FULL JUDGMENT IN THE WATER APPEAL

Text to Privy Council's Decision That City Has No Right to a Record of the Esquimalt Watershed.

The full text of the judgment delivered by the Judicial Committee of the Privy Council on July 31st in the appeal brought by the Esquimalt Waterworks Company against the judgment of the Full court, which reversed the decision of Mr. Justice Duff that the city had no legal right to a record of the Esquimalt watershed, came to hand to-day. The city solicitors are now in receipt of both the trapscript of the argument and the judgment and will probably present a lengthy report to the council on Monday next. The judgment in full is as follows:

Judgment of the Lords of the Judicial Committee of the Privy Council on the Appeal of The Esquimalt Waterworks Company vs. The Corporation of the City of Victoria, from the Supreme Court of British Columbia; delivered the 31st July, 1907.

Present at the hearing: Lord Robertson, Lord Collins, Sir Arthur Wilson, Sir Alfred Wills.

[Delivered by Sir Alfred Wills.]

This action was brought to restrain the respondents from entering upon certain lands of the appellants and from posting thereon notices under the Act of British Columbia, intituled "The Water Clauses Consolidation Act, 1897," and the substantial question is whether the respondents can appropriate for the purposes of the municipality certain waters flowing from two different sources, Goldstream river and Niagara creek, which waters the appellants claim to be theirs under the Esquimalt Waterworks Act, 1885, and the Esquimalt Waterworks Extension Act, 1892.

At the trial before Duff, J., judgment was given for the appellants.

This judgment was reversed upon appeal to the Full court, by Irving and Morrison, JJ., Hunter, C. J., dissenting. From that judgment the present appeal is brought.

By the Esquimalt Waterworks Act, 1885, the appellants were incorporated and empowered to construct waterworks and all appliances connected therewith in the town of Esquimalt and the adjacent peninsula lying to the east of Esquimalt harbor. By section 9 they were empowered to "divert and appropriate the waters of Thetis lake and Deadman's river and its tributaries, . . . and to contract with the owners and occupiers of lands" taken for the waterworks, "and those having an interest or right in the said waters for the purchase of the same respectively," with provisions of an ordinary character for compensation.

By section 10 "the lands privileges and waters which shall be ascertained, set out or appropriated by the company for the purposes thereof as aforesaid shall thereupon and for ever afterwards be vested in the company." It is then provided that it shall be "lawful for the company to construct, erect and maintain . . all such reservoirs" and works "requisite for the said undertaking and to convey the water thereto and therefrom, in, upon and through" any land "intermediate between the said reservoirs and waterworks and the springs, streams, rivers, bodies of waters or lakes from which the same are supplied and the town of Esquimalt and the said peninsula . . . by one or more lines of pipes as may from time to time be found necessary." Powers are further given to execute any works and occupy any land that may be necessary for distributing water to the inhabitants of the town of Esquimalt and the peninsula.

By section 12 "the company shall regulate the distribution and use of the water on all places and for all purposes," and shall fix the price for the use of the water.

By section 27 certain sections of the Land Clauses Consolidation Act, 1845, are incorporated, but as they are not set out in the joint appendix nor referred to in the judgments of the courts below, their lordships assume that they have no bearing upon the questions raised by the present appeal.

By the Esqcimalt Waterworks Extension Act, 1892, section 1, the Act of 1885 "shall be so construed as to give power" to the appellants "to divert and appropriate so much of the waters of Goldstream river and its tributaries as they may deem suitable and proper, subject, however, to any grant or rights privileges or powers arising under the provisions of the Corporation of Victoria Waterworks Act, 1873." By section 3 "all rights, powers and privileges conferred on the said company by the Act of 1885 shall extend and apply to the appropriation and diversion of the waters of the Goldstream river and its tributaries, and also to the conveying of such water from the place or places of diversion" to the town of Esquimalt and the peninsula aforesaid "in the same way and to the same extent as if such rights, powers and privileges had been originally conferred" by the Act of 1885.

The Corporation of Victoria Waterworks Act, 1873, gave powers to the Corporation of Victoria at any time thereafter to appropriate any lands or waters within 20 miles of Victoria which they might require for the purpose of establishing waterworks of their own, and provided machinery for ascertaining the compensation to be paid in such case to any person or body politic with whose rights they might interfere. They, however, have not proceeded under this act for the obvious reason that, if they did so, they would have to pay for what they contend they can get under a later general act without paying for it, and it is mentioned only to clear it out of the way.

The Esquimalt Waterworks Extension Act, 1892, further provided by section 10 that the Corporation of Victoria might at any time require the appellants to deliver into the water mains of the City of Victoria at a stated pressure and at prices fixed by the act any quantity of water not being less than 500,000 and not more than 5,000,000 gallons per diem, together with water for fire protection at a fixed price, and water for flushing and washing gutters and for filling tanks for fire protection free of charge.

On the same day that this act received the royal assent it was given also to the Water Privileges Act, 1892, by section 2 of which it is enacted that "the right to the use of all water at any time in any river, watercourse, lake, or stream, not being a navigable river or otherwise under the exclusive jurisdiction of the parliament of Canada is hereby declared to be vested in the crown in the right of the province, and save in the exercise of any legal right existing at the time of such diversion or appropriation no person shall divert or appropriate any water from any river, etc. excepting under the provisions of this act, or of some other act already or hereafter to be passed," and with some other exceptions not material to the present question.

This act, however, was repealed by section 154 of the Water Clauses Consolidation Act, 1897, by section 4 of which the right to the use of all "unrecorded water"—a term to be explained presently—at any time in any river, lake, or stream is declared to be vested in the crown "in the right of the province." The rest of the section is a re-enactment in the same words of the portion of section 2 of the Water Privileges Act, 1892 beginning "and save"—already set out, with similar exceptions with which this case is not concerned.

Under this act, persons desirous of using water in excess of ordinary riparian rights, may by a procedure which it is unnecessary to detail, obtain from the commissioner appointed under the act a "record," or entry in an official book kept for the purpose, of the water which he seeks to appropriate—of its sources, extent and other necessary particulars, and upon obtaining such record may divert and appropriate the water described in the record. By section 40 "any municipality may from time to time obtain one or more records of the unrecorded water in any streams or lakes as a source or sources of supply for a projected waterworks system."

It is under this provision that the respondents are seeking to proceed, treating the waters of Goldstream river below a certain point and the waters of Niagara creek as "unrecorded water" within the meaning of the cat. But before discussing the interpretation of "unrecorded water" given by the interpretation section of the act, it will be convenient to state the facts relating to the waters in question, and to what the appellants have done under their statutory powers.

Goldstream river took its origin in 1885, and before any works were executed by the appellants, in a series of swamps rather than lakes. In winter it was a stream, apparently of considerable dimensions. In summer it dwindled to a thread, or died out altogether. Its origin lay to the west or northwest of Esquimalt and Victoria, but as it approached Esquimalt harbor (though at a considerable distance from it) near to a point where it was joined by one of its tributaries, called Waugh creek, it took a turn to the north and finally entered an arm or inlet of the sea called Finlayson arm or Saanich inlet. Near its embouchure it was joined by a tributary called Niagara creek, which has its origin in a small lake to the west of Saanich inlet called Niagara lake.

The appellants have constructed dams and other works upon the upper waters of the Goldstream river, the effect of which is to add several hundreds acres to the natural storage capacity. They have also bought the land on both sides of the river forming the watershed, have constructed an artificial channel more than a mile long, and laid down a pipe about half a mile long to carry the waters to a reservoir they have made. From this reservoir they have laid down another pipe about a mile long, and have expended upon these works several hundred thousand dollars.

These works would appear to have been necessary in some considerable measure in consequence of the obligation imposed upon them by section 10 of their act of 1892 to supply within 15 months after notice, if required, 5,000,000 gallons per day to the city of Victoria. No doubt the appellants hoped also to have an increasing demand for water in Esquimalt itself and the peninsula, but these expectations, if they existed, have not been realized, and at present the only use that has been made of the water and of the artificial works for its collection and distribution has been to supply a large quantity to the power-house of the British Columbia Electric Railway Company, Limited, situated on the Goldstream river about a mile and a half before it turns to the north and some miles from the city of Victoria. From the power-house it is discharged into the Goldstream river, and if the city of Victoria required a supply under section 10 of the act of 1892, it would be necessary to construct at the point of discharge another reservoir and to lay down far larger pipes than would be wanted for Esquimalt, at a cost of about $300,000. No demand for any supply has been made by the respondents, and as the supply from Thetis lake and Deadman's river is at present adequate to the demands of Esquimalt and the peninsula, the appellants have not yet made this reservoir or laid down any pipe, and the discharged water simply runs down into the old bed of the river and is so carried away to the sea.

In respect of the water from Niagara creek, the appellants have made surveys to ascertain the nature and extent of the supply and have had plans prepared to carry the water—storage in Niagara creek being impossible—in a ditch to the Goldstream river, and across it to Waugh creek, whence it would fall into and become part of the general supply. They have also canalized Waugh creek for about a mile.

The respondents claim that the waters from the Goldstream reservoirs and river after its discharge below the power house, and also the whole of the waters of Niagara creek are "unrecorded water" and can be "recorded" in their favor under the act of 1897.

The first question is whether that act has any application to the appellants. In their Lordships' opinion, it has none.

The Esquimalt Waterworks Act of 1892 has imposed upon the appellants a perpetual obligation of very serious extent, and it would seem natural that the means granted them to comply with that obligation should be correspondingly perpetual. It is clear from section 3 of their Extension Act of 1892 that their rights are exactly the same, provided the conditions of section 10 be observed, as if they had been conferred by the act of 1885. We have therefore, from the passing of the act of 1892, a private act dating back to 1885 by which the appellants are placed under obligations as to which the natural inference from the acts themselves and from the history of the case is that they could not be certain of being able to perform them without the two sources of supply in question.

One of the reasons for executing the extensive works on the Goldstream river must have been that it was necessary for them at once to be in a position, with the help of such minor works as could be constructed at any time within 15 months, to supply the maximum quantity of water which the respondents could demand. The necessary works in connection with Niagara creek were very much simpler, and when the necessary surveys and plans had been made there was no reason why the appellants should not wait, as to them, till the need actually arose.

It is true that by section 10 of the appellants' act of 1885, in order to vest in them the waters they were entitled to appropriate, it was necessary that these waters should be "ascertained, set out, or appropriated." In the case of the Goldstream river every act was done by which not only one but each of the three of these conditions was fulfilled, and it is difficult to see what more they could have done to vest these waters in the company "for ever," according to the terms of section 10.

As to the waters of Niagara creek, there is in their Lordships' opinion abundant evidence to show that the "privileges and waters" now in question were ascertained and set out by the appellants which is quite sufficient to satisfy the section. The vesting is not made subject to ascertainment or payment of compensation, and as in respect of Niagara creek no person's enjoyment, whether rightful or not, has it not surprising that the provisions for compensation have not been resorted to by any one.

Nor can their Lordships agree that because the water below the power works on the Goldstream river is not yet used by the appellants that it has ceased to be theirs. The act of 1885 is not ambiguous. It vests in them such waters as have been ascertained, set out or appropriated, and their Lordships fail to see how the waters which have been collected by the appellants cease to be their waters at any point within the limits of ascertainment. The deeds put in evidence show that the lands on each side of the whole course of the Goldstream river were bought by the appellants, and there can be no doubt that the waters of Goldstream river from their source to the discharge into Saanich Inlet are comprehended under the vesting enactment.

It is equally clear that the waters of Niagara creek became under the same enactment vested in the appellants and they must remain so unless they can be dealt with by the respondents under the act of 1897.

It is a sufficient answer to any such contention to say that the appellants' acts of 1885 and 1892 are private acts, in the sense that they confer special rights and impose special obligations upon a particular company for special purposes; and to hold that a subsequent general statute, the application of which might seriously interfere with the rights granted by special legislation to the appellants and might prevent them from fulfilling statutory obligations, can have been intended to override the special legislation would be contrary to sound and well established principles; and if ever there was a case in which these principles ought to be observed, the present is such an instance, for the result of the respondents' contention might be that the appellants could not perform the obligations of section 10, and in that case, the condition, being violated, the rights and privileges which had involved the costly outlay above mentioned would be gone.

Their Lordships are further of opinion that the waters in question do not fall within the definition of unrecorded water in section 2 of the general act of 1897.

The definition runs as follows: "Unrecorded water shall mean all water which for the time being is not held under and used in accordance with a record under this act, or under the acts repealed hereby, or under special grant by public or private act, and shall include all water for the time being unappropriated or unoccupied or not used for a beneficial purpose."

The term "record" was not new. It appears first in the Land Act, 1888 (repealed by the act of 1897), and the procedure by which it was obtained and the nature of the rights secured thereby were practically the same in three of the acts repealed by section 154 of the act of 1897 as under that act.

The first part of this definition is clear enough. It can have no other meaning than—"unrecorded water" shall mean all water which is not held under and used in accordance with a record under this act, or (with a record) under the acts repealed hereby, or (if not held) under a special grant by public or private act; for the words "under special grant," etc., if supposed to be attached to "a record" would be hardly intelligible and they must therefore be read as connected with the earlier words "is not held."

Such water as that now in question is held under special grant by what is called in the clause a "private" act, and is therefore not within the meaning of "unrecorded water" at all, and the subsequent expression "and shall include all water . . . unappropriated or unoccupied or not used for any beneficial purpose," whatever its application may be, cannot, in their Lordships' opinion, be intended to refer to water already declared to be outside the definition of "unrecorded water." This view is borne out by section 4 of the same act, which is clearly meant to preserve any right of diversion or appropriation existing under the provisions of any act already passed.

The respondents raised yet another point, which was but feebly pressed in argument—that under the act of 1897 all such questions as the present were intended to be decided, subject to certain rights of appeal, by the commissioner to be appointed under the act. Their Lordships, however, can see in the act no ground for saying that the appellants, who contend that they are outside the act altogether, should not be entitled to apply to a court having jurisdiction to give effect to that contention, in limine, if well founded.

Their Lordships will therefore humbly advise His Majesty that this appeal should be allowed and the judgment of the Full court reversed with costs, and the judgment of the trial judge restored. The respondents must pay the costs of this appeal.

COTTON OPERATORS ARE ON STRIKE

More Than Two Thousand Idle---The Company's Ultimatim to the Employees.

Montreal, Aug. 15.—Some 2,500 operators at the Montreal Cotton Company's mills at Valleyfield are on strike demanding an increase of ten per cent in wages. The trouble started some months ago with the demand of a few spinners for an increase. They could not get what they wanted, and after fruitless negotiations, the spinners decided to quit.

Most of the 2,500 operators are members of the Federation of Textile Workers, and at a meeting of that body it was decided to demand an increase of ten per cent. all round, and not to return to work to-day, and the mills are idle. So far there has been no disorder. The operators will draw strike pay from the union as long as they are idle.

The officials of the company state that they have already given an increase of 15 per cent. to the men, and that sooner than grant the latest demand they will close the mill.

No Signs of Settlement.

Valleyfield, Aug. 15.—The prospects of settlement of the cotton mills strike in which 2,600 workers were involved, are exceedingly remote, to-day's developments intensifying the trouble.

A meeting of strikers was held tonight, at which President Pauvette, of the Union, reported that he had gone to Montreal and seen President Ewing, of the cotton company, but had not secured a settlement. In fact, he came back with an ultimatum from the company, declaring that the men had broken the agreement made last year, when an increase of 10 per cent. was given. In consequence the company gave notice that the mill would open for such as desired to work, but any one returning to work would have to come back at the rate of wages in force prior to the increase granted last May. President Ewing had told him, Pauvette said, that if the employees did not return to work the company would close down the mills indefinitely.

Mr. Pauvette is very bitter against Manager Simpson. Seven years ago Simpson had gone to Ottawa to get the militia, now he went there to get conciliation. He went after a whale and landed a sprat, a statement that was received with laughter. What had the cotton workers of Valleyfield to do with the labor department or Mr. Acland? The question brought forth cheers. The seniment of the strikers to-night is distinctly bellicose.

SWIFT DEATH SENTENCE.

Arraigned, Tried and Condemned in Five Minutes' Time.

A record has probably been created by the dispatch with which a man was charged with murder and sentenced to death at the Liverpool assizes. The appearance of the prisoner in the dock and the passing of the dread sentence only occupied five minutes.

Charles Patterson, a colored seaman, when charged with the wilful murder of Mrs. Lilian Jane Charlton, at Moss Side, Manchester, immediately admitted his guilt.

Interrogation of medical witnesses did not tend to show any traces ofinsanity in the prisoner, and Mr. Justice Channell, assuming the black cap, at once pronounced sentence of death. For several months Patterson had lodged with Mrs. Charlton in Moss Side, Manchester, and when eventually she told him that she would prefer him to go elsewhere, he followed her into the bathroom of the house and cut her throat.

LIFE FOR A TOY.

Elsie Kaye, three years old, was killed by a van at Grimsby while she was trying to recover a toy that she had dropped in the street.

GIVES REASONS FOR DECISION

CHIEF JUSTICE ON THE HANSEN CASE

Written Judgment Explains His Attitude in Dissenting in Recent Appeal Case.

Yesterday Chief Justice Hunter handed down a written judgment containing his reasons for allowing the appeal made by J. A. Aikman, in the Supreme court recently, for an order to reverse a magistrate's decision refusing to reserve the case of Rex versus Hansen upon a point raised by the prisoner's counsel. It will be remembered that Mr. Aikman's appeal was refused by Mr. Justice Irving and Mr. Justice Clement, with the chief justice dissenting. So far the following judgment is the only written one handed down from the court.

The judgment reads as follows:

"In my opinion this motion should be allowed on the ground that there was no evidence on which a conviction can be supported.

"The evidence of the only material witness for the prosecution, except the constable, was that of the employee in charge of the restaurant, and he states that he had left it between 12 and 1 o'clock at night; that on his return after about ten minutes he found that some money had disappeared out of the till; that the back door, which he had left locked, had been forced; and that finding the prisoner, it is not clear whether in the hallway or in the kitchen, he charged him with the theft, and that the prisoner after threatening him went away, but on being followed came back.

"He says in his cross-examination in chief that the money consisted of two silver dollars, dimes, notes (qic) and some quarters. Of course, there could only have been one $1 note, but I do not lay any stress on that, as it may be a mistake on the part of the stenographer, but in rebuttal, he says that the drawer was left with two dollars for small change and he just guessed what amount he sold that night, and the prisoner had no chance of spending any of the money alleged to have been taken, as he was always under the eye of the Chinaman until arrested. The witness did not pretend to identify any of the money, and the circumstances that the prisoner had two silver dollars and one $1 bill taken by itself amounts to nothing. It might as well be said that if the witness had missed two plugs of tobacco, and two plugs not identified were found on the prisoner, that that was proof of guilt; but the present case is stronger, as there are more persons who carry money than there are who carry tobacco. The case was not, as in the Pepper case, a case where the prisoner had no business on the premises as he was there, according to his statement, for the purpose of getting something to eat, where he had been for the same purpose about 6 o'clock p. m. the same day. The owner of the restaurant was not called and there is nothing to negative the possibility that he had not come through the front door of the restaurant during the absence of the witness, and taken the money out of the till himself, or for that matter there was nothing to negative the possibility that the employee had taken the money himself and falsely charged the prisoner with the theft. While the prisoner himself swore that he did not steal the money, and that he had just put his foot inside the door and had shouted "John" for the purpose of getting a sandwich, when he was charged with the theft, nor was he asked whether he made any threats as alleged.

"As to any threat, assuming such was made, such conduct of itself is ambiguous; it may either be the result of wrath at being charged with the offence, or at being discovered and of a desire to escape.

"Now, I have always understood it to be a fundamental principle in the trial of criminal cases that there must be something more than probability of guilt to warrant a conviction, and that there must be a certainty beyond reasonable doubt. You may have a score of facts or circumstances that are consistent with guilt, but in order that there may be no mistake you should have at least one fact or circumstance proved by creditable testimony that on any reasonable hypothesis is inconsistent with innocence. Here I find no such fact, and it is quite consistent with all the facts proved that the prisoner may be innocent, and to my mind it is quite startling to learn that a prisoner may be lawfully convicted on facts which do not carry the matter beyond the region of suspicion into that of reasonable proof. The case is all the more unsatisfactory as the evidence of the Chinaman was filtered through an interpreter and was given in large part in answer to leading questions by a police officer, while the prisoner is, I understand, a foreigner with small knowledge of English, and was undefended by counsel."

BANK ROBBED.

Safe Blown Open and $2,200 Stolen—No Clue to Robbers.

Crookston, Minn., Aug. 15.—The Farmers' and Merchants' Bank at New Holden was this morning robbed of $2,200 by burglars, who dynamited the safe. There is no clue, but they are supposed to be the men who robbed the Bank of Humboldt last week.

Store Wrecked.

Stillwater, Minn., Aug. 15.—Cracksmen made a fearful wreck of the new store owned by C. A. Anderson and Edward G. Koeger, general merchants, at South Stillwater. The front windows and doors were wrecked by the explosion, while rear windows were broken and other damage done. An excessive charge of nitro-glycerine was used. The burglars missed a roll of $600, which was blown out of the safe into the floor. They got a very small amount for their trouble.

BIGAMIST'S CHOICE.

Allowed to Decide With Which Wife He Would Live—Promised to Support Both Women.

New York, Aug. 15.—Justice Warren Foster, of the general session, has just disposed of a bigamy case in an unusual fashion, suspending sentence on the bigamist and allowing him to choose with which wife he would live, after the prisoner had promised to support both women. The man in the case was Sherman Kuhn, a hat maker. It was brought out at the trial that he lived with a woman in Austria and they had three children. Then he came to this country and married Sadie Rosenberg.

His lawyer argued that there was no proof of the first marriage and there was doubt in Judge Foster's mind of the sufficiency of the evidence, but the jury convicted him just the same. The two women did not want Kuhn to go to jail. The older one said that if he did she and her three children would have to go to the poor house. When Judge Foster suggested that if he would support both women and the children, sentence would be suspended. Kuhn promised, "and I can keep them both," he said. Judge Foster replied that he could not do that and Kuhn wanted a decision as to which was his legal wife. "You will have to decide," said the judge. Kuhn did it. With a jump he grabbed the young woman he had married here and kissed her. The other, when she was told in Yiddish what had happened, said she did not want it that way.

SECRET SERVICE AGENTS.

Number of Them Reported to Be Carefully Watching Moves by Railways and Combines.

Chicago, Ill., Aug. 15.—The Record-Herald to-day says:

"Secret service agents of the United States department of justice, working through the bureau of corporations, are said to be on the pay rolls of all the big railway corporations and combines in the country.

"In Chicago alone it is said there are at least 150 special men who are working for railroads and packing house companies, and are watching every move that is made with a view of ascertaining whether the corporation laws are observed in letter and spirit. While no proof is obtainable as to the presence of these syping employees, in several instances men have been removed from their positions on the ground that they were in the employ of the government as secret spies.

"One of the officials of this end of the department of justice, when asked if such an army was at work for the government, said: 'If it were so I could not tell. I know of cases where agents have lost their position unjustly from failing under suspicion. I have heard that statement made before but I shall neither affirm or deny it. If such work is done, agents of the bureau of corporations are those most likely to be engaged in it.'

"The rumor that the government has placed all of the big railways and corporations under surveillance was revived by the alleged rebate case which the government is investigating against the Swarszchild & Sulzberger Co. The information where disclosing a case of rebate or simply a clerical error was given to the department here by an employee of the packing company. Officials of the government refuse to deny that he was an agent of the secret service. Railway officers declare he was a government agent and that two of them are employed by the packing firms. The story is told that the spies were obliged to draw their revolvers in order to make their escape with the evidence.

"It is thought the government has grown tired of prying evidence out of corporations and in return giving a contract of immunity. In every wrong act that has been uncovered thus far by departments of the government, the evidence has been given by one of the parties guilty of the alleged crime.

"All railway officials interviewed yesterday seemed to be convinced that secret service agents were in their employ, one official stating that he understood the espionage extended to station work on the line of his road. 'If the government is looking for old offences,' said one official, 'they may be found, but I don't believe the strictest system of espionage will disclose anything wilfully wrong on the part of railroads now.'"

OPPOSED TO ORIENTALS.

Winnipeg Trades and Labor Council Will Fight Introduction of Yellow Labor.

Winnipeg, Aug. 15.—"A White Canada," is to be the cry of the Winnipeg trades unions on the question of Asiatic labor for the Dominion. This was demonstrated at the meeting of the Trades and Labor council at Winnipeg last night. A letter of appeal was read from the Trades and Labor council of Vancouver, and this will be re-forwarded to the home government, but Chairman McKinnon said there was no question as to what the action of the responsible committee would be. There was complete unanimity among union men on this matter. They were determined to fight the introduction of yellow labor, tooth and nail. They wanted Canada to be a white man's country, a white Canada.

Steps are being taken, said the letter, for the formation of an Asiatic exclusion league, which, when properly organized will take this matter out of the hands of the Trades and Labor council and make it a people's movement, irrespective of party, politics or creed. "Something certainly must be done at once, as events here are assuming an alarming aspect in regard to Oriental arrivals," was one of the passages in the letter.

A paper, known as the Trades Union, has been secured and will be used to awaken the public to the serious state of affairs.

KILLED FOR A PENNY.

Joseph Robbins, who was indicted at the Birmingham assizes for the murder of Albert Harrison, was found guilty of manslaughter, and was sentenced to twelve months' hard labor. The two youths had been playing at pitch and toss, and quarrelled over a penny.

STORM SWEEPS OVER ALBERTA

TWO CHILDREN LOST THEIR LIVES

Michigan Central Railway May Be Prosecuted as Result of Disaster at Essex.

Vermillion, Alb., Aug. 15.—A storm of cyclone fury swept the country south of here yesterday, doing very serious damage, and especially at: Meyers' ranch, where two children were killed and one seriously injured in the wreck of their homes. All the buildings were practically destroyed and several head of stock killed.

On Way Home.

Winnipeg, Aug. 15.—The British journalists who have been sight-seeing in Canada under the auspices of the C. P. R., spent a quiet but enjoyable day here and left for the east this evening. They were positively delighted with Winnipeg.

May Take Action.

Essex, Ont., Aug. 15.—J. H. Rodd, county crown attorney, is quoted as follows in connection with the fatal and disastrous explosion of a car of dynamite here on Saturday: "I may possibly indict the Michigan Central Railway for criminal negligence in this case. It is barbarous the manner in which, from the evidence heard, railways carry tons of highly explosive substances around in ordinary box cars. I am having the car that exploded traced. I understand it was used as a way freight all the way from St. Thomas, that all kinds of freight were put into it and taken out. The law is clear. It says no highly explosive substances may be carried save in specially constructed cars. The fact that the Michigan Central used a box car makes them liable for damages."

Committed for Trial.

Regina, Aug. 15.—Mack Sing, the Chinaman arrested in connection with the death of two men from arsenic poisoning, was committed for trial.

Will Retire.

Calgary, Aug. 15.—M. S. McCarthy, M. P. for Calgary, will not be a candidate at the next federal election. F. D. Nolan or F. E. Crandell will be the nominee of the Conservatives. Mr. McCarthy says that the business of his law firm forces him to quit politics.

Mrs. O'Hara Dead.

Brandon, Aug. 15.—The death took place last evening of the wife of R. H. O'Hara, one of Brandon's best known citizens.

Declines to Talk.

Mcntreal, Aug. 15.—Mr. F. H. McGuigan, former vice-president of the Great Northern Railway, whose sudden exit from that office has caused a great deal of talk, arrived here yesterday from St. Paul, on his way to Portland, Maine, for a rest. He says he has no plans for the future. After he has had a vacation, he says he will think about that. He denies that he had any personal encounter with the Hills, but beyond that he has nothing to say about his resignation.

Wedding Announced.

Winnipeg, Aug. 15.—Mr. and Mrs. William Wallace Blair, have issued invitations for the marriage of their daughter, Margaret Marie, to Wm. Whyte, jr., which takes place at All Saints' church on Wednesday, September 4th.

Municipal Union.

Fort William, Ont., Aug. 15.—The Canadian municipalities selected Medicine Hat for next meeting. Mayor McIlreith, of Halifax, was elected president. As a result of a lively discussion on Sunday cars the convention passed a resolution endorsing the right of individual municipalities to give decisions on the question.

For Stabbing.

Toronto, Aug. 15.—In sentencing an Italian named Faudalo to three years in the penitentiary to-day for stabbing a fellow countryman, the judge announced that such cases would be severely dealt with. The judge said that the use of the stilleto would not be tolerated.

Liner Delayed.

Quebec, Aug. 15.—C. P. R. steamship Empress of Britain is expected to come into port about 3 a.m. to-morrow morning. Up to Belle Isle, the Britain had beaten the record made a fortnight ago by the Empress of Ireland by six hours, and it was expected the big liner would reach here by 4 o'clock this afternoon, but she was unlucky enough to run into fog just after passing through Belle Isle and in consequence lost 12 hours. Had it not been for this detention her mails would have been delivered in Toronto to-day, arriving 24 hours earlier than they were ever before delivered.

Earl Carrington, as commissioner of crown lands, has offered about 1,200 acres of land for sub-division into small holdings in Lincolnshire.

All the blood of the body passes through the heart in 32 beats.