Effect of Recent Decision of Privy Council Merely That Issue of Jurisdiction Must First Be Tried at Ottawa

The prediction ventured by the Expening Post" as to the probable standards of the appeal in the water rights in the railway belt case—at the time cablegrams were published in a local contemporary, asserting that the council of Attorney General Bowser, to have been quite correct. The text of the ruling indeed bears out exactly the ruling being merely that the issue as to jurisdiction must be passed upon by the Supreme Court at Ottawa before submission at London for final determination. The following is the report of the case given in the London Times legal supplement of July 10:

The petition of the province was dismissed without costs.

The following is the account of the case given in the London Times legal supplement of July 10:

Judicial Committee of the Privy Council (Present—Lord Macnaghten, Lord Dunedin, Lord Collins and Sir Arthur Wilson.)

The Burrard Power Company, Ltd., and the attorney-general for Canada.

Canadian Water Rights

This was a petition for special leave to appeal from a judgment of the Exchequer Court of Canada of May 11, 1909.

Sir Robert Finlay, the Hon. W. J. Bowser, K. C., Attorney-General for Excheding the province was the province of the province was distributed to settlers in the interpretation of the fact of the province was distributed to settlers in the interpretation of the fact of the province of the province was distributed to settlers in the interpretation of the fact of the province was distributed to settlers in the interpretation of the province was distributed to settlers in the interpretation of the fact of the province was distributed to settlers in the interpretation of the province was distributed to settlers in the interpretation of the province was distr

This was a petition for special leave to appeal from a judgment of the Exchequer Court of Canada of May

Robert Finlay, the Hon. W. J. Sir Robert Finlay, the Hon. W. J. Bowser, K. C., Attorney-General for British Columbia, and Mr. Hamar Greenwood appeared for the petitioners; the Hon. E. L. Newcombe, K. C., deputy minister of justice for Canada, for the respondent.

The question involved was stated to be of immense importance. On April 7, 1906, the water commissioners

to be of immense importance. On April 7, 1906, the water commissioners April 7, 1906, the water commissioners for New Westminster, British Columbia, under the provisions of Part IV. of the Water Clauses Consolidation Act, granted to the Burrard Power Company, Ltd., a record for 25,000 inches of water (subject to certain reservations) out of the Lillocet lakes and tributaries and Lillocet river and its tributaries, such waters to be used for generating electricity for light, heat, and power, and for milling, manufacturing, industrial and mechanical purposes. The undertaking for generating electricity for light, heat, and power, and for milling, manufacturing, industrial and mechanical purposes. The undertaking and works in connection with that record of waters could not be proceeded with until approved by the lieutenant-governor in council. In 1996 proceedings were taken in the Exchequer Court of Canada by the Attorney-General against the Burrard Power Company, Ltd. The information alleged (1) that, pursuant to the agreement of the government of British Columbia contained in Article 11 of the Terms of Union upon which British Columbia was admitted into the Dominion of Canada, the legislature of British Columbia by the Dominion in aid of the Canadian Pacific Railway, 1880," 43 Vict., chap. 11, as amended by 47 Vict., chap. 14, granted to the Dominion government for the purpose of constructing and to aid in the construction of the portion of Rallway, 1880, 48 vict., chap 11, as amended by 47 vict., chap 14, granted to the Dominion government for the purpose of constructing and to aid in the construction of the portion of the Canadian Pacific railway on the to be appropriated as the Dominion government might deem advisable, the public lands along the line of the rail-

way which lands were called the "railway belt"; (2) that both the Lillooet river, which was a tributary of the Pitt river, and the Lillooet lakes from which it rose, were wholly situate within the limits of the railway belt. The Lillooet river was about 12 miles long, and was a public and miles long, and was a public and navigable river. On the public lands forming part of the railway belt and adjoining the Lillooet lakes and river was a large quantity of valuable tim-ber which was entitled of right to be floated down the river. The informa-tion contended that the grant and the materially interfere with that right; that the grant and the rights under the Water Clauses Consolidation Act thereto attached would materially in-terfere with the rights of the Dominlidation Act terfere with the rights of the Dominlon government in the railway belt;
that the capacity of the Lillooet river
was about 25,000 inches, and the grant
and the proposed diversion thereby
authorized would greatly diminish the
quantity of water in the river and
materially interfere with the rights of
the Dominion government and the
public right of navigation of the
river; that section 91 of the British
river; that section 91 of the British
North America Act, 1867, provided
that the exclusive legislative authority of the parliament of Canada ex-Fig. 1 files action 1 of the 2016s.

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the navigation of the Lillooet river at a point below the works and an interference with the fishing rights of the Dominion of Canada.

the Dominion of Canada.

From the decision of the Exchequer court the petitioners presented this petition for leave to appeal direct to the Privy council. They contended, inter alia, that the lands included in the railway belt did not constitute "property" within the meaning of section 91 (1- of the British North America Act; that the legislature of the province of British Columbia retain-

without costs.

It was stated that steps would be taken to expedite the hearing of the appeal to the Supreme court.

Solicitors—Gard, Rook & Co.;
Charles Russell & Co.

THE LOCAL MARKETS

Garlic, per lb.
Onions, 8 lbs. for
Sweet Fotatoes, 3 lbs.
Rhubarb, 6 lbs.

Rhubarb, 6 ibs.

Fruit.

Lemons, per dozen
Figs, cooking, per ib.
Apples, Cal., 2 ibs.
Apples, Cal., 2 ibs.
Apples, Oregon, per box
Bananas, per dozen
Figs, table, per ib.
Raisins, Vaiencia, per lb.
Raisins, Vaiencia, per lb.
Raisins, Vaiencia, per lb.
Hineapples, each
Grapes, Malaga, per lb.
Strayberries, local, per box
Cherries, per lb.
Gooseberries, local, per box
Cherries, per lb.
Apricots, Cal., per basket.
Peaches, Cal., 2 ibs.
Nutmeg Malons
Watermalons, each
Red Currants, per lb.
Black Currants, per lb.
Logan Berries, 2 ibs.
Raspberries, per lb.
Blackberries, per lb.
Blackberries, per lb.
Watermelons, each Fruis.

OF WARSHIPS

Pageant in the Solent May Cause Great Britain's Foes to Ponder

Cowes, Isle of Wight, Aug. 2.—The last of the great naval pageants which for the past few months have played such a prominent part in the campaign waged around the question of Great Britain's sea power, occurred Saturday evening in the Solent, where 18 miles of warships were reviewed by King Edward and Queen Alexandra. Anchored in three main columns, with smaller craft in flanking lines, every ship dressed and newly painted, the fleet presented a magnificent spectacle, and the scene was strikingly picturesque as the Royal yacht Victoria and Albert, bearing their majeaties and escorted by the admiralty yachts and the White Star line steamer Adriatic, on which were members of the house of lords and house of commons, passed down the lanes of ships.

DEFENCE NOT DEFIANCE

London, Aug. 2.—Harold A. Richardson, of London, Ont., who has been here for the past two years in connection with an improved process for the manufacture of armor plate, has scored a great success in the tests of his armor plate by the British naval authorities at Whale Island. The test consisted of a six-inch armor plate being fired at by a 9-2 inch gun at the short distance of 120 feet, an armor-piercing capped shell being used. Though this was a very severe test, the shell made no impression on the armor plate at that distance, the plate, on the other hand, shattering the shell into a thousand fragments. Mr. Richardson estimates that his production is at least 125 per cent. better than German armor plate, and declares it ought to prove of inestimable value to the Admiralty, with whom he has been negotiating for some time past. He intends to give the Old Country the sole benefits of his patent. He has already purchased a site here for a plant, and says he is backed by big men. He sole benefits of his patent. He has a ready purchased a site here for a plant, and says he is backed by big men. He inted that the Admiralty was holding over the armor plate for the new Dreadnoughts until the result of the tests of his invention was known.

HOUSE ADOPTS REPORT

Discusses Conference Revision of the Tariff For Eleven Hours, Then O. K.'s It.

Washington, Aug. 2.—Discussed for eleven hours in oppressive heat made greater by a dozen 500-candlepower speeches, the conference report on the tariff bill was adopted on Saturday by a vote of 195 to 183 and the Republican shout went up and ratitled the roof tree. The heat of the room was so great that the report was in danger of melting several times but by the aid of ice water and fans it was kept solid until the end and Chairman Payne, Mr. Clark and Mr. Mann spoke and sent the thermometer up to 150 in the shade. When the townty Republicans had voted against the report while two Democrats had wied for it.

Saty in the day when Mr. Mondelf. The lengthy bill the supporters of the measure scented an organized filibuster against it, but Mr. Mondell let the debate continue with the bill only half read. Provision was made for the administration of the new bill by the urgency deficiency appropriated to aid the state department in making commercial treaties, and the president will have a \$100,000 advisory board to aid him in carrying out the maximum and minimum provisions duties.

Everything Ready-to-Wear for Ladies, Misses and Children



Home of the Dress Beautiful Exclusive and Economical

EARLYFALLCOSTUMES



We have just opened up our second shipment of Fall Costumes and can assure the Ladies of Victoria that we have never offered more thoroughly up-to-date suits, at such moderate prices, as we now submit for their inspection. THE STYLES this Fall are distinctly a blend of Parisian and New York models, resulting in the creation of a decidedly stylish garment. The suit coat will be extremely long, reaching nearly to the skirt hem, and will be modelled on closer lines than those of the Summer. The waist line will be thrown low, the effect in many instances being accomplished by set-on skirt pieces. Dark colors will predominate, but in delicate pastel shading, thereby enhancing the effect of the somewhat novel tints in vogue this Fall. We may mention Black, Brownish Rose, Bluish Violet, Olympian Blue, Purplish Blue, Deep Red, Seal Brown, Yellowish Green, Pebble Grey and numerous other shades of unique character.

Each new costume we exhibit in our show-rooms embraces the latest features and novelties of the early Fall Creations which will be worn in the most fashionable American and European centres. As the airship of the future will bring nations close together, so does the enterprise of "Campbell's" enable the ladies of this Western City to be gowned and costurned in the most approved and up-to-date styles of fashionable Europe and America, and

Tuesday's Specials

We have a few odd garments which have been overlooked during our July Sale and which we offer at prices which ensure quick clearance.

ONE LINEN AND THREE CRASH DUSTERS, seven-eighths length, suitable for mo-

They won't linger long, so do not procrastinate.

Angus Campbell & Co., Limited

1010 Government Street, Victoria, B. C.

Trade Commissioner of London Daily Mail or Daily Mail or Grands.

Trade Commissioner of London Daily Mail or Grands.

Trade Commissioner of London Daily Mail or Grands.

Montreal, Aug. 2.—F. A. MacKennie, said the inflammable gattine special foreign correspondent of the special foreign correspondent of the "London Daily Mail," who has been sent to Casasian by its not doing more base sort to case the state of the case of th

ministration of the new bill by the urgency deficiency appropriation bill which was passed. One hundred thouses were destroyed, involving a loss houses were destroyed, involving a loss houses were destroyed, involving a loss house will have a \$100,000 advisory board to aid him in carrying out the maximum and minimum provisions duties. A bureau to enforce the new corporation tax will be maintained by another appropriation of \$100,000.

The field OF THE FUTURE

Trade Commissioner of London Daily Mail on the Future of

Trade Commissioner of London Daily Mail on the Future of

Trade Commissioner of London Daily Mail on the Future of

The sensation received on passing out of the bright, narrow, busy streets of shops to be deposited by a bowing ricksha coolie before the mouldering courts of the Tenneji is indesoribable.

Undoubtedly the principal reason that fires spread so rapidly in Japan the substance of the Osa
MAIL SORTER HELD

FOR ROBBING

The temples of Osaka were famous the temples of Osaka were famous that garrison.

The temples of Osaka were famous the temples of Osaka were famous the substance of the south east extent of ground in the south east extent of ground in the south east extent of ground in the south east extent of spound in the south east extent of ground in the south east extent of ground in the south east extent of ground in the south east extent of spound in

ing of Letters

Frederick Baggage, for the past fifteen years an employee in the local postoffice was in the police court this postoffice was in the police could that morning charged on the information of holiday and all exchanges here and in Liverpool are closed. having stolen eight letters. J. A. Aikhaving stolen eight letters. J. A. Aikman appeared for the accused, who at his request was remanded until Wednesday. Counsel had an appointment at Saanich, and was unable to go on this morning. Acting Magistrate Prior fixed the bail at \$7,500—\$2,500 on the accused's own security, and the remainder in two sureties of \$2,500 each. At the time of the "Evening Post's" going to press, bondsmen had not been secured.

Babbage was arrested shortly after six o'clock on Saturday evening after making a desperate attempt to escape.

ently, are not addressed to Mr. Babbage.

Babbage complained at the station that he had hurt himself while jumping through the window and asked for a doctor. Dr. Robertson was summoned, but could find no other injury than a bruise on the ankle.

This morning Babbage said that he could not stand, and, as the case was to be remanded, he was not brought into court, but was allowed to appear

Frederick Babbage in Custody
Suspected of Long Continued and Vexatious Purloinued and Vexatious Purloinued and Interest of Wictoria for many years, and has bitherto born a good character. He owns his own home and has a wife and family in the city. He is interested in a number of mining ventures, the future of which—like most mining ventures, is problematical.

TORONTO, Aug. 2.—Cement manufacturers here deny that they are to form a merger,

MONTREAL, Aug. 2.—Today is a holiday through Ontario and the whole province is given over to pleasure.

PARIS, Aug. 2.—Ignace Paderewski, the Polish pianist, has been made an officer of the French legion of honor.

mainder in At the time of the At the time of the Solution of the Emperor alarly supposed to be secured.

Babbage was arrested shortly after six o'clock on Saturday evening after six o'clock on Saturday evening after making a desperate attempt to escape making a desperat

he Hickman Tie Hardware Co., Ltd. VICTORIA, B. C., Agents P. O. Drawer 613 hone 59. ters. He has a family residing here.

THESE FOR

ROAST CHICKEN, per lb. ..50c HEAD CHEESE, per lb.25c PORK PIES, 3 for 25c and 2

VEAL AND HAM PIES, 3 for 25c and 2 for25c FISH CAKES, per doz.30c

SAUSAGE ROLLS, per doz. 30c MACARONI AND CHEESE, PORK AND BEANS, per tin 15c

DEVILLED HAM, per jar ..25c HAM SAUSAGE, per lb. 20c CHIPPED BEEF, per lb. ...60c

FRESH CREAMERY BUT-TER, 3 lbs.\$1.00

Tels. 52, 1052 and 1590

"SO EASY TO FIX"

FORCE AND LIFT

Repairs are easily made, as anyone an take out the valves and replace hem in a few minutes with the aid of a monkey wrench.

SS & CO.

Grocers

PICNIC

prisoner will probably be ar igned tomorrow morning, but it is likely that the case will be proceedwith until some more searching in-

Nelson, July 31.-The body of G. W. Deceased was nearly 80 years old, ived alone. He had been dead found some two weeks. Under

Charged With Burglary

ouver, July 31.—The trial of Smith, accused by W. D. Burke rglarizing a Fairview barber shop was employed as porte securing \$51.35, this morning in court was remanded to Monday, n was arrested in Seattle and the back to face the charge by tive Anderson. The crime is alto have been committed Tuesnight, and Wilson was immediy suspected when he did not go work on Wednesday.