

COMMITTEE REFUSES TO REPORT BILL

Measure of Campbell River Power Company, Ltd., Meets With Objection From Various Sources—Preamble Refused

For the first time during the current session of parliament, the private bills committee Monday threw out absolutely an application for very extensive powers, declining to recommend to the house the preamble of the bill numbered 65, "confirming and ratifying the incorporation of the Campbell River Power Co., Ltd., under the Companies Act, 1897, and conferring other powers." Refusal of the preamble in this investigating committee of the legislature means literally the refusal of the bill.

The application and bill of the Campbell River Power Co. are matters that have a particular and vital interest not only to the cities of Victoria and Vancouver wherein the promoters of the company have their homes, but also to all Vancouver island, which would naturally be concerned in such an extensive proposition as that advanced by this company. As has already been pointed out in the Colonist, the company desires to secure a record of 100,000 miners' inches of water at the falls on Campbell river, for the purpose of developing power for sale for industrial purposes, while its charter-ratification and validation of which was sought, contemplates also the operation of gas, and the disposal of water for irrigation and other purposes. Opposed to this private bill committee was represented by Mr. H. Lawson (Bodwell & Lawson), appearing for Mr. John Goodfellow and associates; Mr. Charles Wilson, C. as counsel for the North Pacific Lumber Co.; Mr. R. T. Elliott, K. C. for the British America Timber Co.; and Mr. Lawson, also for the International Timber Co.

Mr. H. B. Robertson, who appeared for the applicant and the bill, explained that the company had already been incorporated on the 17th of April, 1898, and proposed to expend a sum of \$2,000,000 in the construction of its necessary plant and the development of its undertaking generally. When the promoters had gone to American capitalists with the object of obtaining their co-operation, these moneyed men were not content to accept the articles of incorporation, but desired to trace the history of the project through each detail, and being doubly assured of their position in law, it was with this object—and this only—that the company now came to the legislature for a bill, the preamble of which contained the following words:

"Whereas, a petition has been presented by the Campbell River Power Company Limited, praying for an act to ratify and confirm the incorporation of the Campbell River Power Company Limited, with the powers given to power companies under the Water Act, 1909, and all rights, powers and privileges contained in the Company's Memorandum of Association, which are set out in the issue of the B. C. Gazette of the 22nd day of April, 1909, at pages 1567 and 1568, and also confirming to the said company all water licenses and privileges heretofore located or applied for or obtained, and for the other purposes set out in the said petition."

Water Reserved

Water licenses had been applied for in the regular way. Mr. Robertson continued in explanation, and the company had been given written assurance that such could be issued, although they could not be as yet issued until the government fixed the scale of fees, which only intervened. A certificate of \$2,700 had been deposited with the government, which approximately covered the payment that would be required. The company had been applying for 100,000 miners' inches per second flow, but the government had decided to reserve thirty cubic feet for domestic purposes in the locality, 28 cubic feet representing 1,000 inches or sufficient for the requirements of a city of 150,000 people. The company would on its application being granted take only 2,700 cubic feet per second, or 27,000 inches, and that there was this water available had been established by the expert report of Mr. Gray Donald, an eminent water engineer, who had investigated conditions at the lowest stage of the water.

Mr. Robertson could see no rationality or necessity in the antagonism of Mr. Goodfellow or the others opposing the bill. He could see no way by which their interests could be adversely affected by the passage of the desired legislation. The company, he affirmed, was asking no further privileges than were now enjoyed under the act of incorporation, the bill now sought being merely to facilitate the introduction of the required large sums of money. The company could not in any event proceed with its undertaking without coming to the Lieutenant-Governor-in-Council when every opportunity would be afforded for protest on the part of possible adverse interests. As for the bona fides of the company, its promoters included such men as Messrs. Forman, W. H. Ker, George C. Hinton and M. King of Victoria, D. G. Williams, W. H. Leddie, D. G. Wallbridge, M. Murdoch and A. B. Bratton of Vancouver—men who could and would immediately provide the required \$25,000 on their holdings of stock at any time it might be required. So far as he was aware, opposition presented itself only in so far as the company's application affected water rights; no objection was offered to those provisions touching gas manufacture and supply.

The Opposition.

Mr. Lawson speaking for Mr. Goodfellow, and also for the International Timber company said that these were opposed to the bill from beginning to end. There was a company incorporated with capitalization of but \$50,000, of which but \$500 was subscribed and paid up, which asked for 100,000 miners' inches of water per second, and which it was stated proposed to put in a plant costing three million dollars. The bill was a very dangerous one, containing much that did not meet the eye. By the Water Act, applicants were limited to a single utilization of the rights required; this company sought by a special act to override the provisions of the Water Act, in the public interest, and then to call for further argument on these sections.

Interested parties were then requested to withdraw, and the members

met for other purposes, the making of and dealing in gas, etc. If the bill were passed as desired powers would be given setting aside the general law, and of an extravagant nature such as the legislature had declared to be inimical to the public interest. In the application of the company to the water commissioner, it had been asserted that the company did not intend to store water; yet here that power among the others was provided for. As to his client, Mr. Goodfellow's position, that gentleman was the owner of certain iron leases acquired from the E. & N. Railway company, and it was his intention to work these by means of power drills, etc., also adapting electricity in the operation of the plant ultimately to be established. There was a very important and serious question involved in the legislature permitting, as contemplated in this bill, any one company to exhaust the waters of a river to the detriment of miners, millmen, and other users of such water for industrial purposes. Further, this act proposed to take away the natural rights of appeal provided under the Water Act. He denied the necessity for the propriety of such special legislation; accepting counsel's statement of the intentions of this legislation, the company could get all that it was entitled under its contract to the water, and under the Water Act, under the Companies Act, and under other general statutory provisions as might be held applicable. This being so, such special legislation was neither necessary nor yet desirable.

Fears Danger From Fire.

Mr. Wilson, for the North Pacific Lumber company explained that the corporation was the holder of timber properties in the area directly interested; in fact that this company intended to erect its power house and plant, contemplating by this legislation to expropriate 325 acres for such purpose. Here was a company with \$500 paid up capital proposing to establish works costing \$3,000,000! What security had his company against loss by fire in the timber, which might arise through the operation of the contemplated plant? The "paid up" capital was not enough even to pay the fees of the engineer engaged. To this suggestion Mr. Robertson interjected a somewhat heated assurance that the engineer had been duly paid.

This Mr. Wilson had not suggested was incorrect. He merely observed that the engineer, if he were any good, could not have been paid out of the capital. Mr. Robertson had also said that some \$5,000 had been deposited on account of the application for a water lease. If this were so, it was again necessarily borrowed money. This bill, Mr. Wilson argued, struck at the root of some of the soundest legislation of the province. It aimed at confirmation of rights that the legislature had expressly refused—the vested right and absolute property in water. A grave mistake had been made in granting such a right in the Esquimalt Water company's Act, and the legislature declined to contemplate such a making such a mistake again. The Water Act did not, as this act proposed, give absolute property in water by any manner of means, and in addition, this company sought to acquire land under timber lease, and alienate this property of the Crown, going much further in this than could be held legitimate under a private bill. His clients were not anxious to hold some \$1,100 per annum, with all other dues and royalties as they might accrue. The preamble of this bill not only, as Mr. Robertson said, but also, the company in all its rights and privileges, and over the acts in that behalf, conveying at a bound all other been "located or applied for."

Mr. Elliott was very brief, but very forcible in his opposition. This bill, he said, proposed to bottle up the hands of his clients, cutting off their natural means of getting out their logs. Further than this, by its second section, it proposed to convey the property of the Crown to this private company—to transfer the water in fee simple, in perpetuity. The principle was directly antagonistic to that asserted last session by a statement who has now passed from our midst, Mr. Stuart Henderson, and affirmed by the legislature as sound. It also clashed with the principle in such matters affirmed as sound by the executive committee of the Privy Council. He held that it was not compatible with the privileges of the committee or the legislature, thus, by a private bill, to dispose of the assets of the Crown.

"If the bill passes the House," said Mr. Elliott in conclusion, "it gives this company all the water in Campbell river for all time. It gives them Campbell river just as much as if they had all the water flowing there, in a bottle and corked up."

Mr. Robertson, replying, was disposed to concede much. He declared that his company did not want perpetual rights in water—it was merely a right in the license.

"The license is a water license, isn't it?" said Mr. Elliott, "so what's the difference?"

Would Accept Amendments

Mr. Robertson was willing to strike out the word "water" altogether, and also the "absolutely," if that were objected to. He should also accept a condition guaranteeing facilities for the introduction of the required large sums of money. The company could not in any event proceed with its undertaking without coming to the Lieutenant-Governor-in-Council when every opportunity would be afforded for protest on the part of possible adverse interests. As for the bona fides of the company, its promoters included such men as Messrs. Forman, W. H. Ker, George C. Hinton and M. King of Victoria, D. G. Williams, W. H. Leddie, D. G. Wallbridge, M. Murdoch and A. B. Bratton of Vancouver—men who could and would immediately provide the required \$25,000 on their holdings of stock at any time it might be required. So far as he was aware, opposition presented itself only in so far as the company's application affected water rights; no objection was offered to those provisions touching gas manufacture and supply.

Again Mr. Lawson raised the objection that such a bill was merely to effect a blanket charter, enabling the fortunate company possessing it "to do almost anything."

Mr. Wilson urged as a final argument that if the bill were passed, it should in the public interest be repealed after sections 2, 3, 4, 5 and 11 had been eliminated.

"If we decide not to report the preamble of the bill, I assume that settles it," said Mr. Ross.

"Assuredly," said Mr. Wilson, gathering up his papers.

"Well," said the Chairman, "if we decide to go further, we will let you know, and then you can offer further argument on these sections."

Interested parties were then requested to withdraw, and the members

of the committee discussed the bill in confidential conference.

When the committee rose at 12:30 o'clock the secretary was asked as to the fate of the much-challenged legislation.

"Canned," he replied, laconically. The Chairman was also similarly interrogated.

"Canned," was his reply. "Any special explanation?" the interrogator pursued.

"Just canned," said the Chairman.

The only other bill before the Committee during the morning sitting was that of the Northern British Columbia Telephone Co., for which also Mr. Robertson appeared, and in which Messrs. L. C. Charleston, John H. Gray and A. R. McDonald and other Vancouverites are specially interested. The bill passed with numerous amendments.

It is, for example, required that in the event of the company desiring to operate in Prince Rupert, the approval of its plans in that direction must first be obtained by bylaw submitted to the ratepayers of the interested community.

Another new section prevents the company from seeking damages in the event of its wires or poles being cut in connection with fire troubles, while control and regulation of rates and tolls is vested in the Government, with which a cash deposit of \$2,500 must also be made during the ensuing twelvemonth, as guarantee that at least \$10,000 will be invested in pursuance of the declared intentions of the company before December 31, 1911. These amendments were accepted by Mr. Robertson, but not without protest.

"I understand," he said, when the provision as to governmental control of rates went in, "that the Government was considering the advisability of going in for telephone ownership, but I did not know that they intended doing so by way of this bill."

Incidentally the bill as passed by the committee bestows upon the company the right to operate wireless telegraphs and telephones, as well as the more common wire services, in which connection the federal government may possibly have something to say, in view of the Dominion regulation that all wireless services must be specially licensed direct from Ottawa.

BRINGS WORRY TO REPUBLICANS

New York Scandal Takes on More Formidable Shape—Fears That Disclosures Will Hurt Party's Chances

ALBANY, N.Y., Feb. 14.—Republican leaders here tonight were reluctant to admit that the evidence thus far received at the senate investigation of the bribery charges against Senator Aldrich would compel wider inquiry into the general subject of state legislative corruption. There was nothing in present conditions, they said, that demanded such radical action. There is no doubt, however, that those in authority from Governor Hughes down, appreciate the gravity of the situation and are discussing means to meet it.

Developments in the bribery scandal during the last three days brought the members of the state legislature today back to Albany, disturbed and worried. While the senate's investigation of Senator Conger's charges stand adjourned from last Friday afternoon until tomorrow morning, the respite has given public and political sentiment time to crystallize and the effects of last week's disclosures have become a more important topic than the disclosures themselves.

When senators and assemblymen left Albany last week the Aldrich-Conger case was regarded as a small case of solidified sin, unusual, dirty, perhaps, but nothing that ten days' work strictly inside the senate chamber would not cleanse without any looking for outside help. They came back to find it a rising flood that threatened the welfare of the dominant party in the State and has already claimed the attention of the heads of the State and of the nation.

The atmosphere on the Republican side of the legislature however, was not all gloom. Some students of political affairs declare tonight that the effects of the Aldrich-Conger scandal might eventually benefit the Republican party by drawing its elements closer together. They pointed out that already in the face of a common party danger, the opponents of Governor Hughes had adopted a more friendly attitude. It is believed that at the New York conference which President Taft and Governor Hughes attended on Saturday last, the probability that the Democrats would use the revelations of the present investigation as campaign material was held up as an extreme menace to Republican success at the state election next year, and as a warning to the state "insurgents."

The situation has given wind to a host of rumors. One is that Governor Hughes will be urged to reconsider his determination to run again if his candidature is believed necessary to rescue the party. Senator Conger is due to take the stand again when the senate resumes its investigation at 11 o'clock tomorrow morning.

Disastrous Week Reported.
MACON, Ga., Feb. 14.—Eight persons are reported dead, four probably fatally injured and twenty hurt, as a result of a head-on collision tonight between passenger trains on the Georgia Southern and Florida railway 19 miles south of Macon. It is said that the crew of the northbound misread orders and ran by the meeting point.

Military Aeroplanes.
WASHINGTON, Feb. 14.—Cortland Bishop, president of the Aero Club of America, accompanied by a committee representing the Washington and Baltimore Aeronautical Society, called on the president today to urge him to recommend to congress appropriations for the equipment of the army with aeroplanes for military purposes.

General Nelson A. Miles also supported the proposal. The president regretted that, owing to the necessity of strict economy in government expenditures it would not be possible for him to urge this project upon congress during the present session, but he thought something might be done at next session.

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