

GENERAL BUSINESS BEFORE COUNCIL

PROTEST AGAINST PROPOSED LAZARETTO

Resolution Passed With Reference to Albert Head Being Assigned to Lepers

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was lost. Those voting for the motion were His Worship the Mayor, Ald. Yates and Ald. Douglas. The remainder voted against it.

The report from the committee on the drainage of the necessary repairs which would cost about \$500, or if the rafters and other wood work on the underside of the roof were covered, as recommended with galvanized iron, \$700.

Ald. Yates wanted to know where the money was to come from.

Ald. Hall said that the city had carried its own insurance on that building, and was \$1,000 ahead yet on this account. The electric light committee were not responsible for the fire, and the citizens should not be deprived of light because the fire occurred. The recommendation that the rafters, etc., be covered with galvanized iron it was thought would lessen the danger of fire again.

His Worship said that the report exonerated all from blame. He wished to know if there was any watchman on duty at the building from the time the works closed down until they began again.

Ald. Hall said there had been no watchman on duty after the work stopped.

His Worship thought this was not a proper practice. Whoever was to blame it was a mistake to have no watchman left on duty when the staff was through. He also was surprised to find that there was no insurance on a building of such valuable machinery as this.

Ald. Yates thought there was blame to be attached somewhere that such a fire should break out. He still wished to know where the money was to come from for the same.

Ald. Stewart said that fire broke out in saw mills with watchmen on duty. It was difficult to say how the fire broke out. Wherever the money came from the work had to be done.

The report authorizing the repairs was adopted.

Accounts to the amount of \$2,780 were authorized to be paid.

Ald. Yates moved that the finance committee be asked to report at the next meeting from where it was proposed to take the money required for the repairs to the electric light building. This carried.

It was decided to allow leave of absence to Chief Watson in order that he might attend the meeting of the fire chiefs at Calgary. An allowance of \$75 was made for expenses.

It was also decided to put in a small pipe along the line of wharves in order to supply the boilers of the fire engines in case of their services being needed. The engines would use salt water for putting out the fires.

Ald. Fullerton asked if the finance committee had no recommendation relative to the proposed vote for entertainment of the Trades and Labor Congress.

Ald. Goddard asked until next meeting to consider this.

Edward White wished to have Needham street opened up. This was referred to the streets, bridges and sewers committee.

W. J. Forrester wrote stating that the year pits were in an unsafe condition.

Re sewers on Linden avenue. Recommended that the work be done, estimated cost, \$1,500. Re application of property owners on Richmond avenue. Referred to proposed extension of the fence line. Recommended that this request be granted.

Re request of Ernest Temple for an extension of the sidewalk on McClure street. Recommended that the request be granted at an estimated cost of \$10.

Re application of A. Malpass, et al., for a permanent sidewalk on the east side of this street. Recommended that this request be granted at an estimated cost of \$3,400.

Re alterations in rock crushing plant. Recommended that in consequence of the fact that no satisfactory current for operating this plant, that the sum of \$150 be diverted from the appropriation voted for road machinery, and used in the purchase of screens, etc., for the rock crusher.

Re extension of tramway company's line on Douglas street to city limits. In order to widen the above street, would recommend that a 24-inch pipe drain be laid at an estimated cost of \$350, the cost of which be covered from the appropriation allowed for rock machinery.

Re C. P. R. hotel site, James Bay. Recommended that the city engineer be authorized to make all necessary arrangements for the filling of the James Bay flats adjacent to the new hotel. All expenditures contemplated in the foregoing to be subject to favorable report thereon by the committee on streets, bridges and sewers committee.

Several interesting discussions arose in connection with various points in it. One of these was relative to the request from Richmond avenue.

On the diversion of money from the appropriation for rock machinery, Ald. Yates called attention to the fact that he was afraid that the diversions had more than overrun the original vote. He also wished to call attention to the fact that in arranging for rock the committee had apparently overlooked the request of the Natural History Society, which had sought to have some rock at Beacon Hill park taken out of the city limits.

Ald. Vincent interjected: "They can find that on some of the streets."

A recommendation from the water committee was made that an appeal be taken by the city on the water case.

Ald. Hall said that his object in recommending this was to bring it before the council.

Consideration of this was laid over until this evening.

Ald. Yates's motion to provide for the division of the city into five wards was adopted unanimously.

It was decided to give tenders for printing the voters' lists.

On the second reading Ald. Fullerton said that he did not favor this as it looked like an attempt to legalize payments formerly made illegally. It would authorize payments to the Tourist Association, which had been made without authority before. It looked like an attempt to make compulsory the appointment of an auditor.

On motion of Ald. Yates the further consideration of the by-law was laid over.

His Worship asked if the report of the license committee was ready.

Ald. Davie replied in the negative. Asked by His Worship when it might be expected, Ald. Davie said he could not say positively.

Ald. Hall said the by-law he understood had been lying in the Mayor's office a few days, which might have caused the delay.

His Worship said he had not seen it. He would like to have done so.

Ald. Davie said he might have seen it as the envelope was opened.

His Worship said he had opened it, but finding it was not for him had not read the by-law.

Ald. Davie said the envelope was completely opened when he got it.

His Worship said he thought his statement should be accepted when he said he did not read it.

Ald. Davie said he accepted this statement.

His Worship explained that he had had a talk with A. E. Wood, of the Victoria Terminal. Mr. Wood had expressed the readiness of the company to pay \$200 a year rental for the market building without prejudicing the position—either of the city or the company. This was about all that the company felt prepared to pay. The premises were not what was required, and when the Great Northern connected up with it new premises would have to be got more conveniently situated and better adapted for the purposes intended.

Ald. Vincent thought this was not a very generous offer.

"Not as generous as the C. P. R.," said His Worship.

Ald. Yates suggested a conference between Mr. Wood and the council.

His Worship said that he did not think that the council would make any more impression upon Mr. Wood than he had been able to do.

Ald. Yates—Oh! oh!

His Worship thought that in this case there had been a breaking of contract on both sides. One thing could be said for the Victoria Terminal, however, it had brought other companies to time.

Ald. Vincent thought that that road could not bring any company to time.

Ald. Stewart said it had nevertheless done so. The C. P. R. had in consequence sent carloads direct to Victoria. He thought the Victoria Terminal should be dealt fairly with.

It was decided to accept \$300 a year in the meantime.

Ald. Vincent brought the attention of the council to the report in the Times that the Dominion government was contemplating the locating of the leper station at Albert Head. It would be most disastrous to this city to have this done, he said. Albert Head was within four miles of the city. It was within view of most of the hotels also. The report would go abroad that the lepers were in Victoria.

He moved a resolution protesting against this action.

His Worship said a protest was being made by the provincial authorities in the matter.

Ald. Yates said that as he was informed there were four acres at Albert Head which the Dominion government owned outright, and the provincial authorities would have no power over it. He moved immediate action in order that work on the buildings which was, he understood, already being started, should be stopped.

Another alderman also spoke against the location of the colony at the point suggested.

The resolution protesting against it was carried and ordered to be forwarded to Hon. William Templeman.

The meeting then adjourned.

TENNIS TOURNAMENT

Miss E. Ryan and F. B. Pemberton won Handicap Mixed Doubles—Championship Matches.

(From Tuesday's Daily.)

There was a large attendance this morning when the second day's play of the annual championship tournament of the Victoria Lawn Tennis Club opened at the Belcher street courts. The most interesting match, however, was the final in the mixed doubles, held over from the handicap tournament of last week. The game was between Miss E. Ryan and F. B. Pemberton and Miss Watson and J. A. Rithet, the former winning by a small margin.

Several of the games in the championship series were also very even, as will be seen by the scores appended. Victoria players held their own, but Miss Hobson and Miss King, of Vancouver, retained their places in the ladies' doubles, and Miss A. Bell and Joe Tyler, of Seattle, did the same in the mixed.

BARON KOMURA APPROVED TO-DAY

JAPANESE AMBASSADOR TO COURT OF ST. JAMES

Empress of Japan Reaches Ocean Docks With Large Number of Passengers.

(From Tuesday's Daily.)

If stature were deemed a gauge of ability Baron Jutaro Komura would be an incapable man. Extremely slender, and much under the medium height, the new Japanese ambassador to the court of St. James, was lost in a crowd of average men. Surrounded as he was, on the arrival of the Empress of Japan this morning, by a gathering of even his own dumpy courtiers, his diminutive size was even then apparent.

But a moment's conversation removes the impression of insignificance. After all, brains make the man, and his quick response to questions showed keen appreciation of the world-wide importance of Japan's assuming and a desire to afford as much information as possible in the short time at his disposal.

Baron Komura enjoys the distinction of being the first Japanese student to obtain his baccalaureate at an American university. As early as 1877, when the Empire of the Mikado had hardly emerged from the dark ages, he received this degree from Harvard and shortly after entered the diplomatic service.

His career as a diplomat began in 1884 when he was appointed to the Japanese legation in Peking in 1884 and became governor of Antung after its capture. This position he occupied for some little time, when he was transferred to Korea as minister plenipotentiary. He was also minister to the United States. The Russian question led him to assume an acute stage early in 1900, and he went to St. Petersburg, but did not stay there very long. In 1901 his knowledge of Chinese affairs was required in connection with the peace treaty between Russia and Japan. There he remained, as foreign minister, particularly in charge of negotiations regarding the Boxer troubles and Manchuria until he was selected to obtain the peace commission that arranged the cessation of hostilities between Russia and Japan. The result of these negotiations is well known. Tempering justice with mercy some hostility was felt by his countrymen at the cessation of hostilities, but he agreed to it. But this has all died away and he has just been given the highest honor in the power of his country—the ambassadorship to the capital of the British Empire.

His coming to this city to have a London to assume the duties of his exalted office. Baron Komura speaks English with great fluency, and very little accent, if slight hesitation over he understood.

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IN A LIVING TOMB

Twenty-One Years Spent in a Russian Dungeon.

Tall, broad-shouldered, with ample forehead crowned with a wealth of raven black hair, M. Starodovsky has for over twenty-one years borne with fortitude the horrors of a Russian prison.

To a member of the London Daily News staff M. Starodovsky gave the following summary of his history. On reaching manhood he had chosen for his profession that of a school teacher, and was successful that previous to his arrest he was the proprietor of two private schools. Before long his democratic sympathies led him to join the Narodnaya Volya (Will of the People), a political organization for the freeing of Russia.

In the spring of 1884 a fellow member, who had been arrested and taken to Siberia, managed to escape, and M. Starodovsky, with others, aided him to leave the country. For his share in this M. Starodovsky and fourteen others were arrested and thrown into the dungeon of St. Peter and St. Paul. Three years were spent in solitary confinement awaiting trial.

"I was not allowed to communicate with my friends," he said, "and of course no food was allowed to be sent in to me. I was soon ill with scurvy. My trial came on in 1897, and with fourteen other prisoners was sentenced to death. As, however, five men had been tude for life. The first year of my sentences were commuted to penal servitude for life. The first year of my sentence was served in the Alexis Ravelin of the fortress of St. Peter and St. Paul. It is very damp, and the conditions of life are simply abominable. It lies below the level of the Neva, and is the only prison in which there at the time, in the twelve months seven died and all of us were ill with scurvy. Then they sent us to Schlusselburg, on Lake Ladoga. The prison stands on an island, and Peter the Great's wife was the first prisoner incarcerated within its walls. We were, of course, transported in chains. Of the eleven who went there with me, eight died the same year.

And the treatment of this type of death. "For the first year nothing short of execrable. The food is bad always; the Government allows 2 1/2d. per day for each prisoner's food, and the officials have all to make something out of it for themselves. We had not even a book, and we never saw a soul besides our guards. A little exercise in a yard, where each one went separately, was our only relaxation. After 1891, when M. Gorskysky was made Minister of the Interior, we were allowed first to do some carpentry and afterwards bookbinding and gardening. When, however, M. Plehve became Minister things got worse again, and all the privileges of work and the use of books were withdrawn, one after the other. In 1901, fourteen other prisoners joined us, and most of us were released last November as a result of the amnesty.

"I should tell you," he continued, "that during the whole of that time I knew nothing of the outside world until 1904, when a religious-minded lady, Princess Korsakoff, was allowed to visit us once or twice. No one else has been since. Schlusselburg is now closed as a prison.

ARCTIC EXPLORERS.

No Less Than Five Expeditions En Route to the Extreme North.

In addition to the Mikkelson expedition that left Victoria on May 21st, by the Duchess of Bedford, to seek new lands in the Arctic, no less than four other parties have left or are about to leave with the same object in view. Four of these expeditions are in the Arctic circle. They may shortly be described as follows:

Robt. W. Peary, American; sailed July 26th, 1905, from North Sydney in the steamship Roosevelt in an endeavor to make Lady Franklin bay and thence by sledge the North Pole.

Walter Wellman, American; at present at Spitzbergen preparing for the construction and test of a balloon which is designed to take him to the pole in from 32 to 110 hours.

A. H. Harrison, English; set out July, 1905, from Mackenzie river to the eastward, was at Herschel Island and February last.

In addition to these, Mylius Erickson (Danish) will leave Copenhagen next week to explore the northeast coast of Greenland and try to reach the pole with aut sledges.

WILL PAY DIVIDEND.

A Meeting of the Victoria Building Society So Decided Last Evening.

A meeting of the Victoria Building Society was held Monday for the purpose of deciding as to whether a dividend should be paid. The meeting was very largely attended, and proved a notable one in the history of such organizations in this city as it was the first ever held in Victoria, at which a decision was reached to pay a dividend. The solicitor for the society was present, and the chief discussion was on the point as to whether to discriminate between the shareholders whose loans were repaid and those which are still current. All loans it was shown are now out. After a great deal of discussion it was decided to pay a dividend of \$30 per share, but according to the act governing the matter it was pointed out that before this could be done the method of determining the dividend had to be passed on by an accountant appointed by the Lieut. Governor-in-Council. It was recommended by the directors that, providing that this officer approves, all who had repaid 25 per cent. of their allotment would be entitled to their dividend in cash. The other shareholders will have their dividend placed to their credit in a dividend book or until they have paid sufficient to come under the 25 per cent. provision or if required it will be repaid in monthly payments. The gathering was the semi-annual meeting, and reports of the directors and auditor showed the society to be in good shape. President Northcott was in the chair.

BOULEVARD TYPES UNDER DISCUSSION

AT MEETING OF THE MAYOR AND ALDERMEN

Residents of Richmond Avenue Will Have Sidewalk Next to the Driveway.

At Monday's meeting of the city council the question of boulevard types came up for discussion on a request from residents of Richmond avenue that they be permitted to have the sidewalks placed on the edge of the driveway from the lot boundaries to the inner side of the pavement.

When the recommendation came in the report His Worship the Mayor wanted some information. He wanted to know if this was to be the style of boulevarding which was to be carried out in future. He thought that there should be uniformity in connection with this department of street work; otherwise the effect would be destroyed.

Ald. Vincent said that the granting of the request of the residents of Richmond avenue did not mean that the intention of the council was to make all the boulevards of this type. The citizens on that particular street asked for that style of boulevard and he did not see why it should not be granted, especially as it meant a greater expense on the part of the residents than the boulevards of the present type of sidewalk to the property, all of which was borne by the property owners.

The discussion then became general. Several of the aldermen thought that the type of boulevard which the residents of Richmond avenue wished to have was the proper one to adopt. His Worship, however, thought that it was not desirable to have different styles introduced. That would mar the general effect.

It was pointed out in favor of the scheme of putting the sidewalk out to the edge of the driveway that it prevents carts carelessly driving over the grass plots, as was the case too often when there was a strip of turf next to the roadway. It also gave the residents the opportunity to sprinkle the grass if there was not a break in the pavement cutting through the covered strip.

Ald. Hall even suggested that a little variety in this style proposed for the streets would do no harm. He thought that citizens would be more likely to keep the grass on the street watered if the scheme were carried out as they wished.

The Mayor, however, thought that the only satisfactory way of keeping the boulevards in order was to have the city attend to the grass cutting and watering. He also saw a difficulty in the way of tree planting if this were adopted.

Ald. Vincent said there was nothing in that. The trees could be planted in the grass plot and would then shade the sidewalk and would not interfere with the roadway. But he had objections to planting trees on the narrow streets this far north. There was not too much sunshine in this climate to give any amount of shade.

The Richmond avenue sidewalk will be laid as was requested by the residents of the street.

Elford avenue has just been boulevarded, and this style proposed for Richmond avenue was adopted in that work.

SHIPPING NOTES.

Tenders Called for Repairs to the Steamer Camosun.

Tenders are being invited for the repair of the steamer Camosun. Surveyors have completed the examination of the vessel and have found the damage to consist of 19 dented plates, 51 bent frames, two broken propeller blades, and the keel damaged on the after end.

Steamer Otter met with a slight accident to one of her feed pumps when leaving port on Tuesday, which compelled her to return to the outer wharf for a few hours.

Steamer Otago, from Honolulu, passed up to Comox on Tuesday. The vessel is chartered to load lumber for Australia.

SETTLERS RIGHTS ACT UNDER REVIEW

FULL COURT DECIDES ON THE FIRST CASE

Judgment Reverses the Decision in the Court Below in E. & N. vs. McGregor.

(From Tuesday's Daily.)

The Full court sat this morning and delivered a number of judgments which were pending. The court was represented by Chief Justice Hunter, Mr. Justice Irving and Mr. Justice Duff.

The judgment of most importance was that in E. & N. vs. McGregor. This appeal was from a judgment of Mr. Justice Martin. The point involved was whether the defendant, W. McGregor, was entitled to a crown grant to his property given under the E. & N. Settlers' Rights Act, passed two sessions ago by the local legislature.

The trial judge decided that the title given by the government was a good one. An appeal was taken by the railway company, judgment being given to-day in favor of the E. & N. and reversing the decision in the court below by the unanimous decision of the three Supreme court judges.

It was pointed out that the railway company did not deny the right of the defendant to the surface rights. The latter refused to accept these without the undersurface rights, including the coal, claiming that he was entitled to a crown grant.

The contention was made on behalf of the plaintiffs that the land had been alienated when it passed to the Dominion government to be in turn given to the railway company, and that there was no rights on the land remaining in the province.

On behalf of the defendant, who, according to the Settlers' Rights Act, was entitled to be defended in the action at the expense of the province, the defendant contended that the lands in question were practically alienated, although the crown grant had not been conveyed to the defendant.

The judgment delivered by the Full court points out that there could be no alienation in law or in fact in the absence of any pre-emption record having issued.

Reference was made in the decision given to-day to the fact that it had been urged that it was evident from the preamble of the act that the legislature considered the decision of the judicial committee in the Hogan case erroneous, and that the legislature was competent to redress the wrong and vest the land in the defendant.

The Chief Justice, who delivered the judgment of the court, pointed out that such a contention, in view of the fact that the matter had been at rest for over a decade by the decision of the court of last resort, would be considered to be high handed and confiscatory. It was a grave and difficult question how far the legislature could legally go in interfering with the rights secured to the plaintiff company by virtue of the Settlement Act and the Terms of Union.

But the court was not obliged to decide this he thought. It was not evidently the intention he believed of the legislature to divest the plaintiffs of the property which belongs to them by virtue of the Terms of Union. The act stopped short of such a declaration. It merely expressed dissent from the decision as he took it. The legislature considered that there might be persons who had valid claims to lands in the belt, but who were unable to assert their rights by reason of poverty or limited means.

The court must impute a rational and beneficial intention to the legislature rather than an irrational and injurious intention.

The court inclined to think that this was a mode of reopening the question without expense to any settler (so called) rather than hold that it was the intention to override the decision of the sovereign in council and deprive the plaintiffs of their property without compensation.

In concluding the Chief Justice said: "The act may possibly be of use to some person to whom in obtaining his rights—or in ventilating his grievances fancied or real; but so far as concerns the present defendant, the grant is inoperative, as there was no interest left in the crown to convey."

The appeal was allowed.

A. E. McPhillips, K. C., representing the government and as such the defendant in this action, asked leave to take an appeal to the Privy Council. H. Foley representing the plaintiff company said he could have no objection to raise and the leave was granted.

Other decisions given were as follows:

Green vs. B. C. Electric Railway. In this the reasons were given for the judgment delivered some days ago.

Newwander vs. Geigerich—The appeal was allowed, and the action dismissed.

Calori vs. Andrews—Appeal dismissed with costs.

Waring vs. Coleman—Appeal dismissed with costs.

Lewis vs. Hughes—Appeal dismissed with costs.

Bissette vs. Butters—Appeal dismissed.

Watson vs. Hamilton—Appeal of defendant allowed.

Conry vs. Lewis—Appeal allowed.

Herman vs. Adams—Appeal dismissed.

RAILWAY WRECK.

Freight Trains in Collision—One of the Engineers Killed.

Rocheater, N. Y., July 31.—A rear end collision between two eastbound freight trains occurred at Hooper's Crossing on the New York Central railway, two miles east of Newark, early this morning. Engineer James Clark, of Syracuse, was killed. Three hundred sheep and about fifty cattle were killed. The accident was caused by the first train breaking in two.

Women

TIVES are the

in the world

gentle laxative—as a cure for Constipation the only cure for kidneys and especially in the back—as a headache—and as a diuretic and invigorator—FRUIT-TIVES