that incendiary tactics in the present Lower House of Parliament would be an unpardonable sin.

THE TRANSVAAL MINISTRY.

Pretoria, Transvaal, March 2.—Edward Solomon, president of the Nationalists, has joined the cabinet as minister of public works. General Smuts becomes colonial secretary and minister of mines, and De Villiers takes the portfolio of minister of justice.

ACCIDENT TO THE STEAMER DAKOTA

Struck a Rock Forty-Miles From Yokohama--May Be Floated on Tuesday.

Tokio, March 4.—Full particulars of the accident to the steamer Dakota are expected when the vessel sent to her rescue returns to Yokohama to-night.

Advices indicate that the Dakota struck a rock, lost her balance and her stern plunged into the water. She is now in that position and leaking badly.

The damage, it is believed, will be serious.

The scene of the disaster is near the Mojima lighthouse, forty miles from Yokohama.

The day was clear and it was difficult to determine the cause of the disaster. It is presumed that a strong current was the reason.

Seattle, March 4.—According to a dispatch received last night from Yokohama the Dakota will be floated to-morrow. The ship is said to be forty miles from Yokohama, in Tokio bay, unharmed. The cargo is said to be safe.

PETER VEREGIN MISSING.

It Is Rumored He Is in Prison in His Native Country.

Kamsack, Sask., March 2.—There is a well defined rumor in circulation throughout the Doukhobor settlement to the effect that Peter Veregin, leader of the colony, who went to Russia last fall ostensibly to secure government concessions, is in prison in his native country. Thus far nothing has been heard directly from Veregin since he arrived in Russia. Prior to coming to Canada Veregin was banished to Siberia, and was released upon condition that he leave Russia not to return for ten years with his people.