

The By-Law Defeated

The Board of Aldermen Kill the Measure Enforcing Sunday Observance.

A Long Session Ends Amid the Cheers of a Large Audience.

Ald. Beckwith Accuses the Colonel of Grossly Misrepresenting Him.

The majority of the aldermen elected to represent the people of Victoria last night decided that the Sunday observance by-law introduced by Ald. Beckwith should not be adopted, and a large audience demonstrated approval of the decision arrived at, by an outburst of applause such as has not been heard in the city hall for years. It will be remembered that last week the council were in committee on the by-law, clause 1 having been passed. Last night clause 2 was taken up, which would have prohibited the opening of barber shops on Sunday. Ald. Williams was the first to declare a change of faith, and as soon as he had spoken it became evident that the majority was against the measure. Several attempts were made to discuss the principle of the by-law, each of which was sternly repressed by his worship the mayor, who insisted upon the aldermen confining themselves to the clause under discussion. Then an attempt was made to re-commit the clause passed last week, and this was defeated. An amendment was then introduced granting to hotel proprietors the privilege of conducting barber shops in hotel buildings. That was withdrawn by Ald. Hayward, who introduced it, in favor of another amendment by Ald. MacGregor looking towards the same end in a modified form, but even that was defeated, and then Ald. Kinsman moved that the committee rise, and this was agreed to, the mayor, Ald. Kinsman, Williams, Humphrey, Stewart and Hayward voting aye, and Ald. Cameron, Beckwith, Brydon, and MacGregor being opposed. Then Ald. Beckwith obtained permission to rise to a question of privilege for the purpose of combating some statements made by the Colonel and to "set himself right before the public." The council rose at 11 o'clock.

All the aldermen were present and his worship the mayor presided. City Clerk Dowler being also in attendance and City Solicitor Mason represented by Mr. J. M. Bradburn.

The minutes of the last regular meeting and of two special meetings held since Monday last were read and duly adopted without amendment, although some delay was occasioned by the reading of the motion adopted last week regarding the relief of property owners from the necessity of making sewerage connections, not being thought by his worship to be correctly reported.

Communications.

were then taken up as follows: From registrar of the Supreme Court, B. H. T. Drake, transmitting a copy of the presentment of the grand jury, received and filed on motion of Ald. Williams.

From the Deputy Minister of Public Works, Ottawa, acknowledging the council's letters regarding the "Sorby" scheme and saying that at this stage of the session it is only possible to assure the council that the matter will receive the careful consideration of the minister. Received and filed.

Curfew Law.

Corresponding Secretary L. R. Crease, of the Local Council of Women, addressed the city council on the subject of a curfew by-law, suggesting that the hour at which children shall be prohibited from "loitering" on the street shall be 9 o'clock in winter and 9 o'clock in summer, and that the by-law shall apply to all children not exceeding 15 years of age. The following provisions were also recommended: The penalty for the first offence shall be that the child shall be taken home at the parents' ward; for the second offence the child shall be taken home and the parents fined \$1; and for the third offence the parents shall be fined \$5. It was earnestly requested that the council will order a large bell to be rung by a whistle to be blown at the specified hour in summer and winter.

Ald. Williams moved that the communication be laid on the table to be dealt with when the council introduced a curfew by-law or one to deal with junior offenders. Carried.

The Old Graveyard.

Mr. H. D. Heimeken, Q.C., M.P.P., acknowledged receipt of the report of the cemetery committee regarding the old graveyard, and thanked the council for prompt action in the matter, assuring them that he hoped they would be successful in obtaining a transfer of the property from the provincial government and stating that he has written to Hon. Mr. Cotton, minister of lands and works, asking him to consider favorably any application looking to that end. Received and filed.

Advertising Victoria.

Secretary Elworthy of the Board of Trade acknowledged the letter of the council informing him that the sum of \$150 would be appropriated for the purpose of publishing a pamphlet setting forth the advantages of Victoria as the southern end of the island as a place of resort for tourists and hunters, and saying that he would report the same to his board at the earliest opportunity. Received and filed.

To Assist the Mint.

Mr. C. C. Moody sent the council a one dollar bill "with which to start a fund to assist in establishing in Victoria a mint for mining Canadian gold." Mr. Moody's letter will be kept on file but the \$1 will be returned to him with the thanks of the council and an expression of sincere regret that the council cannot avail themselves of his subscription to the building of a mint is not in their power.

Individual Complaints.

Mrs. Cecilia Warren said that she

nuisance of water running from Mr. B. W. Pearce's property, across an alley between Chestnut streets, and on to her property on Maple street be abated. To the city engineer for report.

J. E. Burgess complained of an undue amount of water collecting on his property on Fourth street and on Topaz avenue, and asked that the nuisance be abated. To the city engineer for report.

Want the Cricket Ground.

Col. F. B. Gregory addressed the council with a request that as it was rumored the Albion Cricket Club do not intend to re-organize, the privilege of the use of the cricket ground at Beacon Hill used by them be granted to the Fifth Regiment Club.

On the condition that the Albions do not re-organize, Mr. MacGregor moved that the request be granted and the motion passed.

A Sewage Nuisance.

Mr. James Maynard again directed the attention of the council to the fact that sewage is standing in his drain, and Ald. Brydon said a previous communication had been referred to the city engineer and no report had been received. This letter went to that official to remind him of the matter.

Thanks for Support.

Mr. J. H. Mezzies thanked the council for their endorsement of the petition addressed to the Postmaster-General, from the residents of Salt Spring and other islands asking for improved mail facilities. Received and filed.

Work at Beaver Lake.

The city engineer reported as follows: To His Worship the Mayor and Board of Aldermen:

Gentlemen: I have the honor to submit the following estimates for the work on the slopes of the reservoir at Beaver Lake with nine inches of concrete of the proportion of 5 to 1, with other work necessary to be done in connection with the slopes. Estimated cost, \$8,900; estimate for laying fish out pipes, rock excavation, \$476.50; connecting up the 12-inch main, \$1,588.50; total, 2,065.

I would respectfully recommend that the concrete work be commenced as soon as possible before the very hot weather sets in. Respectfully submitted.

E. E. COUSINS, Acting City Engineer.

Ald. Stewart moved the adoption of the report, considering that the wisest thing to do was to proceed with the work immediately. Ald. Williams seconded the motion, and in doing so asked if any objection to the position occupied by the independent of the work. The mayor said that no appointment had been made, and in answer to a further question said the appointment of the superintendent should be left in the hands of the engineer. Ald. Humphrey suggested that there be added to the motion words leaving the selection of a superintendent to the engineer, but Ald. MacGregor asked if any applications had been received, to which the mayor said that Messrs. Glover, Noss and Haggerty had applied for the post of foreman.

Ald. Hayward put in a strong plea on behalf of Mr. Haggerty, reminding the council of the position of that gentleman in regard to the work. His tender had been rejected although security was given, and another tender, \$16,000 or \$17,000 higher, had been accepted and he had landed itself in a lawsuit.

Ald. Brydon differed altogether from the idea that the engineer should have the appointment of the foreman without consulting the council, and favored the plan of having the appointments passed on by the aldermen so that both they and the engineer might be satisfied. This was also Mr. Cousins' view. Then, again, Ald. Humphrey suggested that the names of two or three men with whom he would be satisfied as foreman of the work and leave it to the council to choose one of them. Ald. Stewart objected to the delay this might involve, but the mayor said he did not see that any delay would be occasioned as he could instruct the engineer to proceed with the preliminary work and a special meeting of the council could be called any time at ten minutes' notice to select the appointee.

This was satisfactory to the aldermen and it was agreed to hold a special meeting this morning at 12 o'clock for the purpose.

Engineer's Report.

Acting City Engineer Cousins sent in the following report:

To His Worship the Mayor and Board of Aldermen:

Gentlemen: I have the honor to submit the following report for your consideration: Re Fort street grading from Douglas street east to Cook street, a distance of 2,300 feet. This part of said street to be brought to the grade established under the by-law of 1891. It will necessitate a fill of two or three feet in places, and a cut below other places. Estimated cost, \$8,200. As the property on the north side between Quadra and Vancouver streets is already much below the level of the present street, it would hardly be advisable to raise the same an additional two or three feet, which would be necessary in order to bring street to grade. Should the car track be placed in the centre of Fort street, it would be necessary to grade the street to its full width to allow of sufficient room on either side of the track for vehicular traffic; also that all poles be placed back to curb line. Estimated cost, \$4,000.

Re Mr. M. C. Reynard's request that a drain be laid to drain the two houses on Foul Bay road, at junction of Oak Bay avenue. I would recommend the box drain be laid to drain a distance of 200 feet, and that the ditch be deepened sufficiently to drain the property. Estimated cost, \$88.

Communication from Mr. B. Pemberton for a box drain to be laid to take the place of the present open ditch from Mr. Combe's house on Rockland avenue. As the ditch continually requires cleaning out, I would recommend the box drain be laid in the present ditch and the ditch filled in, it being in a dangerous condition at present. Estimated cost, \$50.

Scavenger's Grievances.

The scavengers of all of them but one, applied for a change in the regulations for the dumping of night soil, wishing to have the same privilege at the end of Cook street six nights in the week that they now enjoy only three nights, and also asked the council to extend the time for removing rubbish from stores, offices, etc., in the morning until 11 o'clock instead of 9 as at present.

The mayor expressed the hope that the aldermen would consent to the latter request, and the whole matter was referred to the special committee which dealt with scavenger's affairs before.

A request from J. H. Baker and others for a new road west to the city engineer for report.

Water for Suburbanites.

The special committee appointed to report regarding the supply of water to those who reside beyond the city limits sent in a report favoring the continuation of the present system, and Ald. Brydon moved the adoption of it, giving the reasons which had prompted the committee in arriving at that conclusion. Ald. Humphrey again protested against this method of working a hardship on those who pay city taxes, but the report was finally adopted.

The park committee recommended sending a pair of swans to St. John's and the report was adopted.

The Finance committee recommended the payment of current accounts amounting to \$3,283, and Ald. Beckwith objected to the item of \$35 for tarring the piece of cinder sidewalk on Fort street between Vancouver and Cook. This had been decided upon at the last special meeting, and Ald. Hayward protested against the matter being re-opened. Considerable discussion followed and the report was adopted.

The same committee recommended the payment of \$700 for work at the new fire hall and \$4,000 of the sewerage rental funds. Adopted.

Debt Consolidation.

On motion of Ald. Hayward the by-law providing for the consolidation of \$272,500 of the city's indebtedness was read a second time and the council went into committee with the mayor in the chair.

The by-law went through committee with clerical until it came to the matter of the rate which will have to be levied, when his worship pointed out that the rate suggested would be 10 cents, and not correctly calculated, the improvements, which can only be taxed half their full value, being included at full value.

The little error was to be corrected and the by-law was passed. The question is, shall clause 1 be deferred and clause 2 reconsidered?

Ald. MacGregor—"This is simply banking the by-law."

The Mayor—"No it isn't. When you get clause 1 re-committed you can discuss it."

Ald. MacGregor—"I don't think we could say anything about it that you wouldn't rule out of order. A false impression has got out about this by-law, although our sister city has just the same as we now propose."

The Mayor—"You can do anything you like with the clause when you get it into committee."

Ald. Beckwith—"In discussing clause 1 I can refer to the steps which led to the introduction of it."

The Mayor—"No that will be dealing with the principle. You can strike it out, or use other words."

Ald. Beckwith—"We don't want any misunderstanding. We want to put our reasons before the public. There has been a gross misunderstanding and if by reconsidering clause 1 we can correct that we are not doing anything wrong."

The Mayor—"You can't deal with the principle."

Ald. Stewart—"If we reconsider the clause we shall hear nothing but the old stock arguments. We have heard too much already."

Ald. Beckwith—"No doubt you have heard too much."

A division was then taken and it was decided not to reconsider clause 1, Ald. Williams, Kinsman and Cameron only voting for it.

Clause 2 was then taken up and Ald. Hayward moved that the following words be added: "Nothing in this clause contained shall prevent hotel keepers from providing their patrons with the comforts of a shave or other tonorial luxuries on a Sunday."

Ald. Beckwith wanted to know what that meant. He had no objection to hotel proprietors accommodating their guests in that way, but that was different to opening a barber shop in the hotel.

Ald. MacGregor suggested an amendment giving hotel proprietors the privilege of running a barber shop on Sunday for their customers only. Ald. Cameron wanted to know where they proposed to draw the line, but Ald. Hayward was satisfied with the suggested amendment.

Ald. Beckwith would rather kill the by-law than see such a clause as that put in. He had travelled a good deal and had seen in some hotels a room set apart for the use of men who wanted shaving

that he could not discuss the principle of the by-law in committee.

Ald. Beckwith asked if he could say a few words and was informed that any alderman could speak as often as he wished in committee on the clause under consideration at the time.

Ald. Beckwith wished to explain about the introduction of the by-law. It had been drawn up by the solicitor under instructions from the mayor and none of the aldermen knew what would be in it.

The Mayor explained that when the petitions were received it was decided to instruct the solicitor to prepare a by-law and his worship had acted on those instructions. The by-law had been prepared and he had informed the aldermen thereof, adding that he did not intend to be responsible for the introduction of it.

Taking up the clause, No. 2, closing up barber shops, his worship asked the aldermen what they proposed to do with such shops in hotels. Did they intend to prevent a guest in a hotel obtaining a shave? If they did, how did they intend to prevent other than guests patronizing the hotel barber shops on Sundays? "The gentlemen," said the mayor, "I think this legislation is in the wrong direction."

Ald. Beckwith—"Your worship is going beyond the clause you have limited us to."

The Mayor—"Yes, I am. Well, what are you going to do with the barber shops, gentlemen?"

Ald. Kinsman—"Since last week there has been a good deal of ink spilt over this matter, and I would like to explain my position."

The Mayor—"You can't enter into a discussion on the principle. You might move to re-commit clause 1."

Ald. Kinsman—"I can't confine myself to one clause I want to say something generally, so I will sit down."

The Mayor—"I understood when the by-law was brought in it would simply be in accordance with the barbers' petition. It goes farther, and if it passed a man who lives in a cabin and who forgets to get his bread on a Saturday night could not get a loaf on a Sunday. I don't propose to support any clause of it."

Ald. Brydon believed the majority should rule. The barbers with the exception of two asked for Sunday closing, and it would be unjust to ignore their wishes.

Ald. Williams wanted to revise clause 1, and his worship would not allow it. Ald. Cameron thought this ruling was wrong, and finally Ald. Williams moved that the consideration of clause 2 be deferred and clause 1 re-committed.

Ald. Hayward wanted the aldermen who wished to re-commit clause 1 to state their reasons and give the council an idea of what they wanted to do with it. Ald. Humphrey said all he wanted to do with it was to vote it down.

Ald. Kinsman wanted to know if they could discuss what had been said in the papers, but his worship said no, amid the laughter of the audience.

Ald. Hayward again asked the aldermen to say what they wanted to do with clause 1, and Ald. MacGregor rose to a question of privilege.

The Mayor—"What is your question of privilege?"

Ald. MacGregor—"Is it usual to ask what the question is?"

The Mayor—"Has it anything to do with this question?"

Ald. MacGregor—"It certainly has. As the by-law stands it is in danger of being killed."

Ald. Hayward—"So much the better." (Laughter.)

Ald. MacGregor—"As a business man in this city—"

on Sunday and who were guests of the hotel, but that was a different thing from fitting up a barber shop.

Ald. Williams thought Ald. Hayward was making fun of the whole thing and was surprised to find that the amendment was proposed by Ald. MacGregor.

The amendment was going to be put when Ald. Kinsman lost his pencil and told his worship could not accept the amendment. Ald. Kinsman found his pencil and the vote taken numbered only six.

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Then the audience burst into applause, which was continued for several minutes.

When the applause died away Ald. Beckwith was on his feet with a request that he be allowed to speak to a question of privilege.

The Mayor asked if it was in connection with the by-law, and Ald. Beckwith said he had a few remarks to make. He would consider it very unfair if he were ruled out of order, and he would like to see when this by-law was brought in, as he brought in, as we all know, as the result of two largely signed petitions."

The Mayor—"That is altogether out of order."

Ald. Beckwith—"I want to refer to an editorial in the Colonist."

The Mayor—"Oh, if you are going to refer to an editorial."

Ald. Beckwith—"That editorial has had the effect of creating a wrong impression. I quote from the issue of April 19th:

"There will be much difference of opinion in regard to the closing ordinance. The movement in this respect was not predicted upon moral grounds. The aldermen would not agree to close, it became necessary to petition the city council for an ordinance, and this some members of the city council, who favor what is called the Eastern Canadian Sunday, seized upon the opportunity to press through an ordinance closing restaurants, cigar stores and other places where merchandise is sold."

"Now I wish to say that is not a correct statement of the facts, and the members of the board will bear me out in stating that as a result of wrong reporting the council took up in that way, and I know he is disposed to give us fair treatment, but to say that the supporters of an Eastern Canadian Sunday took advantage of this petition to rush this by-law through is not a correct statement. When the first petition came in it was laid on the table until another came in, and then when the two were received the mayor instructed the solicitor to prepare the by-law. Not one member of the council knew what it was. It is grossly unfair that the members of the board should be mis-reported and their names bandied around the city as they have been reported."

The Mayor—"Oh, Ald. Beckwith, you will get used to that."

Ald. Beckwith—"I don't mind it especially, but when the editor of a paper like the Colonist makes such statements I think it is his duty to give us fair treatment, but to say that the supporters of an Eastern Canadian Sunday took advantage of this petition to rush this by-law through is not a correct statement. When the first petition came in it was laid on the table until another came in, and then when the two were received the mayor instructed the solicitor to prepare the by-law. Not one member of the council knew what it was. It is grossly unfair that the members of the board should be mis-reported and their names bandied around the city as they have been reported."

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General Otis Refused to Consider Overtures Made by Filipinos.

Reported Surrender of Force Under General Luna.

Americans and Natives Gaged in Severe Fight Around Apalit.

Manila, April 28, 8:20 a.m. Filipinos in the trenches did not make a ridiculously feeble stand, but General Luna's brigade of 1,000 men was quick, two regiments pressed formation.

The Americans from the north bank, could see General Luna's army, but they were not actually along the line and were not following to meet them. He finally succeeded in getting spread in an extended line, which would have done for the American rifles, and then puffed up to the track with dead and wounded in plain view. Americans who were entering so closely that the rebels bayoneted them.

A regiment made a rush the train, running up the track and even dropping down the tracks, but they were hastily leaving the bodies of their enemies.

Twenty Filipinos, bearing who came to meet the Americans they were firing steadily, but that food was shot up. They are army men with an eagerness that the truth of the statement. General Luna's army was gaged in a severe fight, showing remnants of the Filipinos' advances for fruitless. Colonel Manuel and Lieutenant Jose Bernier were among the killed. A flag of truce, told General representatives of General Luna had been requested by Aguinaldo's forces.

A Cession of Hosts in order to allow time to the Filipino Congress, which body was to be held in Manila. General Otis replied that he could not recognize the existence of a government.

There will be another communique.

Fifty Americans were killed. Colonel Funston dropped exhausted after the battle. The Kansas regiment cheered by the former appointed on a 4. He will be subject to dismissal by the engineer.

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