

CLAIM PATENT IS INFRINGED

BLOME CO. SERVES NOTICE ON THE CITY

Threatens Proceedings as Result of Action of City in Matter of Pandora St. Pavement

Formal notice threatening legal proceedings against the corporation for having committed an alleged infringement of United States patents, covering their "granitoid" pavements, was served in the city council on Monday in a communication signed by A. E. Ashbrooke, attorney for the Rudolph S. Blome Co., of Chicago. Mr. Ashbrooke writes from Tacoma, where the company maintains a branch office, and the letter is dated April 16th.

The Blome company contends that the pavement which is now being laid by the city on Pandora street "is a direct infringement of the claims of the United States patent granted us in June and August, 1907, both for the inventions of pavement and method of making same, which patents are owned and controlled by us, and under which we are now working."

Continuing, the attorney for the company says: "We request that you respect the rights granted by the United States government by means of these patents to ourselves, by refraining from the construction and employment of such patents or any other which constitutes an infringement of those patents."

"Such pavements can be lawfully laid only by ourselves, and any others whom we may license under the patents. Your failure or refusal to respect and heed this notice, and the laying of such pavements in your city, will be sufficient grounds for instituting proceedings not only against the contractor, who may venture to construct pavements of this character, but also against your city, for the recovery of damages and profits, and for an injunction to prevent the use of such pavements."

On the letter being read Monday evening it seemed to be the unanimous opinion of the members of the board that the patents, not having been used in Canada, there could be no grounds for an action against any city in the Dominion.

Ald. Ross, however, feared that possibly the city might have made a mistake in employing the particular process which it did—and he wanted to know if the council authorized the city engineer to proceed as he had done. Mayor Morley deprecated any reference in public to the action of the city in this matter, and the letter was thereupon referred to the city solicitor.

CANADIAN CLUB PRESIDENT.

the Canadian Club.

SELECTING JURY FOR HEINZE TRIAL

Counsel for Prosecution and Defence Clash Over Questions Asked

(Times Leased Wire.) New York, April 26.—Defence and prosecution in the trial of F. Augustus Heinze had their first clash to-day over the questions asked prospective jurors concerning possible affiliations with the Standard Oil Company.

The defence asked the talesmen whether they had had any dealings with the Standard Oil Company or with the late H. H. Rogers. The prosecution objected, but Attorney Stanchfield justified his questions by declaring that the Standard Oil Company and Amalgamated Copper Company had fought Heinze for years for control of the Montana copper field, and that prejudice might exist in the minds of any juror possibly affiliated with the former opponents of Heinze.

MINISTERS WILL TRY TO PREVENT FIGHT

Methodist Pastors Start Campaign Which They Hope Will Become National Movement

(Times Leased Wire.) Cincinnati, Ohio, April 26.—Methodist ministers of Cincinnati to-day started what they intend shall be a national movement to prevent the Jeffries-Johnson fight at Emeryville, Cal., on July 4th.

The plan of campaign outlined by the ministers includes an appeal to every Methodist church in the nation to exercise its influence to prevent the battle.

A resolution adopted by a mass meeting of the local Methodist clergymen contains the following paragraph: "That the permission of this fight can be regarded as nothing less than a national disgrace and a calamity to the moral life of our people; that the Cincinnati Methodist Ministers' Association protests against the permission of this fight, and that we invite the ministers of all denominations in the state of Ohio to every other state and territory in the union to stir their people and to unite with us in protest to the governor of California against the permission of this fight."

TELEPHONE POLES BURNED. Brandon, Man., April 26.—Fifteen hundred telephone poles, the property of the Manitoba government, were destroyed by fire in the C. N. yards here yesterday, and the loss will be \$2,000. Captain Brew, apparently negligent, started the fire and the blaze fanned by a fierce wind ran with great rapidity to where the poles were piled.

TO RECONSIDER SCHOOL SITE

TO INVESTIGATE CLAIMS OF SPRING RIDGE

Special Committee of City Council Named to Confer With Board of Trustees

(From Tuesday's Daily.) A special committee of the city council and a special committee of the school board will meet at once and prepare a report respecting the possibility of an arrangement being made whereby a section of land at Spring Ridge may be available for the purpose of a site for the new High school. This conference is made possible owing to the action of the city council last evening.

Prior to taking up the regular business of the session, Ald. Fullerton asked that Dr. Lewis Hall, ex-mayor, who was present, might be given an opportunity to make a few remarks on the question of the site for the new High school, which question, in Ald. Fullerton's opinion, was one of the greatest importance to the citizens as a whole.

Dr. Hall was thereupon heard. He had been informed by George Jay, chairman of the school board, that if a committee of the city council were appointed to consider the claims of Spring Ridge, a special committee of the school board would be named to take the matter up. He, personally, would like very much to see the city agree to donate the six acres which it owns there for the purpose of a site.

It is not intended to utilize the land as was intended in the first instance—as a site for a corporation at the Jewish cemetery, but he understood that there were some almost insuperable difficulties in the way of a choice of that land. There was, for instance, the question of sewerage. It had been thought that in order to give sewerage facilities to the section where was situated the Jewish cemetery they would have to dig a new plan altogether, as the scheme now followed would not permit of an extension in that direction.

Ald. Fullerton, as the representative of the board of the Spring Ridge district, thanked Dr. Hall for his kindness in addressing the board, and the following committee to deal with the matter was then appointed: Ald. Bannerman, McKeown, Humber and Fullerton.

IMMIGRATION RETURNS BREAK ALL RECORDS

Work of Developing Resources of Western Canada is Proceeding Rapidly

Winnipeg, April 26.—All the indications are that this is to be a record-breaking year in the annals of the development of western Canada. The immigration during last month was the largest for any month since immigration to this country began. The total immigration last month was 33,065, of which 17,310 came from the United States and 15,755 came via ocean ports. The magnitude of this total makes it look not at all unlikely that the estimates which were made early last month, that the year's immigration would reach the 400,000 mark, may be found to fall short when the actual total for the year comes to be added up.

The evidences of growth and expansion are visible in all parts of the country. The work of developing the resources of western Canada is going forward with energy and rapidly. New settlers in their tens of thousands are going upon the land, and the opening of the prairie provinces is being hastened by the plough. Construction work of all kinds is being done and business is expanding.

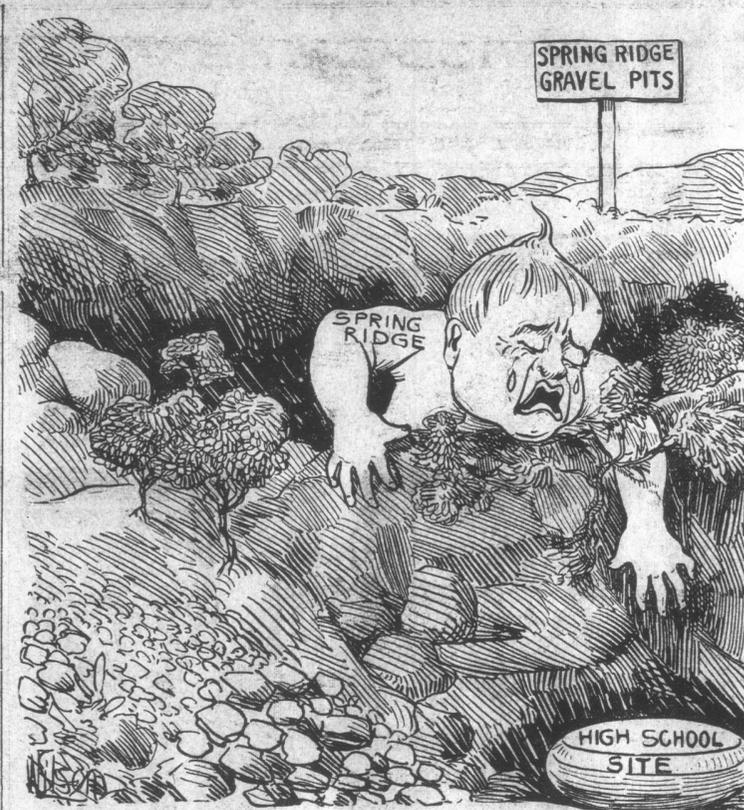
The Pacific railway has let contracts for two new steel bridges in Manitoba, one across the Assiniboine river at Headingly, and the other across the Souris river at Souris. They will replace a present wooden bridges at these points.

HALEWOOD MAY BE LIABLE TO FINE

Captain Brew Should Have Made Declaration to American Customs Department

Seattle, Wn., April 26.—Unless the British ship Halewood, from Vancouver, now in drydock at Eagle Harbor, is taken out to sea and towed into port by 9 o'clock this evening, the owners of the ship will be fined \$1,000 by the United States customs service. The Halewood arrived at Victoria Saturday night. Yesterday the ship shifted to Eagle Harbor without filing a manifest of cargo with the customs office. Forty-eight hours, excluding Sundays, is allowed all masters of vessels to declare their cargo. As the Halewood is in drydock it will cost the owners of the ship \$800 to \$1,000 to get the vessel into port before 9 o'clock to-night, with a possibility of being fined unable to make port in time under any conditions.

In connection with the above dispatch it may be stated that the only freight the ship carried was clinging to the bottom of the hull on the outside. Captain Brew, apparently negligent, is stated that he had nothing dutiable aboard, barnacles being on the free list.



"HE WON'T BE HAPPY TILL HE GETS IT!"

NOW IN CHARGE OF WATER WORKS

DEPARTMENT IN HANDS OF CITY ENGINEER

Final Action Taken by City Council Monday Evening to Merge the Two Departments

Final action on the matter of re-organizing the respective duties of the water commissioner and the city engineer was taken at Monday evening's meeting of the city council, when the resolution of Ald. Bannerman to this end was passed unanimously. This provides for authority to make certain changes in the "Duties of Officers By-law." James L. Raymur, who holds the office of water commissioner at present, will retain his title and be responsible to the city council for all financial matters connected with his department, but the control which he has hitherto exercised with regard to the laying of pipes and repairs and maintenance of the system will be vested in the city engineer, Angus Smith. Other recommendations of the streets committee were adopted as follows:

"Recommended that the purchasing agent purchase by tender 4,000 letters, which is the proximate number required for placement in cement sidewalks to designate the names of streets, also 100 street name signs, to be tacked up on buildings or posts where there are no permanent sidewalks.

"Recommended that the city assessor be instructed to submit a report to the council estimating the value of property to be expropriated, and the amount of compensation, if any, to be paid each owner for loss of land occasioned by the proposed widening of Rudlin avenue, and upon receipt of such report the city treasurer be notified to tender to the property owners interested, the respective amounts as set out in the report of the city assessors.

"Recommended that sub-divisional plan of lots in block 18, Beckley Farm, Victoria city, be approved by the council.

"Recommended that an automatic sewage pump be purchased to complete the sewerage system at the corner of Government and Discovery street. Estimated cost \$800.

"Recommended that alterations and repairs, suggested by the city engineer in his office, as per his report of the 18th inst., be carried out at an estimated cost of \$200, that a flat top desk be purchased for his use and electric call bells attached thereto, that \$200 be voted for the purposes of a reference library, \$325 to purchase a level and transit, and that on account of the large amount of civic work being carried on throughout the city, an automobile be purchased for use of the city engineer and staff. Estimated cost \$1,500.

"Your committee's attention having been directed to the fact that certain buildings and structures, erected by the Canadian Pacific Railway Company on Lime street, Victoria, West, encroach on the street, we would recommend that the city solicitor be instructed to notify the company to cause their removal from off the street forthwith.

"All expenditure contemplated in the foregoing to be subject to favorable report thereon by the finance committee, and adoption of said report by the council."

On a recommendation from the finance committee the following increases in civic salaries were decided upon to

city treasurer, \$12.33 per month; assistant treasurer, \$6; comptroller, \$5; two clerks in treasurer's office, each \$5; accountant, \$10; two lady clerks in water office, each \$5.

It was decided to make a grant of \$75 to the S. P. C. A. and H. A. M'gun will be paid at the rate of \$20 per month for the rental of a portion of an unused foot path to the E. & N. railway bridge.

The following works of local improvement were authorized: The construction of boulevards (including maintenance) with curbed gutters, on both sides of Harbinger avenue, between Richardson street and Fairfield road; and the construction of a boulevard (including maintenance) with curb and gutter on the north side of Pembroke street, between Cook and Chambers street.

FREE COLONIAL WHEAT POLICY

FARMERS SUPPORT BALFOUR'S PROPOSAL

Lord Advocate of Scotland Denounces Plan of the Unionist Leader

London, April 26.—Easil E. Peto, Unionist member of parliament for East Wiltshire, in supporting Mr. Balfour's policy of free colonial wheat, says: "We must regard the wheat fields of Australia, Alberta and Saskatchewan as much a source of a tax free supply of food for Great Britain as those of any part of the Empire."

At a meeting of the Tariff Reform Federation several farmers favored Mr. Balfour's policy. Alexander Ure, M. P. for Linnithgow, a lord advocate for Scotland, speaking at Darlington, said the colonial farmer had never asked for a bribe of a two shilling tax on wheat, and that the tax was the greatest imposition ever attempted to be practised on a free people.

MRS. BRADLEY STRONG GRANTED DIVORCE

Former Actress Successful in Suit Against Husband—Sued on Ground of Desertion

Portland, Ore., April 26.—Mrs. Putnam Bradley Strong, formerly Lady Francis Hope, is to-day known as May Yale, having been granted a divorce from Captain Strong and given her maiden name. The divorce was granted yesterday by Judge Campbell, at Oregon City, the grounds being desertion. Captain Strong was represented by attorneys, who filed a demurrer to the complaint. The demurrer, however, was overruled by the court and the decree granted.

May Yale was deserted by her husband several years ago. She had married Captain Strong after an international scandal in which she and Strong were involved while she was still Lady Francis Hope. A few months ago she returned to Portland after having left the stage and has since lived quietly here under an assumed name.

CONFESSES MURDER. Brockville, April 26.—Albert Holmes, who murdered his cousin, Nathaniel Bolton on Thursday, was caught in the woods Saturday night and lodged in the county jail. He confessed the crime and says he was prompted to commit the murder by an evil spirit.

ATTEMPT TO DYNAMITE JAIL

TWO CONVICTS ARE SLAIN BY GUARDS

Three Other Men Wounded When Prisoners Try to Escape From Penitentiary

(Times Leased Wire.) Canyon City, Col., April 26.—Harry Brophy and Andrew Johnson, convicts, are wounded, Bradley fatally and Cell Housekeeper Emery is also wounded, as a result of an attempt of five prisoners to dynamite the state penitentiary and escape.

But for the quick work of Warden Tyman, who shot down Convict Williams, probably many persons would have been killed in an explosion of dynamite. Tyman discovered Williams lighting the fuse to five sticks of dynamite which were buried in the north prison wall. He shot him and the convict fell before he touched off the fuse. John Miller, the fifth conspirator, escaped injury. Brophy is believed to have planned the escape. He was serving a fourteen year sentence for burglary.

When Keeper Emery was bringing the prisoners back to their cells at 8.30 in the evening, Brophy unlocked his cell door with a key secured from some unknown accomplice. With his four companions, who like him were considered too dangerous to take to chapel, Brophy waited until Emery had removed the steel bolts over the cell door. Then he dashed out and shot Emery through the foot.

Using Emery's body as a shield, Brophy unlocked his fellow conspirators, and they all dashed for the window of the cell house. Williams dropped through the window to the prison yard. He was followed by Brophy. By this time the guards were aroused. One of them saw Brophy and shot him through the head, killing him instantly.

As Johnson followed Brophy into the yard the guard shot him. The bullet penetrated the skull and Johnson dropped dead. As Bradley dropped from the window, the guard shot him through the abdomen, inflicting a probably fatal wound.

Meanwhile Warden Tyman found Williams lighting the fuse to the dynamite hidden in the north wall. Tyman shot him in the leg. He was placed in the prison hospital under guard.

The authorities are trying to find out where the convicts secured the arms and dynamite they used. The search of the cell house and other prisoners remained in line in front of the cell house. They were standing near the north wall, not far from where Williams attempted to blow it down.

THEODORE ROOSEVELT'S VISIT TO LONDON

Former President and Family Will Be Guests at Banquet at Buckingham Palace

(Times Leased Wire.) London, April 26.—Theodore Roosevelt's presence in the city is going to make the early part at least, of the coming London "season" the liveliest the British capital has known in years.

A prospective visit from no monarch in Europe could create so much interest. Many men and women of prominence will be here from the continent, too, to participate in the whirl of festivities.

Dorchester house, Ambassador Whitehall Road's palace, which will be headquarters for Col. Roosevelt and his family during their stay in England, will be the pivot around which everything in a social way will revolve while the distinguished visitor is in Great Britain. The biggest ball of the season will be given there by Mrs. Reid, in Miss Ethel Roosevelt's honor.

Setting aside the Reid's, King Edward and Queen Alexandra will head the list of the Roosevelt's entertainers. They will be given a banquet at Buckingham palace and the first state ball of the season will be held considerably earlier than usual, that they may attend it before their departure.

FRENCH SUFFRAGETTES ARE NOT DISCOURAGED

Leader Received Only Thirty-Four Votes in First Day's Balloting in Republic

Paris, April 26.—French suffragettes are not showing discouragement over the light vote polled by them in the elections, in which the Republicans were successful.

Mme. Durand, the most active campaigner, got only 34 votes in the Montmartre district. The suffragettes and women kind in general claim that their defeat was due to government restrictions. The government placed a heavy tax on electioneering posters advertising women candidates, which cost the suffragettes one cent a square foot for every foot of advertising. Mme. Durand declared that she was willing to spend her entire fortune in the suffragist cause. She is endeavoring at present to prevent her followers from joining the Socialists.

The election was the tamest in years. Final balloting will be held May 8th.

PROPOSED MERGER CALLED OFF. Hamilton, Ont., April 26.—It is announced that the proposed merger of the Hamilton Steel & Iron Company, the Canadian Saw Company, the Canadian Bolt & Nut Company and the Montreal Rolling Mills had been declared off. No reasons have been given why the deal fell through.

SIXTY THOUSAND MEN ENGAGED

CIVIL WAR NOW RAGING IN ALBANIA

Atrocities Reported on Both Sides—Former Sultan's Officers Lead Rebels

(Times Leased Wire.) Constantinople, April 26.—Government officials admitted to-day that Albanian revolt has assumed proportions of a civil war, and will be treated as such.

Sixty thousand Albanian rebels and government troops are waging war against each other in the northern and eastern part of Albania. Before the end of the week both sides will receive strong reinforcements which will make a total of 100,000 men engaged in the conflict.

Atrocities have been reported from both sides. It is stated that the rebels cut off the arms of several hundred Turkish prisoners because they had no place to keep them as prisoners, and knew that the soldiers would discard their parcels if released and would return to fight against the Albanians. So far the revolutionists have had the better of the fights. From authoritative sources it is stated that the Albanian rebels have been winning conflict after conflict by superior strategy. A number of Abdul Hamid's leading officers are leading the rebels. They hope to overthrow the present regime and restore Abdul Hamid to the throne.

It is becoming more evident daily that the Albanians have been preparing for the last months. The rebels are fully armed, and armaments are supplied with an unlimited amount of ammunition. The Turks expected easy victory, believing that they were fighting against trained regiments against a horde. Instead they marched against troops trained nearly as well as the Turks, and offered by men fully as well qualified to lead as those heading government forces.

CHINAMEN HELD

(Special to the Times.) Sudbury, Ont., April 26.—Two Chinamen are held here on a charge of smuggling themselves in from the United States. The penalty is one year's imprisonment. Prosecution will be instituted.

RAISED TO PEERAGE

(Special to the Times.) London, April 26.—Sir John Dickson Poynder, who goes to New Zealand as governor, has been made a peer.

NEW CHURCH

Vancouver, April 26.—The congregation of the First Congregational church, who have disposed of their property at the corner of Georgia and Richards streets, are at present planning for the erection of a handsome new church at the west end of the city. The site has not as yet been selected, but this will soon be done, when work on the new edifice will be commenced. In all probability the building will be of stone, and it is hoped to have it ready for worship by the end of the year. Plans for the structure are now being prepared by the architect.

BRITISH EXPERTS BUILDING NEW AIRSHIP

Will Be the Most Effective Lighter-than-Air Craft Ever Constructed

Barrow, England, April 26.—After remaining up to the present time at the rear in the international race for the world's aerial mastery, British experts believe they are at last on the eve of turning out the most effective lighter-than-air craft in existence.

The ship is being put together by the firm of Maxims. The machinery is being constructed at the Vickers-Welsley-Siddley works at Birmingham, and experiments are in progress under the direction of the British air office, an adjunct of the national physical laboratory at Teddington.

In a general way, the vessel will resemble the best type of Zeppelin, but Zepplins, however, are of the same structure from bow to stern, which gives it, British experts say, a disadvantage. The British ship will have a form similar to the deck outline of an engine. It is argued that this will give it a much greater speed, rigidity and responsiveness to the helm.

The vessel's greatest diameter will be about 48 feet. As for length, the shed in which it is being built is 60 feet long, and when the craft is completed there will be 80 or 90 feet to spare at the ends of the sheds.

CLOSING OF SALOONS

Montreal, April 26.—That the city council will pass Alderman Carter's law closing saloons at 10 o'clock, and on Saturday evenings, when they must close at 7, became apparent yesterday, when the first reading was carried by a 12 to 7 vote.

Moving picture shows are to be held \$500 per year, the idea being to have them pay for fire protection and to be used to put the little ones out of business. The sum of \$1,400,000 is to be spent this year on Montreal streets and sidewalks.

Some statisticians discover that the average woman carries forty to sixty pounds of hair on her head.

In Scotland there are now 1,000,000 sheep a year, of which 4,500,000 are of natural ice.

CANADIAN RUNNERS GOES

Cotter, Winner of Hamilton Marathon, Wins Race

When the first annual Hamilton Marathon was held last year, under the Hamilton Spectator's sponsorship, world was announcement that would send the winner which is regarded as a championship long distance runner, the Canadian runner, Cotter, who won the race in 1 hour 55 minutes. Cotter, who won the race in 1 hour 55 minutes, was the first Canadian to win the Hamilton Marathon. Cotter, who won the race in 1 hour 55 minutes, was the first Canadian to win the Hamilton Marathon.

Unfortunately, owing to troubles in the court, Cotter has been unable to change his plans, and he will not be able to run the Hamilton Marathon. Cotter, who won the race in 1 hour 55 minutes, was the first Canadian to win the Hamilton Marathon.

This means that the winner of the Hamilton Marathon will be a runner who has never done anything in the way of a race. Cotter, who won the race in 1 hour 55 minutes, was the first Canadian to win the Hamilton Marathon.

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