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HAVE NEW TRIALSupreme Court of Canada
Quashes Conviction in Work
Point Murder Case—Special
Assize Probable

By the action of the supreme court of Canada which yesterday quashed a conviction and ordered a new trial, Gunner Allen, convicted here of the murder of Captain Peter Ellison at Work Point barracks in August last, will not hang on April 5. The court has granted a new trial, and the date for the new trial has been set for the 12th inst. There is no case to be tried here, no date for the usual assizes court for Victoria has been fixed.

It is expected that in consequence of the decision of the supreme court a special assize for Victoria will be started. Otherwise the case would go over until the next spring assizes. The new trial was directed on the ground that important evidence which in the circumstances was inadmissible, was put in by the Crown and this evidence may have influenced the verdict of the jury and caused the accused substantial wrong.

In the decision of the supreme court Sir Louis Davies and Mr. Justice I. A. McRae dissented.

Allen was yesterday made acquainted with the outcome of the appeal to the supreme court and took the information in a quiet manner.

MAKE UGLY CHARGE

Witnesses Declare the Swimming In-
structor Could Have Saved Young
Girl's Life

SEATTLE, March 31.—Asserting that Henry S. Horan, the swimming instructor at the Washington Natatorium, instead of plunging into the tank to rescue 12-year-old Pearl Moore, as she was sinking to her death on Wednesday afternoon, went to a room and changed his clothing before entering the water, five witnesses declared before the coroner's jury that they believed the girl might have been saved had Horan responded immediately to their appeals. Kitty Brann, a university student, testified that Horan entered the room just as the girl sank for the third time in five feet of water. She said she told him of the girl's plight, but that he responded by asking: "Can't any of you girls swim?"

It was learned today that the Hud-son's Bay Company has put into effect a remarkable increase in the prices of their lands, ranging from \$5 to \$10 per acre additional. Lands located on lines which three weeks ago were generally quoted at \$14 and \$15 per acre, cannot now be purchased from the company at less than \$20 and \$25 per acre. This will no doubt be the signal for the general increase on the part of all companies in price of their lands in the west.

Notwithstanding the increased prices buying is extremely active, and sales are daily reported, from \$30 to \$40 per acre. There is every indication that in the matter of farm land values the west has entered on a new era and that 1911 will usher in the establishment of a considerably higher standard of prices.

COAL LAND CASES
Arguments Offered on Motion For Ac-
quittal of Defendants Interested
in Stracy Claims

SEATTLE, March 31.—Arguments were continued today on the motion to instruct the jury to acquit the defendants in the Stracy coal land cases, in which more than \$100,000 worth of Alaska coal and is alleged to have been fraudulently located.

S. R. Rush concluded his argument for the government, and was followed by E. Hughes for the defendants. Mr. Hughes is chief counsel for the Canadian claimants, and is an expert on Alaska coal claims. Assistant Attorney General B. D. Townsend closed for the government. Harry White, of Los Angeles, and former governor James N. Briggs, of California, claimants in the Stracy group, were interested spectators in court yesterday. White is under indictment.

The arguments will be completed to-morrow morning. Judge Hanford will take under advisement the motion of the defense for the dismissal of the case. It is expected that the court will hand down its decision on Monday afternoon, the jury having been excused from service until that time.

WINNIPEG, March 31.—The strike of miners in all the large coal mines in Alberta and British Columbia began tonight. Ten thousand men are involved. The supply of coal on hand at Lethbridge, Alta., the largest coal mining centre, is exhausted. The coal mines are lifting about 1,100 tons daily and have five thousand tons on hand. Most of the output this week was saved, as outside orders have not been heavy.

Express Messenger Arrested.
NOGALES, Ariz., March 31.—A. W. Hawkins, a Wells-Fargo messenger who has been missing coincidentally with the disappearance of an express package containing \$50,000, was arrested yesterday at Autlan. With him was a Mexican named Arguelles. The men left Autlan in a launch and landed at

CAPTAIN WHISTLER
DIES SUDDENLYWell-known Figure in Local
Marine Circles Succumbs to
Hemorrhage in Room at
Pandora Hotel

Lying in bed, the clothes of which were drenched with blood, the lifeless body of Captain Thomas Whistler, a well known figure in local marine circles, was discovered yesterday afternoon in his room at the Pandora Hotel, Pandora avenue, shortly before 5 o'clock. Death had evidently resulted from a hemorrhage. For some days he had complained of being unwell. He had been suffering from an attack of asthma, and it is supposed that while seized with a fit of coughing he burst a blood vessel.

A young lady who claims to have been engaged to the deceased called at his room yesterday afternoon. The door was locked, and when no response was made to her knock, she summoned the bartender of the hotel, who climbed through a transom and discovered the dead body. The police were notified. An inquest will probably be held this afternoon. The late Captain Whistler has been in the city for the past five months and on many previous occasions he had visited Victoria. At the time of his death he was on his way to the ship Yucatan, lying at the Outer Wharf. He had followed a seafaring life for many years. He came to this coast on the Olympia, as chief officer, and later took command of the Tacoma. At still later date he fitted out an expedition which sailed from Hong Kong for Alaska, where he became interested in mining property at Nome. He returned to Tacoma, where he became involved in litigation over this property and he practically lost all his interests in the north. Among his effects, which were taken charge of by the police authorities, were two medals which had been presented to him for life-saving. One the Royal Albert medal, was given to him for saving the life of a seaman of the steamer Ennada, on which he was serving, and the other, on September 12, 1886, off Cape Horn, and the next year he jumped overboard in Cork harbor and saved the life of an apprentice on the same ship. For the latter act he was knighted by the Humane Society's medal and a pair of binoculars was also presented to him by the Liverpool Shipwreck and Humane Society for his conspicuous bravery.

The late Captain Whistler was about 45 years of age. He leaves a son, residing in Tacoma, who was telegraphed to yesterday. The latter will arrive in the city today.

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The city solicitor at last night's meeting of the council submitted an opinion to the effect that while under the general Municipal Council Act, there is always a civic government, one council holding over until another is elected, under the Special Elections Act passed by the legislature there will be a complete vacancy from the morning of the 3rd until the night of the 7th and until the morning of the 8th, if the new council is sworn in on that latter date. Strictly speaking, no officer of the corporation can go on with any work during that time, and the order of the council, except by bylaws, expire with the lifetime of the present council. The city solicitor, however, presumed that if the officials choose to go ahead with the ordinary business in their various departments the incoming council will ratify what they do, but if it does not, and it will have the power to refuse, the officials will find themselves in a serious position.

Mayor Morley had no fear of trouble by reason of this position of affairs but he thought the council should know of the unusual situation.

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AUSTRALIA'S PLAN
OF NAVY BUILDINGPrompt Measures to Follow up
Admiral Henderson's Report
—Plague Reported in New
Zealand

MELBOURNE, March 30.—Following on the report of Admiral Sir R. Henderson as to the best means for the development of the Commonwealth navy, the government has decided to take prompt measures to bring its proposed fleet into existence. The government of New South Wales has been asked to construct a second class cruiser and three destroyers at Sydney, the Commonwealth cabinet being desirous to build its own warships if at all possible. The state government has the matter under consideration.

According to news received from New Zealand the plague has broken out there, three persons being attacked at Onehunga, one of whom has died. Considerable anxiety prevails, and measures to combat the spread of the dread disease are being taken.

A large nugget has been found in remarkable circumstances, at a mine at Ballarat. The manager had just decided to cease driving in consequence of the poor return he was receiving when one of the miners turned up a nugget which on being weighed was found to total 300 ounces.

The trades unions are now agitating for an eight hour day for domestic labor. They have placed their case before the labor minister who, however, was unable to give the deputation an answer in the terms they desired. It was pointed out that if the eight-hour day was granted to this class of workers, it would be necessary to import a large number, as the existing shortage would be aggravated to a remarkable degree.

The McGowan ministry is purchasing land with a view to the two penny tram from Sydney in order to allow workmen to build homes on the Credit Foncier system. The experiment will be watched with a great deal of interest, as it is hoped it will give a solution for the problem of the housing of the working classes.

Great preparations are being made for the taking of the census on Monday, and every effort is being made to secure the most complete and the most reliable returns possible.

FURS SMUGGLED
Device Adopted for Sending Canadian
Goods Across Boundary Line Free
of Duty

HOULTON, Maine, March 31.—Although the information that revealed land fur smuggling from Canada was given to the authorities at Washington by him, Deputy Collector of Customs Jenks today declined to discuss the case for publication. He said Houlton was not the actual base of operations, and that no large quantity of furs was sent through his port of entry.

The method used was described as the old system by which goods are shipped by Canadian dealers in large dry-goods boxes to some concern on the Canadian side. Then the individual packages are taken across the St. John River and delivered to a person on this side, who in turn takes them to the express office.

No arrests have been made.

MARINE DEPARTMENT
MONTREAL, March 31.—The Montreal Gazette will say: "Inside political circles had it today that Mr. Lemieux, minister of marine, will be called to the portfolio of marine and fisheries, replacing Mr. Brodeur, whose promotion to the supreme court bench is said to be only a question of time. Those who know say Mr. Lemieux is well assisted with his present portfolio, and by no means is he an applicant for the important portfolio soon to be vacated by the minister for Rouville, Sir Wilfrid Laurier has decreed that the postmaster-general is the proper man to assume the portfolio of marine and fisheries. It is said that the prime minister considers he has been a pronounced success as head of the postal department, and wants to give Mr. Lemieux an opportunity to 'gather new laurels' at the department of marine. In fact the statement was made today that the present postmaster-general really wanted to stay with the present portfolio, but bowing to the will of the leader he will accept the portfolio of marine, and its acceptance by the member for Gaspé is nothing more or less than considerable promotion."

Fifty Years Hence
"Laura," said the husband of the New Woman, "I am sure you will not be heard from me for a month, and anxiously asking if anything is the matter. Now you have got those letters somewhere about your clothes, if you haven't lost them. I know just as well as I know that I am standing here that you never posted those letters. Now go through your pockets and see if you haven't got them."

"Laura," the husband went on, "that is not true. I received a letter from you today, in which you said you had not heard from me for a month, and anxiously asking if anything is the matter. Now you have got those letters somewhere about your clothes, if you haven't lost them. I know just as well as I know that I am standing here that you never posted those letters. Now go through your pockets and see if you haven't got them."

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LONSDALE ARRIVES
FROM SALINA CRUZCanadian Mexican Liner Reached Wil-
liam Head Last Night—Will Dock
This Morning

The steamer Lonsdale, of the Canadian Mexican line, reached William Head last night from Salina Cruz with a fair cargo of general freight shipped via the Te-huantepec railroad. The cargo of the Lonsdale was transhipped from a number of steamers, including several vessels of the Harrison line. This company, which recently inaugurated a line around Cape Horn with the intention of completing a line of steamers plying from Europe to Puerto Mexico, the Atlantic port of the Tehuantepec road. The Harrison line has just secured the ore carrying contract to carry ore from the Mexican mines at Santa Rosalia to England, a contract heretofore held by the Chargeurs Reunis. This line is with drawing from the Pacific trade, the Amiral Duperré now at San Francisco being the last vessel to call at Pacific ports.

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CITY WITHOUT
GOVERNMENTCouncil Vacates Monday and
Until New Body is Elected,
There is No Machinery of
Office

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"Many members of the British House who have visited Canada recently have undoubtedly, while in the Dominion, been impressed with Canada's growing importance in late years have not been more active than the records show."

Just when when will end the tamale into which the civic government in Victoria was brought by reason of the unseating of Mayor Morley and the board of aldermen seems a mystery. Just when the date of election was set everyone believed that staple government was once again in the hands of the people. It was discovered that from Monday, when the office of mayor and alderman will be declared vacant, until the following Saturday when the new council will be sworn in, Victoria will be again without any governmental body. During this time there will be no council and staff will be without superiors. They may either continue their daily gring at the city hall, play golf or do anything else they see fit except their conduct for the next week will doubtless be a matter for the attention of the incoming council.

The city solicitor at last night's meeting of the council submitted an opinion to the effect that while under the general Municipal Council Act, there is always a civic government, one council holding over until another is elected, under the Special Elections Act passed by the legislature there will be a complete vacancy from the morning of the 3rd until the night of the 7th and until the morning of the 8th, if the new council is sworn in on that latter date. Strictly speaking, no officer of the corporation can go on with any work during that time, and the order of the council, except by bylaws, expire with the lifetime of the present council. The city solicitor, however, presumed that if the officials choose to go ahead with the ordinary business in their various departments the incoming council will ratify what they do, but if it does not, and it will have the power to refuse, the officials will find themselves in a serious position.

Mayor Morley had no fear of trouble by reason of this position of affairs but he thought the council should know of the unusual situation.

MOTOR BOATS WILL
NOT BE PERMITTED

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