VIDENCE COAL CASE

STICE HAS ERVED JUDGMENT

Yesterday Was erence to Suitability d for Agriculture.

rights case, adjourned ago, was resumed in the yesterday morning be ice Hunter. In this action many seek to establish coal granted to the de-the settlers' rights

mbered that the ad s made to enable the lawilway company to pro as to the agricultural Fiddick farm, the sugges at it was not land suitable and could not therefor ten up with that object in

gor called for the railway ed that he had examin k place and found only 11 would characterize as L. G. McPhillips, K. C.,

observations were rveyor and not as an agriwho accompanied Mr

ng his inspection of the ed that there were four s of it suitable for fruit said he had tested the soil re with an axe. Much o overed with salal, and n, ground on which salal as not suitable for farmfarmed for a number o stream and his experiground where salal flour. not be profitably cultivat

Justice observed that such the result of his experi-

e in reply to a question of , said that there ble for land in the vicinity k estate when it was taken taken some up himself is that there was coal on le had taken his for that could not say that Fiddick ave taken his land up with called by Mr. McPhillip

made an examination of farm and formed the pro ion that at least 60 per land was susceptible to

stimated that there were 20. class land on the Fiddick hat the greater portion of art was good land of the , suitable for fruit growming. He considered that) per cent. of the farm was being reduced to cultiva-examined the place. the court what he would give for the Fiddick place g proposition, witness said

aines, a settler near the would be no trouble at all

res of farming land on the ichardson, a resident of the trict, said he had exami farm and estimated that 60 it at least could be brought vation. He thought the land rth \$10 an acre if cleared.

[cKinnell, a farmer living N. railway since 1876, said place was 75 per cent. agriuded the case and judgment

CONTRACT IN VICTORIA WEST

ardware Firms Want ow Why Vancouver as Given Work.

some dissatisfaction felt at ng of the contract for heating n the new school house in lest. The contract has been school board to a Vancou-Local hardware dealers have with this, contending that mity was given them to

firm states that it could not in the equipment, but do it an the Vancouver firm is man of the school board,

when asked with reference nsaction, stated that the made to the Vancouver firm on of the archi-

rdware firms are enxious to planation, and the sch likely be asked to explain the

BOR IMPROVEMENTS. Held Annual Meeting Yes-Afternoon and Re-elected

Officers. ual meeting of the Inner Harlation was held in the city rday, a good attendance b ed. G. A. Kirk occupied the recited some of the work een accompished during the The report, dealing exwork done, which shed in full in the Times s ago, was taken as read, A inks was passed and tenderetiring officers, who were relows: Chairman, G. retary-treasurer. Thomas pard of management, Captain J. A. Sayward, A. J. Bechtel,

and Capt. Troup.

WILL BAR JAP INFLUX FROM HONOLULU

Dominion Government Frames New Regulation Providing That All Immigrants Must Come From Land of Birth.

Ottawa, Jan. 7 .- The Canadian gov- | doubt be used to first check the Japernment is taking a new departure in connection with immigration affecting duced to come here by corporations inconnection with infinity factor allocation allocation allocation with an infinity factor allocation allocation

A new regulation has been framed ing to Canada, although Japan wants

THE EXTENSION

MANY LETTERS READ

Other Matters Considered at

Last Night's Meeting of

Mayor and Aldermen.

In regard to the E. & N. railway

street a letter from the city's legar

mpany will not accept the conditions in

Dear Mr. Mayor:-Your correspondence.

- 1

an illustration how this allects Eng-land, it may be said that immigrants from Sweden and northern points of Europe can come by way of England but Assyrians cannot. The regulation is general, but will no | treaty must go.

ON STORE STREET

AT COUNCIL MEETING with a smile that the city should also the movements of his freight and provide rolling stock and everything would not be forced to have his freight

the alderman.

e applicable to Victoria. The Mayor then asked Ald. Fell, as THE FRUIT GROWERS

company's application to the railway whether he had prepared a clause to be submitted to the legislature reommissioners to lay tracks on Store garding this scheme. Ald. Fell replied in the affirmative

agents in Ottawa was read to the council notifying them that the rail-way company had made application to Ald. Fell said his committee had not the board. The letter was as follows: met

Dear Sirs:-We duly received your let-ters of the 17th and 18th inst., with en-closures, also your telegram of 25th inst. We find that the application was filed with the board of railway commissioners a couple of days ago, and has been refer-the storm on Sunday wrought many red to the engineer for report, which is the usual course of proceedings. Ald. Fell then took up the subject o

board for some time, as the chief com-missioner is going to Winnpeg to hear mome cases there, and it would not be taken up until his return. We will, of course, make a special point of the damaged and we think that course will commend itself to the board. diteft to t

the union will do all in its power to ald the city. The following was the secretary's reply: The president's report, which was to take this water and that an addi-tional surface drain is now being put tional surface drain is now being put Dear Mr. Mayor:--I beg to acknowledge in to take any possible overflow from on the part of the Union of Canadian Municipalities, your letter of November Soh, and shall at once bring it to the at-tention of the executive of the union. It appears to me very unfair that the company will not accept the conditions in company will not accept the conditions in question. May I suggest that you should at once take steps to lay tracks on Store Street, which would be municipally own-ed, and which you could lease to one railroad under the conditions you want. You might need to apply for legislative authority, but in any case in initiating

H. Bragg, vice-president of the anadian Municipal Journal Company, mited to arbor wire. A number of residents of Princess street petitioned for an electric light terred the mayor's letter, wrote as fol-was referred to the electric light

two lots on which the Mayor which has been useless for a consider-tion during our visit, is in the able length of time, be replaced. The cordially welcomed. the United Copper which had been bought for them. the railway company, which streets, bridges and sewers committee

Montreal, when told that here sth, last, respecting the street lines of her farewell.

Maud street, to which I beg to refer Maud street, to which I beg to refer you, I have been expecting to hear fur-ther about the matter. Not having done so, I should be obliged if, you would inform me how it stands. I may say that since I wrote to you the recent expense and difficulties regarding the street lines of Rockland avenue and Humboldt street emphasize the ne-cessity of this matter receiving atten-

FREIGHT ADVICES.

consignees of Carload Lots Will Be Able to Keep Track of Ship-ments.

Consignees of carload lots of freight in transit over the C. P. R., will shortly e able to keep track of their ship ments without the necessity of bothering the freight agents of the company to send out tracers. This benefit they will receive as a result of a unique system now being adopted by the railway according to a statement made to-day by a C. P. R. official.

from Montreal, Toronto or any other point, failed to receive the consignment F. Augustus Heinze, the copper mag-A new regulation has been framed providing that all immigrants must ome direct to Canada from the land of birth or the land of adoption. This will not affect Lapanese is given that it will as of birth or the land of adoption. This will not affect Japanese coming direct from Japan, but will stop those from **Hawaii**. In like way immigrants from Europe cannot come by the United States. As an illustration how this affects Eng-land, it may be said that immigrants goods and have them hurried along. Owing to the magnitude of the freight

the whole harbor is owned and controlled by the harbor board, who will supply all

to arrange for an illuminative address and present it to these worthy gentle-as it would be impossible to keep track to sof the Mercantile National bank, of Mendellssohn to finish decided the men who have been so kind," declared of such shipments. The postcard advices will cover eastbound as well as Ald. Fell remarked that it was all westbound freight, and patrons at all had been made by the clearing house right to build a line but it would not stations on the company's system will committee. He asserted that he had benefit by the service.

ARE MEETING TO-DAY

Question of an Exchange Will **Receive Full Consideration** at the Gathering.

the usual course of proceedings. The secretary intimated that he did not think that the matter of fixing a date of the hearing would be dealt with by the board for some time, as the chief com-rinissioner is going to Winnipes to hear some cases there, and it would not be beting to-day at the parliament men that he did not care to make any The matter was brought before the council in a report from the city en-

sold from the Island orchards during the past year. The fruit is marketed chiefly in Victoria and Vancouver. Considerable shipments have also been fied fifteen cheques. It was guaranteed made to the Northwest, and some few exhibition shipments to the old country.

OFFICERS ELECTED

Church Organize For Year.

ests would again assume control of the REVELATIONS T. AUGUSTUS HEINZE HAS BEEN INDICTED

VICTORIA TIMES, FRIDAY, JANUARY 10, 1908.

Builder of Trail Smelter Accused of Overcertifying Cheques.

New York, Jan. 7 .- Indicted by the Federal grand jury for the overcertilcation of fifteen cheques, represent-In the past if the coast consignee ing in the aggregate over \$400,000, and Albany Ritchies' Work Receives Praise drawn by the firm of Otto Heinze & in European Centres. dictment before Judge Chatfield in the Circuit court.

amount of \$500,000, which the book-keeper of the bank failed to enter in Ritchie has assimilated that large of thanks was passed to Mr. Hender-

about the suspension of Gross and praise without restriction, so much did payers should be given an opportunity Kleeberg stockbrokers, and subse- Albany Ritchie play it with complete would not be forced to have his freight agent trace it by wire. 'I should also appoint a committee assurance and a gradation of style of a sincere musician permeated with the superior beauties of the art and knowafter an examination of the institution had been made by the clearing house committee. He asserted that he had bers of interpreters of this consecrated been betrayed by his friends in the masterpiece." United Copper pool. Heinze had been informed quietly LORD CURZON'S

that indictments charging him with the over-certification of fifteen checks, all drawn on October 14th, just before he smash in United Copper, had been

found by the Federal grand jury on December 2nd, and that his appearance would be required to-day. With-out awaiting the service of a bench warrant, he with his counsel appeared efore Commissioner Shields this evening. The proceedings were short Heinze pleaded not guilty, and bail was furnished immediately by a surety company. When the proceedings were oncluded Heinze told the newspaper

After an examination of the indictitself to the board. Have you any special instructions to ing, or would it not make much differ-ence to you provided you had three or four weeks' notice? Have solution to the date of hear-ing, or would it not make much differ-to the struct committee. Ald. Ross declared that if the council the solution to the date of hear-ing, or would it not make much differ-to the struct committee. Ald. Ross declared that if the council the solution to the date of hear-ing or would it not make much differ-to the struct committee. Ald. Ross declared that if the council the solution to do what the solution to the struct committee. Ald. Ross declared that if the council the solution to the struct committee. Ald. Ross declared that if the council the solution to the struct committee. Ald. Ross declared that if the council the solution to the struct committee. Ald. Ross declared that if the council the solution to the struct committee. Ald. Ross declared that if the council the solution to the struct committee. Ald Ross declared that if the council the solution to the struct committee. Ald Ross declared that if the council the solution the solution to the struct committee. Ald Ross declared that if the council the solution the retary Lightall when the question first arose, explaining the position of the city and asking the union to take the matter up as one of interest to all unaicinalities. Apparently the secretary communicated with several members for the enclosed letters from Joshua Dyke, mayor of Fert William, and H. Bragg, vice president of the canadian Municipal Journal company. In his letter Mr. Lightall stated that the union will do all in its power to ald the city. The following was that be that me to the the state that the union will do all in its power to the city. The following was that be that the re is a drain provided in the street the union will do all in its power to the city. The following was that the city and the street the union will do all in its power to the city. The following was that the tory are and the street the union will do all in its power to the city. The following was that the tory are and the street the union will do all in its power to the city. The following was that the city are for the term is a drain provided in the street the union will do all in its power to the city. The following was that the city are following was that the city are following was the the term is a drain provided in the street the union will do all in its power to the city. The following was that the city are following was that the city are is a drain provided in the street the union will do all in its power to the city. The following was that the city are is a drain provided in the street the union will do all in its power to the city. The following was that the city are is a drain provided in the street the union will do all in its power to the city. The following was that the city are is a drain provided in the tree is a drain provided in the street the union will do all in its power to the city. The following was that the city are is that the are and the property. The president's report, which was

> The indictment specifically charges that Heinze, while president of the Mercantile National bank, over-certiby the bank signature that the sums indicated in the cheques were held by the institution to the credit of the Young People of Central Baptist

than ten years. The trouble of Augustus Heinze uthority, but in any case in initiating me a movement would you not have a first to ask the railway commission not the exercise in favor of the source on sideration of the incoming council. Meanwhile the been abated methor is need amendment by adding after to other railways." The Central Eaplist Young People's in the stock of the Uther Source and the property to the outlet into Vic-to exercise in favor of the public. Second semi-annual inter granting running rights to other railways." The Central Eaplist Young People's in the stock of the Uther Source in stock convenience of the public is words "and granting running rights is the the anamed nat a stock of the Uther Source in the stock by short sellings, Otto Heinzs is the the chase is the stock is an endore in the stock is an endores at and in the source in the stock is an endores at and in the source in the stock is an endores at and in the source in the stock is an endores is at the source is the stock is an endores is at the source in the stock is an endores is at the source is the inth

A crisis was provoked in the affairs trol, which he had purchased several clated.

Mercantile Bank. F. Augustus Heinze was born in Brooklyn about forty years ago, and was graduated with honors from the Columbia School of Mines. He went west, where he made a success of working out abandoned mines. He also went into British Columbia, where he built the Trail smelter and started the Columbia and Western railway Later he returned to Montana and developed the famous Minnie Healy mine after Marcus Daly had abandoned the Amalgamated Copper Company long litigation over claims, which was finally settled. The firm of Otto Heinze & Co., is made up of Otto Heinze and Arthur P. Heinze, two brothers of Augustus Heinze, and one or two other nembers.

MEETING SUCCESS.

in European Centres.

Local musicians will be pleased to learn of the success attending Albany All this will, however, be changed shortly. Orders have been issued to the departments of the service affected that hereafter the agents at all divisional points throughout the entire C. P. R. system shall note the arrival of all car-load lot shipments and advise the con-signee of the departure of the cars the whole harbor is owned and controlled by the harbor board, who will supply all the tracks needed by all the railways, but will not allow a single railway to own a yard of private track. I am holding back the Journal to get in your case, and those of Montreal and Toronto, which are also being attacked by railways, as you are. If the Journal will be a very pleasant work. At a Henne arose after the city clerk

self an enviable place among the num-

Looks Forward to Day When Sovereign Will Hold His Court at Quebec.

Lord Curzon delivered a stirring address on "The True Imperialism" in the Birmingham, England, town hall Sh ed Imperialist."

ident of a republic would not last for

ates will go, too. With a navy reduced tile tariffs; our emigrants would be

tional character, without a world to advice. conquer or a duty to perform, it would The c now have sunk to small states. It may be in the fulness of time the turn of Britain but let it not be done by her

a century will elapse before they are ber of matters. solved.

or Quebec."

months before from Edwin Gould. There have been reports recently in the financial district that the Gould inter-WATER SUPPLY

COUNCIL HAS TAKEN **UP THE SUBJECT**

as worthless. Heinze engaged with Other Matters of Business Discussed at Meeting Held Last Evening.

(From Tuesday's Daily.)

The Oak Bay municipality is getting uneasy about the water supply. They are watching the city council manoeuvres and fear that the tinkering policy question, so they are anxious to take a hand in the matter. The question 23rd, the sentence was commuted to Ritchie, who is well known in this city. Mr. Ritchie in his European tour is meeting with splendid success. The following from La Mense Liege, Bel-

to purchase the other site if they so wished.

Councillor Sutherland in a very vigbrous speech opposed the move. He hought the council was elected to deal with such matters and they should not try to shift the responsibility on to the ratepayers. The site chosen, he said, was the best for school or any other municipal purposes and he did not see why another piece of land should now be purchased. He thought it would be ross extravagance to do anything of the sort and would work to the disad-ing between two warders, followed be-hind. Berry, the executioner, followed DREAM OF EMPIRE laws had been the bane of the Manitoba municipalities and at the present rate the Oak Bay municipality would soon be saddled with a heavy debt. All the other councillors thought the people should be allowed to decide the

matter and the resolution was accordngly passed. A resolution introduced by Councillor the matter of the carrying of firearms uld it be found that the municipalstatement, and hurried away with his recently. He spoke as an "unconquer- ity have no powers to pass stringent regulations, it is probable that the ligislature will be approached in the

accordance with the advice, Councillor Newton came to his feet and asked ing and the minutes elapsed; the thin board gave way a little to the violent stam

The clerk reported that he had made swallowed up in the whitpool of American cosmopolitanism; Britain Todd's road and was informed that would become a sort of glorified Bcl- gates had been put across the lane and cordwood piled there. It was decided "As for the priceless asset of the na- to refer the matter to the solicitor for

the institution to the credit of the drawer. To over-certify bank parer is, under the federal statute, an of-fance nunishable by imprisonment of engineer to settle under instructions from the council,

In the matter of the water flowing

of its trade, are still only in the pre-liminary stages. At least a quarter of

Mr. Mayor Your correspondence Mr. Lightall has suggested to me sition of Providence, R. I., which and Gross & Kleeberg, stock brokers, sovereign will visit his dominions in suspended, claiming that Otto Heinze person and hold his court in Calcutta ent choirmaster, was appointed, and could not carry out the sentence of the has become more popular every year law. -On New Year's day Raymond Pope, been rehearsing the Burns music for of Bellingham, son of R. C. Pope, of some time before the holidays, and A crisis was picture for an way company, which the failway company, the for the class structure for the late will deal with the failway company for the failway company, the failway co the same place, and Miss Carrie Tur- have again resumed rehearsals. Tickets them at once.

MAN WHO COULD NOT BE HANGED

JOHN LEE RELEASED FROM IMPRISONMENT

Babbicombe Murderer Thrice on Scaffold-Escape From Death Foretold in Dream.

John Lee, who was condemned to death for the murder of Miss Keys at Babbicombe, England, has been released from Portland prison.

Lee. who protested his innocence, was entenced to death at Devon assizes in being adopted will never settle the 1885, and after three abortive attempts

tenced to death may be told in a few words. On the morning of November leased on \$50,000 bail. Heinze will be formally arraigned to plead to the inher butler, John Lee was arrested and ventually put upon his trial for murder. Miss Keyes had befriended Lee as a lad, and after he had served im-prisonment for six months for theft, she took him into her service.

Discovery of the Murder.

blood was seen in the hall, where the murder had evidently been committed. The body had been dragged into the dining-room. A lot of old papers had been placed around the body, and saturated with oil, for the purpose of destroying by fire all traces of the mur-

The execution was fixed for Monday, February 23rd, 1885, at eight o'clock in the morning. The chief warder led the way, followed by the chaplain and the schoolmaster. Lee, pinioned, and walkthe convict.

Then ensued a scene which has never perhaps been paralleled. The chaplain. in deep, impressive tones, recited the concluding portion of the burial service used at executions. The condemned man was placed on the drop, the white cap being drawn over his face. The governor, under sheriff, doctor, and A resolution introduced by councillor Fernie in which the clerk was instruct-ed to find out from the solicitor the powers of the council to legislate on chapel bell was tolling. As soon as the chapel bell was tolling to solicity the solicity the chapel bell was toll was tollow to solicity the chapel bell was tollow to solicity the solicity the chapel bell was tollow to solicity the solicity the solicity the chapel bell was tollow to solicity the matter of the carrying of firearms by juniors was passed unanimously. bolts for the drop to fall. The Scaffold Scene

There was no response. A shiver passed through the circle of onlookers

Six minutes elapsed; the thin boards A Black Outlook. "Let the working man picture how vise in what manner the petition could had the sensation of being slowly ing, or would it not make much differ-ence to you provided you had three of four weeks' notice? The Mayor remarked that he had one or two letters in regard to a mu-nicipality owned track from officers of the Union of Canadian Municipalities commending his stand on the question. Mayor Morley said he wrote to Sec-retary Lightall when the question mayor more sumplicing the market area galaxies and the barses and othe market in this organization. The woold it not make much differ-four weeks' notice? The make area galaxies and the prises and the Union of Canadian Municipalities commending his stand on the question. Mayor Morley said he wrote to Sec-retary Lightall when the question market market area galaxies and the streats, bridges and severs' committee was adopted as fol-

Lee was placed upon the scafforld once more. The chaplain repeated the words of the burial service the second time, and the second time the bolts refused to act. Berry pulled the lever backwards and forwards with all the force at his command. It was all to o purpose.

Lee was taken to the basement of the prison, attended by the chaplain and two warders. He seemed to be in a cataleptic condition, he spoke to no one wretched man was summoned for the third time to the scaffold. For the third time the terrible ordeal was gone. through with the convict, and fo The difficulty over an account sent in third time the chaplain recited the bur-

> Escape Foretold in a Dream. What follows is best told in the ords of the chaplain, the Rev. John

Pitkin:

1.

the chaplain, Lee told the latter of a dream he had had on the night previous lated this dream to the two warders who had charge of him, adding, "So I shall not be hanged to-day." In his -The First Presbyterian church choir dream Lee saw himself being pinioned,

NO RECOUNT.

Toronto, Jan. 6.-There will be no restill have a majority of eight.