

ATTORNEY-GENERAL IS GIVEN CHARGE

PRIVATE PROSECUTION
HAS BEEN DEBARRED

Magistrate Hall Decides That Department Across Bay Can Intervene in Perjury Case.

(From Wednesday's Daily.)

Magistrate Hall has decided that the attorney-general shall have charge of the case of Wong Ah Lum and Gin Duck, who are accused of perjury. In other words, Geo. Powell, counsel for the private prosecution, who had the information against the prisoners, is debarred from participating in the proceedings, unless, of course, the attorney-general gives his consent. Whether the prosecution will be proceeded with now, remains to be seen, for the time being, at least, the department across the bay is not ready to go on. The deputy attorney-general, H. A. Maclean, said as much this morning, and applied for an adjournment for a week.

But Mr. Powell does not intend to be disposed of so easily. After hearing the magistrate's decision he made a formal application to have the prosecution proceeded with this afternoon, tendering a witness for examination.

The magistrate replied that he could not grant the application without the assent of the attorney-general.

Mr. Powell said he thoroughly understood this, but it was necessary for him to have a distinct and formal refusal of his application.

This the magistrate said he had no hesitation in giving it, and the refusal was duly recorded.

In giving his decision Magistrate Hall pointed out that Mr. Powell had freely admitted the right of the attorney-general to intervene after a commitment to a higher court, but denied that right of intervention in a preliminary hearing. There had not been cited in argument, nor did he think there could be cited, authorities in which the position of the attorney-general in preliminary hearing was fully defined. For that official to take charge of a case after commitment or stop it, was the recognized practice, and was not disputed by Mr. Powell. But he (the court) was asked by counsel for the private prosecution to rule that the attorney-general had no right to interfere until the case had been committed to trial. Mr. Powell admitted, however, that if the prisoners consented to be tried by the magistrate, the attorney-general would have the right to interfere.

The magistrate then took up Mr. Powell's argument that a preliminary hearing was not a proceeding, because the magistrate could order the doors closed at any time. He did not agree with counsel on this point, and referred to a number of authorities, including the case, Stevens v. History of Criminal Law, and Paley, in substantiation of his view. Mr. Powell had further argued that the attorney-general never went into the lower court to interfere with the prisoner. With this also the magistrate disagreed, pointing out that such action by the attorney-general was an every day occurrence throughout the provinces, and in fact a common occurrence in the more serious offences. Counsel for the private prosecutor also had shown that according to British Columbia statutes the duties of the attorney-general were the same as those of the official or solicitor-general in England, as far as applicable to this province. But the attorney-general in England had superintendence over the director of prosecutions, or, in other words, over prosecutions brought into the criminal court.

In conclusion he said that no case had been cited directly in support of the proposition advanced by Mr. Powell, which was contrary to practice, contrary to decision of the Privy Council, Regina v. Allen and King v. Gilmore. It would be more satisfactory perhaps if this point, which was a new one, was determined by a higher court. Mr. Powell could apply for a mandamus. But until it was there decided to the contrary he must hold that the attorney-general had charge of the case.

Dr. Hamilton

Cures Rheumatism.
YOU USE HIS MANDRAKE AND BUTTERMILK PILLS—HE GUARANTEES A LASTING CURE.

Rheumatism begins and ends in the blood which at no time is ever free from poison. But if the kidneys are healthy, they will filter out the wastes and poisons.

In case of rheumatism, the kidneys are not doing their work. As a result, poisons crystallize around the joints and cause pain almost akin to torture. There can be no cure, no permanent relief until the kidneys are stimulated. First get them into working order. For this purpose Dr. Hamilton's Pills excel all other remedies; they heal and strengthen the kidneys as no other medicine can do. Once the kidneys are renewed by Dr. Hamilton's Pills the traces of rheumatism disappear.

No case is too chronic to yield to the marvellous influence of Dr. Hamilton's Pills.

I spent nearly three years experimenting with rheumatic remedies," writes Geo. B. Ford, of Portland. "I had almost given up hope, when I tried Dr. Hamilton's Pills; they completely cured me. No remedy could be better."

You will never regret using Dr. Hamilton's Pills. Get a supply today from your druggist, 25c. per box, or five boxes for \$1. By mail to any address if price forwarded to N. C. Polson & Co., Kingston, Ont., and Hartford, Conn., U. S. A.

A Dublin carman has been summoned for driving a car with "improper velocity." The charge was dismissed.



Cas-e-lus, the old chief of the Koskmoos, who died a few weeks ago at an advanced age, has a worthy successor living at Quatsino. The latter when elevated to the position of chief gave a big potlatch. At this he gave away one thousand blankets and completely captivated other of his fellow-tribesmen. He also erected a house in honor of the event and had his coat-of-arms in Indian characters painted over the doorway, as indicated in the view above. The picture, of which the cut is a reproduction, was taken by E. E. Leeson, of Quatsino. It shows the new chief in the doorway.

CROOKS SENTENCED TO PENITENTIARY

WON'T SNATCH TILLS
AGAIN FOR A WHILE

Magistrate Hall Yesterday Afternoon
Decided to Put Them in a Safe
Place—The Evidence.

(From Thursday's Daily.)

Yesterday afternoon the three men who were charged with stealing the till and about three hundred dollars from the Victoria hotel were sentenced to an unappreciated sojourn at the New-Westminster penitentiary. James Wallace received two years and six months, Thomas Wilson, two years and William J. Tole two years. Times readers will remember that Wallace and Wilson pleaded guilty when the case came before the magistrate a few days ago, but Tole emphatically denied the accusation, so the proceedings were adjourned.

Yesterday afternoon the case of William J. Tole was resumed. The prisoner was defended by W. P. Gooch and prosecuted by the crown counsel, John Wolfenden, one of the proprietors of the Victoria hotel, gave particulars of the daring attempt to appropriate his till. Wallace being the chief actor in the till-snatching, these have already appeared in this paper. Mr. Wolfenden connected Wallace and Tole directly with the affair, pointing out that they were all together in the bar previous to the till-snatching, and displayed marked interest in the witness's account of the fugitive Wallace after the latter had buried the till and its contents at his (witness's) head.

The night clerk of the Victoria, J. G. Frank, swore that he saw Tole join Wallace and Wilson on the opposite side of the street, after which the three crossed to the bar. He then went upstairs with a guest, and while returning heard a crash, and saw Mr. Wolfenden dash out in pursuit of Wallace. The witness also stated that previous to going upstairs he had seen Wallace intently watching the place.

Mr. Millington gave evidence as to the presence of the three men in the bar-room, while Thos. Carpenter, of the Prince of Wales saloon, said that Tole and another man entered his place, and the former remarked that "there was quite a racket next door." He also told Carpenter that he had been in the Victoria hotel with a couple of fellows, but he had left ahead of them when the bar was closed.

Both Wallace and Wilson denied that Tole was implicated in the raid. They swore that he had merely asked them if there was a billiard table in the hotel. Wallace was particularly positive on this point, and not only exonerated Tole, but also Wilson, of all complicity in the affair. He denied that this evidence had been concocted while they were in the lock-up.

Wilson was asked to explain how it was he pleaded guilty if Wallace's story was true. He replied that he had admitted the charge because he had been with Wallace. He did not know that the other was going to take the till, and he was sure Tole was ignorant of the intention. He had only known Wallace a short time, having come from Seattle on Thursday. He denied that he or the others had anything to do with the robbery at Deaville's grocery store.

Tole on taking the witness stand in his own behalf swore that he had spent most of his time giving exhibitions of finger billiards at the Driard and Vernon hotels. He had been told there was a table at the Victoria. He met Wallace and Wilson near the hotel, and asked if there was a billiard table at the hotel. He went into the bar to find out, and the others followed him, but as soon as Proprietor Wolfenden said it was time to close up he left with Wilson. Shortly afterwards he saw two men running, one of whom was blowing a whistle. He went into the Prince of Wales saloon to get a drink and while there, he was

arrested. He strongly avowed his innocence.

After Mr. Gooch, counsel for Tole, had addressed the court, the magistrate said that in view of the evidence his only course was to convict.

Asked if they had anything to say, Wallace and Wilson blamed drink for their predicament. Tole was more dramatic. He invoked the Most High to strike him blind if he was not innocent of the crime.

The magistrate inflicted the penalties already described. The three will be taken to the penitentiary to-night. There is little doubt that they were implicated in other thefts that have occurred here within the past fortnight. In fact the police are nearly positive that they were the men who broke into Deaville's grocery store. The ground inside the fence shows well-defined footprints, which correspond to a nicely to the shoes worn by two of the men. Tole is quite expert as a finger billiardist, and when sober can perform some wonderful feats. He claims the championship of the world. During his three weeks' stay here he has been giving exhibitions and spending the proceeds on whiskey.

PRISONER HANGED HIMSELF IN CELL

HAD BEEN SENTENCED
TO LIFE IMPRISONMENT

OYSTER BANQUET AT
Y.M.C.A. WEDNESDAY

Members of Association at Festive
Board—Co-operation Requested to
Establish Summer Camp.

Wednesday night an oyster banquet was held under the auspices of the Young Men's Christian Association at the rooms, Broad street. Accommodation had been provided for about 125 guests, and there were few vacant chairs. The dinner was an outcome of the recent membership contest between sides known as the "reds" and "blues," in which the former was victorious, securing forty to the opposing team's thirty-one members. Because of their defeat, the "blues" were called upon to provide the entertainment, which duty was creditably performed. Dr. A. E. Bolton occupied the chair. On his right were John Nelson, vice-president of the association, and R. W. Clarke, captain of the victorious "reds." To the left of the chairman was W. Major, the leader of the unsuccessful party. But he didn't seem to be much affected by the reverse his side suffered, entering into the spirit of the occasion in his usual genial manner.

When everyone was seated a volunteer corps of waiters served oysters with prodigious liberality. Roast meats, salads, etc., etc., also were dispensed, and, judging by the rapid manner with which the good things faded away, the excellence of the menu was thoroughly appreciated.

The "inner man" satisfied, the chairman made a brief address, congratulating the members upon the success of the competition. He pointed out that as a result, the enrollment of the association had been augmented by seventy-one members. He then called upon all those who had joined during the contest to stand up. About twenty responded, and they were tendered three hearty cheers.

Continuing, Dr. Bolton stated that the "blues" seemed to comprise a minority of the attendance. It reminded him of an election. Before the vote supporters of both sides could be found, but afterwards everyone belonged to the winning side. He hoped the "blues" weren't feeling too much that way, and that at the next opportunity they would turn the tables. In concluding, the president remarked that Dr. Lewis Hall, one of the city fathers, who had established a reputation as an after dinner speaker, was present and would be next heard from.

Dr. Hall delivered a brief address. He made a few happy remarks regarding the success of the party, and the splendid repast provided and at the success of the competition. In his opinion the banquet should be made an annual affair. He eulogized the work of the Y. M. C. A., and expressed the hope that the young men of the city would grow up to be rapid strikers and that they would be a rapid Men's Christian Association here as long as Victoria existed. (Applause.)

The speech of R. W. Clarke was most interesting. He spoke of the contest and the success of his party, placing the credit more to his followers than himself. Concluding, he presented James Renfree with a handsome gold locket suitably inscribed as a reward for his efforts in capturing

members. Mr. Renfree brought in more applications during the contest than any of the others participating. He acknowledged the honor in appropriate terms.

Addressees also were delivered by W. Major, who gave a recitation entitled "Fuzzle-Wuzzle," and by Messrs. Nelson, Northcott, Pallen, Martindale and Dunn. Reference was made to the project now under consideration of establishing a summer camp at one of the many rivers in the neighborhood of Victoria. In this connection the co-operation and assistance of all members was requested in order that the camp may be made an unqualified success. The National Anthem concluded the entertainment.

The bill which of all others will be of interest to lovers of hunting and fishing has been brought in by the government. This is the Game Amendment Act, introduced Wednesday by Hon. F. J. Ful-ton.

The bill, as introduced, provides that persons not domiciled in the province who take out a license by paying \$50 a year may export the heads, horns or skins of animals mentioned in schedule B of the Game Act, excepting, bear, moose, caribou, deer, elk, moose and mountain goat. Line is not to be used for killing trout. Free miners may kill deer while actually engaged in prospecting.

Another amendment permits the owner of game which has been lawfully killed to retain it in his possession for the private use of himself and his family for 15 days after the commencement of the close season.

The punishment for trespassing on private property is raised from a \$20 fine to \$50, and "fence" is not to be construed as a legal fence.

The penalty for killing without a license where a license is required by law is fixed at \$50 or a term of imprisonment, not exceeding 30 days, or to both and imprisonment.

The section dealing with the power to search, put in the hands of officers of the law, is amended to read as follows: "(1) It shall be lawful for any game warden, constable or peace officer, or any person authorized in writing to search any person whom he shall suspect of having in possession any animals, birds, eggs or fishes unlawfully obtained, and also to stop and search any cart or other conveyance in or upon which he shall suspect that any such animals, birds, eggs or fishes are being carried by any such person, and to search the premises of any person engaged in selling, buying or trading, or any steamer, sailing vessel or boat, or any hotel or restaurant, and should such game warden, constable or peace officer discover any such animals, birds, eggs or fishes on board of a vessel, or in any place, or in possession of the same, and otherwise proceed as authorized by law."

"(2) It shall also be unlawful for any game warden, constable or peace officer, at any time during the protected season, or during the prohibited times of sale, to enter upon the premises of any shop where game is usually exposed for sale, or any storehouse, warehouse, restaurant, hotel or eating-house, and to search for game therein, and should the carcass or any portion of the carcass of any animal or bird of the protected species, or trout, be found upon the premises of any such shop, storehouse, warehouse, restaurant or eating-house, or in any delivery cart or wagon belonging thereto, the proprietor or manager of any such shop, storehouse, restaurant, hotel, eating-house or delivery vehicle, shall be deemed guilty of having the same in possession contrary to the provisions of this act."

The section relating to the arrest of offenders is altered so as to read as follows: "(1) Any person found committing an offence under this act may be apprehended without a warrant by any game warden, constable or peace officer, and may be forthwith taken before any justice of the peace to be dealt with according to law. Any officer who shall maliciously, or without probable cause, abuse his power in such proceedings, shall be guilty of an offence under this act."

"(2) Notwithstanding any act to the contrary, all fines and other moneys received under this act shall be paid to the minister of finance, and form part of the consolidated revenue fund of the province, subject to the provisions of section 22 of that act."

The present act provided that in unsettled districts bear and beaver which it is unlawful to take in certain seasons, is amended somewhat. Beaver is set forth as prohibited from killing for six years; the selling of blue grouse during season is struck out; also; ptarmigan is included in the schedule with grouse; grey or Hungarian partridge is included with English partridge; skylark is inserted after swan, and the killing of the latter prohibited at any time.

Provision is made for the appointment of a provincial game and forest warden and deputies. The sections read as follows: "The Lieutenant-Governor-in-Council may from time to time appoint a provincial game and forest warden, and may also appoint deputy game and forest wardens to assist the provincial game and forest warden, as from time to time may be necessary."

"The provincial game and forest warden shall give his entire time and attention to the game forestry and fishing interests of the province, conduct prosecutions and see that all laws having reference to game, forestry and fish are enforced."

"It shall be the duty of every constable and peace officer within the province of British Columbia to enforce all laws for the protection of animals, game, game birds, song birds, wild fowl, trout and forests within their respective districts. The provincial game and forest warden shall, annually, on the 31st day of December in each year, make a written report to the attorney-general of his operations during the preceding year."

The Lieutenant-Governor-in-Council may, from time to time, by order-in-council in that behalf, exempt Indians, and persons in the habit of dealing with Indians, in the northern and northwestern portions of the province from any of the provisions of this act which may be specified in such order-in-council."

The following section of the amendment of 1902 is repealed: "Any person shooting on enclosed lands on Sunday without the permission of the owner or occupant shall be liable to a penalty not exceeding \$50 for each offence."

AMENDMENTS FOR GAME PROTECTION

CHANGES PROPOSED
IN THE PRESENT ACT

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SEPARATE SCHOOLS.

Quebec Legislature Will Have to Face the Question.

Montreal, March 6.—The Quebec legislature is to have the school question on its hands this session. Outside of the city of Montreal and the school district of the city are a number of parishes. Six of these, located at the north end of the city, have each a school board, and as the majority of the people are French-Canadian Catholics the schools are under their control and teaching is in that language. Protestant ratepayers of those parishes, under law, have a school board of their own. Recently there has been a large increase in the Catholic population in the outskirts of the city; so large in fact that they have been given a church of their own, a parish for that purpose having been made up of English-speaking Catholics in these six parishes. Now these Irish Catholics are going to the legislature with a request that they be allowed to form a separate school board of their own. The complaint is that under the present arrangement their children do not receive the right kind of education, and so they demand the right to use their own taxes in supply of proper educational facilities. The Roman Catholic school board of the city met this morning, and although the matter is entirely out of their jurisdiction decided to send a deputation to Quebec to oppose the bill, believing that the principle upon which it is founded is a bad one and would, if recognized in this instance, mean that any band of foreign residents in Montreal could demand similar privileges for themselves. The fight promises to be a hot one.

CANADIAN NOTES.

Mayor of Sydney and Members of Council Who Sought Re-election Defeated.

Halifax, March 8.—Wallace A. Richardson, mayor of Sydney for the last two years, together with six members of the council seeking re-election, was defeated at the civic elections here today. The defeat was due to charges of corruption.

Suspends Publication.

Montreal, March 8.—The Journal, the French-Canadian Conservative organ, ceased publication to-day. The reason given by the management is that the paper did not receive the support and encouragement of the party and the French and it was impossible to continue publication.

Ottawa Defeated.

Ottawa, March 7.—Rat Portage team tonight defeated the Ottawa team in the first match for the Stanley cup by a score of 9 to 3.

PATRONIZE TROLLEY CARS.

New York Metropolitan Company Reaping Harvest During Strike of Subway Employees.

New York, March 8.—The second day of the strike on the subway and elevated lines began with little change from yesterday's condition. Trains were running in the subway and there was some improvement shown in the service on the elevated, but the trains carried comparatively few passengers and the greater part of the down-town traffic was handled by the surface lines. The Metropolitan street railway put every trolley car available into service and did its best to handle the great crowds. The hazards of the situation is shown in last evening's subway collision at 23rd street, in which 29 persons were hurt. This kept many people from trying the subway or elevated to-day, and they turned to the surface trolleys. These cars were packed to suffocation and in many instances there were passengers on the roofs of the Metropolitan cars.

Geo. E. Peper, president of the Amalgamated Association of Electric Street Railway Employees, said to-day: "I am entirely satisfied with the situation. We will win, sure."

CANADIAN NEWS.

Eleven Hundred Settlers En Route West—The Death of a Hockey Player.

Cornwall, Ont., March 8.—Allan Loney, of Maxville, was last night committed to stand trial for the killing of Alcide Laurin, of Alexandria, in the course of a hockey match at Maxville on February 24th.

Found Guilty.

Montreal, March 8.—Guiseppo Siscento, a young Italian, has been found guilty by the Court of King's, of having fatally stabbed Cyrenus Beaulieu as the result of a row in a street car on Ontario street some months ago. Beaulieu and Siscento were sitting side by side in the car on the way to the warehouse of C. P. R. shops. A young man named Hart boarded the car, when Beaulieu tried to make room for him and crowded Siscento. This resulted in a fight, which ended tragically. Beaulieu received six knife wounds and was taken to the General hospital, where he died two days later.

Coming West.

Toronto, March 8.—Eleven hundred settlers, principally from Ontario, left here yesterday for Western Canada.

Failure.

Yarmouth, N. S., March 8.—The failure of W. H. Redding & Son, wholesale shoe manufacturers, is regarded as the largest that has occurred in Nova Scotia in recent years. The liabilities are placed at half a million dollars.

THE FISCAL QUESTION.

Winston Churchill's Motion Defeated in House of Commons—The Colonial Conference.

London, March 8.—Winston Churchill led tonight what was probably the last full dress debate of the session on the fiscal question in the House of Commons. The debate was on a resolution declaring that in the opinion of the House permanent unity of the British Empire could not be secured through a system of preferential duties based on protective taxation of food.

Mr. Churchill's motion was regarded as the most serious attack on the government majority since the opening of parliament. It was aimed to force the Unionist free traders into the opposition lobby and divide the House, not upon party lines, but upon the Chamberlain fiscal policy. Mr. Churchill directed his remarks exclusively to Mr. Chamberlain's fiscal policy, announcing that he was not attacking the government, but was aiming the entire force of his blow at Mr. Chamberlain.

Colonial Secretary, Lyttleton said the colonial conference would be held in 1906. The government proposed first to find what the colonies wanted, and then discuss their wishes. Until the conference should be held the government was not proposed to be hampered by previously imposed conditions, such as that in the resolution. He therefore moved that the "question be now put," in order to defeat a tricky manoeuvre.

Mr. Chamberlain said that he had been twitted with lack of moral courage because he had not submitted his fiscal proposal, but he lated useless discussions, as the question would ultimately have to be settled by the country. Mr. Churchill's motion was a party manoeuvre to defeat the government. He was surprised that any "Unionist free food" fish had been caught in the net. Mr. Chamberlain said he was not a protectionist, but he declined to vote for the motion.

Premier Balfour followed. He said he was unalterably attached to the principles of free trade and never would be responsible for a protective policy. He desired, however, that a perfectly free conference should be held on colonial relations. He said that the carrying of the Churchill motion would create a false impression in the country and the colonies. Mr. Balfour insisted that the motion was not an attack on Mr. Chamberlain, but on the government.

H. H. Asquith accused the premier of a policy of evasion and procrastination, and said that Mr. Chamberlain, the missionary of a new creed, when his doctrine was challenged, covered behind the previous question.

The House divided and Mr. Lyttleton's motion was carried by 302 to 260, thus defeating Mr. Churchill's resolution.

Sir Henry Campbell-Bannerman was suffering from a chill and was absent from the debate.

Mr. Chamberlain, in the course of his speech, said if the representatives put forward unreasonable demands at the conference, he himself would not support them. This remark caused considerable comment and was taken as an indication that Mr. Chamberlain is possibly coming further into line with Premier Balfour.

CENTENARY OF TRAFALGAR.

Victoria-Esquamalt Branch of the Navy League Preparing For Fitting Celebration.

The usual meeting of the committee of the Victoria-Esquamalt branch of the Navy League was held at the secretary's office, 88 Douglas street, Wednesday afternoon, the members present being A. B. Fraser, sr., president; Messrs. C. E. Redfern, Charles Hayward, James Thomson, Sydney A. Roberts, Captain C. E. Clarke and Joseph Peirson. After the reading of the minutes, the secretary reported the death of Sir Henry P. P. Crease, K. C., who was the first president of this branch, and that the league had been represented at the funeral by a floral tribute as well as by the attendance of the president, honorary secretary and two vice-presidents. This action being heartily approved it was resolved, unanimously: "That the Victoria-Esquamalt branch of the Navy League do hereby place on record its deep sense of the loss it has sustained in the lamented death of Sir Henry P. P. Crease, who, in addition to being its first president, took an active part in its work until failing health laid him aside. His valuable services will be borne in grateful remembrance."

A circular letter from the head office was read, touching upon various special features. Pleasure is expressed generally in the new departure, as shown in naval administration at the present time.

Attention was called to the fact that this year will mark the centenary of Trafalgar, and it was hoped that, whilst local celebrations be made as important and far-reaching as possible, the government would instruct the agent-general to take some part in the celebration on that memorable day, October 21st. The committee