

CITY COUNCIL HOLDS INQUIRY

STABLE ON MICHIGAN STREET OBJECTED TO

Health and Plumbing Inspectors as Well as Residents Are Heard.

(From Friday's Daily).
Whether David Spencer Limited's stable at the corner of Michigan and Perry streets constitutes a nuisance, or is dangerous to the public safety or health, was the subject which took up the time of the city council for over an hour last night, and is not yet decided. Following complaints about this stable from residents of the neighborhood, the city council, acting under the advice of City Solicitor Mann, decided to hold an inquiry under oath, and last night this was commenced. A large number of witnesses were heard, including Sanitary Inspector, Cash, and Plumbing Inspector, Shade, and several residents of the district. The two inspectors swore that while there might be considerable smoke from the stable there was nothing about it that constituted a menace to the public health or safety, while the residents who gave evidence complained of what they considered the unbearable stench of the fact that the presence of the stable in the neighborhood depreciated the value of their property, and some of them to the fact that actions of the employees of the stable made the location of it in the neighborhood a most undesirable thing.

The result of the inquiry, should the council find against Messrs. Spencer, will be an action in the courts, or at least that was the statement of J. A. Alkman, counsel for the firm, during the progress of the hearing last evening. Mr. Alkman took objection to the hearing on the ground that the stables were not in keeping with the powers given the city by the section of the Municipal Clauses Act, under which City Solicitor Mann had advised the city to hold the inquiry.

Mayor Hall presided over the inquiry, and there were present the following members of the council: Ald. McKewin, Norman, Henderson, Cameron, Hall, Fullerton and Meek. City Solicitor Mann and City Clerk Dowler were in attendance, and the proceedings were taken down in shorthand by E. J. Seymour, clerk of the police court. The evidence was taken under oath.

The first business was the reading of a petition from the residents of the neighborhood sent to the council October 15th of last year. This was followed by a letter from Frank Armstrong on July 17th of this year, asking what action the council intended to take on the petition, and another from A. E. Starr, sent to the council, asking what action the council proposed to do in the matter. Later in the meeting a report on the stable in question from W. W. Northcott, building inspector, and Edmund Lancaster, city inspector, in which they pointed out that the stables contravened certain sections of both the health and building by-law. The present inquiry, it appears, however, is being held under the provisions of either of these by-laws.

As soon as the first three communications mentioned had been read, the mayor proposed that witnesses should be called, when Mr. Alkman took objection to the whole inquiry. He desired to draw attention to what he deemed the irregularity of the proceedings. The council was constructing section 59 of the Municipal Clauses Act away beyond its meaning. Before any action could be taken under that section in regard to any building the city council must first have passed a by-law or motion dealing with that particular building. A general by-law was useless. The notice given to his clients set out that there would be a hearing before the firm "occupied and kept same (the stable) in bad and filthy condition," while the section 59 of the Municipal Clauses Act gave the council power only to deal with a "nuisance or danger to the public safety or health." If the council went beyond this it was exceeding its powers, and if it did, the latter, a costly lawsuit would follow. The council should have taken action under the health or building by-laws if it wanted to push the matter. All the evidence that could be received would be as to the building being a nuisance or a menace to safety or health. He wanted to know how the council intended to proceed.

Mayor Hall replied that the council would go ahead with the taking of evidence as it was presented, and that would then be in a position to deal with the matter.

Mr. Alkman: "Do I take this as a refusal to give a statement of the scope of this inquiry?"

Mayor Hall: "We will go on as I said. If we go beyond our powers you have your recourse."

The taking of evidence was then commenced.

Sanitary Inspector.
Thomas Lancaster, sanitary inspector, was the first witness. He swore that he had examined the premises and that he found the stable in poor condition. There were several head of horses in the building. It was right on the street. The floors were wood but in good condition and the building was connected with the sewer. The building has apparently been up about four years. It was situated in a residential district. Naturally there was the usual smell from a wooden floor in a stable, but there was no accumulation of manure or anything of that kind.

To Mr. Alkman, he said, there was nothing about the stable that was a public nuisance or a danger to public health. Apart from the noise or horses and the presence of manure around the place there was nothing in the stable that constituted a nuisance.

Plumbing Inspector.
Herbert F. Shade, plumbing inspector, swore that the stable was not connected with the sewer but drained into the wash rack which emptied into the surface drain on Michigan street. From a sanitary point he could not see that it was any worse than any other stable. No better arrangement could be made

in that part of the city. There was no more smell than from any other well kept stable, but there always was a smell from a stable.

To Mr. Alkman he said the stable was not unsanitary. He did not think that the stable was a public nuisance or a danger to health.

To the Mayor he said he examined the place two years ago and had found objectionable water under it but the place had been drained and a good, watertight floor put in.

To Aid. Henderson he stated he had assisted in preparing the scheme of drainage. It would have been impossible to have had the washrack raised high enough to drain into the sewer without raising the floor of the stable. It was against the law to drain a sink into a surface drain. He could see why it should be less objectionable to drain a stable than a sink into the surface drain.

Residents Objections.
A. E. Starr, local manager of the C. P. R., company's telegraph, was the next witness. This matter, he swore, had been taken up nine months ago and the sanitary inspector and the building inspector had made a very adverse report on the stable in question as a result of which the city had posted a notice on the building giving Messrs. Spencer three months in which to vacate. At the end of that time the firm had been given another three months but even yet nothing had been done to improve it. The stench from the stable was so great as to be in his opinion a menace to health. Spencers had done the best they could to put the stable in sanitary condition, but the whole building would have to be remodelled to render it objectionable. The building had been up for 15 years and until last year nothing had been done to improve it. Until then there had been a cesspool under the building. There were times when the odor from the building was insupportable but there were others when it was unobearable. One night last week the stench was so bad that he had been unable to live in the place. The stable depreciated the value of property in the neighborhood. The property of the employees of the stable was at times unbearable. After Mr. Armstrong had written to the council in July Messrs. Spencer had had a Chinaman engaged three days in hauling away the accumulation of manure that was there at that time. He wanted to say that the people of the district had nothing personal against Messrs. Spencer.

In reply to questions he said that he lived across the street from the stable and that the stable was only 15 feet from Frank Armstrong's house. Neither he nor any of his family had ever suffered any illness on account of the stable.

Corroborators Mr. Starr.

Frank Armstrong was the next witness and corroborated all that Mr. Starr had said. "Do you notice any odor from the stable?"

"You bet I do" was the answer and Mr. Armstrong went on to tell about it.

In reply to questions from Mr. McKewin he said that the presence of the stable depreciated the value of property in the neighborhood and that if the stable were not removed the people living near it would have to pay extra insurance on account of the turpentine stored in the building.

Mr. Armstrong also swore that the actions of some of the employees were most objectionable.

Hoped for Action.
S. W. Edwards repeated much of what the previous witnesses had said. He also hoped that after the matter had been taken up last year there would be no further cause for complaint "but apparently" added the witness "last year's council got cold feet but I hope you won't."

"As to connecting with the sewer," said Mr. Edwards "this could have been done no matter what the plumbing inspector says, but if the stable were connected with the sewers and if it were of gold or marble the stench would still be there. What would the council do if some one built a stable on a lot of property? Why should we be used any differently?" He said he hadn't moved away from the neighborhood until he saw what action the council was going to take.

Depreciated Property.
Frank Taylor added his testimony to that of the preceding witnesses. Although he lived 100 feet away he often heard noises from the stable. In answer to questions he said that the matter had been taken up last year and that he was not further cause for complaint "but apparently" added the witness "last year's council got cold feet but I hope you won't."

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Monday evening when the evidence of Dr. Hermann Robertson, city medical health officer, will be heard.

Another Complaint.
Following this a complaint from the sanitary inspector on the condition of a house on Bay street, belonging to Harrie Ross and occupied by Leonard Ayers. This house, Mr. Lancaster told the meeting, had been connected with the sewer drain, which, however, had caved in with result that the sink and bath emptied into the basement, which had become a regular cesspool.

Plumbing Inspector Shade said that it was impossible to connect the house as it stood with the sewer, but this could be done by raising the building or by erecting a small addition to contain the sanitary arrangements. In his opinion the house was a menace to health and should be closed until the repairs had been effected.

Mr. Lancaster, in reply to a question, also stated that the house should be emptied at once.

Leonard Ayers swore that his wife had had rheumatism since they had gone to live in the house, which Dr. Frank Hall had attributed to the lack of sanitation. He would live in the house during the course of the repairs, and would be willing to pay a little more rent for the place after they were completed.

This inquiry was also adjourned until Monday night, when Dr. Robertson will be heard on this question also. Mr. Ross, the owner of the property, will also be asked to attend.

PREMIER MCBRIDE'S VISIT TO FERNIE

Will Make No Grant or Loan— What Hon. W. Templeman Promises.

(From Friday's Daily).
The following is the manner in which the Fernie District Ledger describes respective visits of the Hon. William Templeman and Premier McBride to the stricken area, both having gone there with the object of seeing what could be done for the sufferers; and now, up to the present we have only had a floating dock to answer the purposes of a wharf.

From the quality of the fruit already produced, Mr. Belloc is of the opinion that the Quatsino country is an ideal district for the cultivation of small fruits. Apples have also been tried and have given considerable success.

"There are certain parts of the country, too," he added, "which are very suitable for mixed farming and cattle grazing. I know of one fine stretch of undulating ground near Long Point where there is not a tree in sight, nothing but long green grass sweeping over the knolls and valleys where cattle could find the most luxurious pasturage. Of course, the chief difficulty to settling cattle into the country is the lack of transportation facilities. The present service is most inadequate and little better may be expected until a railway is pushed through. Indeed the country can never be properly developed until the prospectors, timbermen, farmers, etc., are given the advantages of a railway."

"There is talk of the country being not sufficiently populated to give government aid in the form of a railway. The truth of the matter is it never will be populated until better transportation facilities are given. Nearly every railroad in the country adds a pioneer and brought the population after it, and there is no reason why a railway should be an extension from Wellington to Quatsino of the present railway should not do the same. With the present arrangements it takes six days to get down to Quatsino, and the accommodation for passengers is anything but the best, though the officers of the boats which make the trip do their best to make things comfortable."

Mr. Pollock, who has several interests at Quatsino, is in Victoria on business.

BAD LOCAL MARKET FOR FRUIT THIS YEAR

Closing Down of Island Industries Affects Growers in Cowichan District.

Duncan, Aug. 26.—Owing to the closing down of the mines on Mount Sicker and of the smelter at Crofton, and of a number of the logging camps, the local markets for fruit and vegetables are poorer this year than they have been formerly. It is said that for the price which can be obtained it is not worth the trouble to gather and market the more perishable varieties of plums, early apples and pears. The harder varieties will in most cases be shipped through the B. C. Fruit Growers' association.

DOINGS AT CLAYQUOIT.

Clayoquot, Aug. 24.—The bunkers are full of ore at Sydney Inlet, and they have every arrangement complete for shipping.

A. McDonald was called home from the Mignon river by a telegram from Seattle ordering him to begin work at once repairing the wharf at Mosquito Harbor. He brought back a fine string of trout.

Rev. Mr. Miller, of Ahouset, is down with his new launch, having its engine installed.

The Rev. J. Robson, of Nanaimo, president of the B. C. M. C. Association, is visiting the Clayoquot Methodist hospital for a few days.

Miss Rogers, of Nanaimo, has been visiting by the hospital to train as a nurse.

Mr. Brewster reports a very good run of salmon from the four boats out here at Clayoquot. Mr. Carter, who has been having a few weeks' leave, is back.

L. U. Carter's father is visiting him here at Clayoquot. Mr. Carter, who has been having a few weeks' leave, is back.

Miss Johnston, who has been acting as assistant matron at the hospital, is leaving on this boat.

The teachers and pupils of the Christie school are having a few weeks' outing at Mosquito Harbor and the cannery.

"BLACK HAND" LETTER.
Vancouver, Aug. 28.—John Miller was arrested yesterday, charged with having written a letter to the general manager of the "Black Hand" style. Mr. Miller was told to place two hundred dollars at the disposal of his boss, or he and his store would be blown up.

HIGH GRADE ORE BEING MINED

MINERAL DEVELOPMENT IN QUATSINO DISTRICT

Lack of Transportation Facilities Holding Back Country, Says F. A. Pollock.

(From Friday's Daily).
According to F. A. Pollock, who has just come from that district, the men who have staked claims in the gold belt along the shores of Quatsino Inlet, have good cause for rejoicing.

"Only a few shipments have as yet been made," said Mr. Pollock in an interview with the Times at the Dominion hotel this morning, "but the little development that has been going on has disclosed the very richest of ore. The gold is carried in small fissure veins and some fragments of quartz have carried an ore value as high as \$5 a pound. Of course you don't see \$20 a pound sticking out of all the quartz handled."

"Besides the gold mining, there is also considerable copper and zinc in the Quatsino district, but very little of this has as yet been developed."

Nearly all the men now at Quatsino have been sent in small lots to Bryant & Co., the Vancouver assayers and analysts, who have been treating it.

"A splendid new wharf is being built at Quatsino," said Mr. Pollock. When completed it will be 70 by 40 feet with an approach of 120 feet. The lumber and plank is being shipped up there now. Up to the present we have only had a floating dock to answer the purposes of a wharf."

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BURNABY RESIDENCE GUTTED.

New Westminster, Aug. 27.—George E. Clayton's residence at Deer Lake, Burnaby, was totally destroyed by fire yesterday afternoon, the house being reduced to a smouldering heap less than an hour after the flames had first been noticed. The fire is supposed to have started in a wing which was only partly built, and in which Mr. Clayton was working at the time. Owing to the difficulty in fighting the flames, there being no large supply of water immediately at hand, the fire made rapid progress and was soon beyond control. Besides the house, considerable furniture was destroyed. The total loss is estimated at about \$2,000, the house being worth in the neighborhood of \$2,000. There was some insurance on the place.

SHIPMENT OF SLOES.

Vancouver, Aug. 27.—Market Clerk Kelly yesterday received a consignment from Port Kells for sale at the public market of a rather unusual character. It consisted of two boxes of sloes, a small bitter fruit about the size of a Concord grape and the color of a damson plum. In England the fruit is esteemed very highly for its medicinal qualities and is extensively used in the making of jellies, though in this province it is but little known. Accompanying the shipment was a sack of hazel nuts.

GAZETTE NOTICES FOR THIS WEEK

Appointments Made and Companies Which Have Been Incorporated.

This week's Provincial Gazette contains notice of the following appointments:

Joseph William MacFarlane, of Bella Coola, to be a justice of the peace in and for the province of British Columbia.

To be notaries public for the province of British Columbia: Nello Brinkworth, May Smith, of Victoria, and Charles Laurence Cullin, of Prince Rupert.

Henry J. Burton, of Mara, to be a deputy game warden.

A. J. Brine, of New Westminster, to be a deputy district registrar of the Supreme court, deputy registrar of the County court, and deputy clerk of the peace, from the 26th day of August to the 2nd day of September, 1908, both days inclusive, during the absence on leave of J. J. Cambridge.

The following companies have been incorporated:

Granite Lodge No. 16, K. of P., of New Westminster, under the Benevolent Societies act; Gold Stream ranch, with a capital of \$50,000, to acquire lands on Mayne Island; International Hydraulic company, with a capital stock of \$100,000, to take over the mining claims, "Mack," "Waldy" and "Maggie"; John Murray company, with a capitalization of \$50,000, to carry on a fishing, logging and general business; Phoenix Brewing Company, with a capital of \$100,000, to take over the brewing works at Phoenix; Prince Rupert Transfer and Storage Company, with a capitalization of \$10,000; Skeena Lumber Company, capitalized at \$75,000; Skeena Land Company, with a capital stock of \$10,000, to do general business; Structural Material Company, with a capital of \$100,000, to manufacture concrete blocks, etc.

LABOR ON SIDE OF BRYAN.

Officials of Organization Plan Campaign on Behalf of Democrat.

Washington, Aug. 28.—President Gompers, of the American Federation of Labor, during his recent visit to this city, is good news, as it shows that these birds have now bred each year since they were given their freedom.

FINED FIFTY DOLLARS FOR STARTING BUSH FIRE

Act of Cowichan Lake Rancher Responsible for Big Conflagration.

Duncan, Aug. 26.—Charles Baily, of Cowichan Lake, appeared before A. H. Lomas, S. M., charged with breaking the Bush Fires Act. Mr. Baily was fined \$50 and costs. The fire that he started closed a fence line has burned miles of timber owned by the Cowichan Lumber Company, the Victoria Lumber Company and the C. P. R.

ATTEMPTS MURDER.

Vancouver, Aug. 28.—Mrs. A. Goddard, who lives with her husband at the corner of Seventeenth avenue and Ash street, was dangerously wounded last night by Lorenzo LaFortune, a Frenchman, who had been annoying her. LaFortune followed her home and fired four shots out of a revolver as the woman closed her door. The gun-wielder was arrested at 9 o'clock three miles away from the scene of the shooting. The woman will recover.

RATIFY TREATIES BY MAIL.

Washington, Aug. 28.—The exchange of ratifications of the arbitration treaties between Japan and the United States is now being made by mail, because of the absence from the city of Ambassador Takahira.

AMERICA'S FLYER.

Berlin, Aug. 28.—The war department, according to a semi-official statement, has invited Wilbur Wright, the American aeronaut, to carry out his experiments in Berlin.

NEW REGULATIONS FOR BEAVER SKINS

Time Has Been Extended for Trading in Them.

(From Friday's Daily).
The date for trading in beaver skins in the northern part of the province has been extended by an order in council passed by the local government. The new regulation reads as follows:

That order in council, dated the 17th day of December, 1907, exempting Indians residing in that portion of the province of British Columbia lying to the north of a line drawn east and west through a point at the junction of the Blackwater and Fraser rivers, between the 53rd and 54th parallels of latitude, from the provisions of section 25 of the "Game Protection Act, 1888, amendment Act, 1905," relating to the trapping, killing or taking of beaver, up to and including the 31st day of March, A.D., 1908, and providing further that such Indians and persons in the habit of dealing with such Indians in the fur trade or having possession of such furs, for the purpose of trading, bartering or having in possession untanned pelts of beaver, up to and including the 31st day of August, 1908, be, and is hereby amended in so far as the dates therein mentioned are concerned:

And it is further ordered that such exemption from trapping, killing or taking of beaver as aforesaid be and is hereby extended to and including the 31st day of March, A.D., 1909.

And it is further ordered that the exemption relating to the selling, bartering or having possession of untanned pelts of beaver be, and is hereby extended to and including the 31st day of August, A.D., 1908.

IMPROVEMENT OF LOCAL PHEASANTS

Mongolian Variety Will Be Imported for the Island.

(From Friday's Daily).

Several gentlemen on Vancouver Island have subscribed a substantial sum for the purpose of importing Mongolian pheasants. Twenty birds have been purchased and should arrive in a short time. It is their intention to raise the birds and turn them out at various places on the island. They also intend to experiment by crossing the Mongolian with the local pheasant (torquatus), their object being to improve the breed and obtain a larger and even harder bird. By careful attention to the crossing of the two breeds, and turning out the surplus birds from year to year, they hope to be able to keep sufficient stock on hand to infuse new blood into many districts. The birds are being purchased from Lord Ernest Hamilton, who has been experimenting with Mongolian pheasants for some years, and kindly offered to send some to British Columbia at practically the cost price.

A similar offer is now made to Vancouver sportsmen. About four hundred dollars is needed, and it only requires a few enthusiasts and a little energy to collect this sum. All the preliminary details have been arranged and all that is required is to collect the money.

Capercailzie.

Deputy Game Warden Scott, of Coquitlam, reports having seen a hen capercailzie, with several young ones, in Coquitlam during his week's work. This is good news, as it shows that these birds have now bred each year since they were given their freedom.

VANCOUVER WANTS THE MINTO TROPHY

B. C. Championship Game Will Be Played on Saturday.

The all-important lacrosse game of the season in British Columbia championship series will be played at Queen's park, Vancouver, on Saturday afternoon next between the Royal City team and the Vancouver team. It will decide whether the reinforced Vancouver aggregation has been brought up to New Westminster's class and will also practically settle the outcome of the championship and the fate of the Minto cup. Vancouver has contracted a fond affection for the Minto since its arrival on the coast and, as the only hope of getting it, they persuaded the Maple Leaf club to show away and deliver up its best team to the Vancouverians. Since the patching-up process, practice has been in order every evening in the Vancouver camp and they are no doubt in the best condition. On the other hand, since playing the last match with the Shamrocks on July 28th, the Royal City team has been taking things easy with the result that some of the players are not in the best of condition. "Punk" Whittemore is still under the weather and has not been practicing. It is hardly probable that he will be in the field on Saturday, but may be replaced by Latham.

The question of appointing referees for Saturday's game is now being negotiated by C. A. Welsh and Archie McNeil. Mr. Welsh suggested that they choose a Vancouver man and McNeil chose a New Westminster man, to handle the game, but Mr. McNeil replies that there are men in Vancouver