

pending in Congress, and he believed employers to let their employees vote at all evictions of tenants for political would be passed.

In the opinion of Charles E. Hughes, recalciterancy and the exerting of sogovernor of New York, President Taft cial and church pressure are also so will be re-nominated and re-elected as common as to invite no attention. The president of the United States. In Conservatives, including mainly the closing his address Governor Hughes moneyed, employing and socially pow-"The American people are fair erful classes as well as most of the said. enough to recognize a great man fill- Church of England clergy, profit iming a great position, and doing his mensely by these customs at the Libduty with absolute fidelity, and for erals' expense. that reason. President Taft will be re-Under the existing apportionment the nominated and re-elected." rural districts, where the old-fashioned

UNIVERSITY BEAT HIGH SCHOOL TEAM

One Win Each-Third Match the rule. at Royal Park Next Saturday

for a period varying, according to the By a score of 14 to nil the University time of year upon which election day School Rugby fifteen Friday turned falls, from one year to nearly two the tables on the High School and gave years. The generally Conservative them a complete surprise. The prev- rural voters, living usually for generaious game had resulted in an easy vic- tions on the same spot, easily meet tory for the High School team, and the this requirement. The generally Libdefeat yesterday afternoon was there- eral city workman, moving frequently fore quite unlooked for by them and from lodging to lodging, lose an enor mous number of votes through inability the team's supporters. to meet it. Political statisticians esti-McGuigan, who is on the representa-

To be entitled to the ballot the pros

latter decided their elections.

tive fifteen also, played the star game mate the total of these lost votes at of the thirty players. During the first 1,500,000 for England, Scotland, Wales half he succeeded in recording nine and Ireland.

points for the Mount Tolmie school. The existing law allows one ballot to The first came from a successful kick the qualified elector in each constituscoring from a penalty. The same ency where he has a vested interest. player then scored two tries in rapid There is no dispute that nearly all these succession before the end of half. Rich plural voters are Conservatives. For was responsible for the score of one man to cast a dozen or fifteen second half, first making the try votes is common. A considerable numand then converting. The High School ber have twenty and a few run as high fallied towards the end of the game, as thirty odd. As an election, covering a period of more than two weeks, probut the rally came too late. The teams will probably play a gresses, they traver from constituency of the teams will probably play a to constituency until every vote has to constituency until every vote has been cast. gresses, they travel from constituency

Saturday afternoon. Yesterday's teams In many constituencies these so-called "out-voters" are numerous were:

"out-voters" are numerous High School-Full back, Steele: enough to decide an election. The conthree-quarters, N. Spencer, C. Toughy, stituency of Tottenham, in Middlesex, Dickson, C. Wescott; half-backs, A. has 2,000 of them out of a total voting population of 29,260; Walthamstow, in Clark, G. Campbell; forwards, Brown, B. Day, P. Johnson, Clay, Ellis, 1: McFarlane, McKay, M. Colvin. Essex, has 2,300 out of 39,117; Banbury, Oxfordorshire, has 1,000 out of 8,021 University-Full back, McDonald: Medway, Kent, 2,704 out of 15,181; Lewes, Sussex, 2,000 out of 17,277; Wimthree-quarters, McKay, Wild, Dearsse, McGuigan; half-backs, Rich, Otter; forwards, Erwin, Rand, Emmanue! asmuch as in scarcely any of these Ambury, Bagshawe, Rouse, Clorsin, onstituencies, which are but a few among many, gave a majority in the Devine past election of as large a number as

An ordinary gas jet will consume a much oxygen as five persons. that of the "out-voters," it is evident

ant's workmen were then engaged in the grading. A letter from the said sand and gravel company to plaintiff deem expedient, subject to the approval is also made an exhibit to said affidavit, which reads as follows: "February 8, 1909—That the Line-

ham, Scott Sand & Gravel Company beg to make application to the council works of the said company." for permission to construct a spur track from the B. C. Electric Railway It is under this that the company claims that it is relieved from the re-Company's line into lot 58 near the striction contained in said clause 25. terminus of the Spring Ridge car line, We have here a clear contradiction beto be used by us as a temporary depot tween clause 25 and section 16. Neithtenant farmers and their employees for the storage of sand, etc., for city er standing alone is ambiguous. It is tend generally toward Conservatism to my mind a clear case of repugnancy. deliveries." and where the aristocrats, coming into Then follow certain undertakings as The question then is, to which are we closer touch with the people, are more the manner of doing the work, and to give effect, because effect cannot be nfluential, have enormously larger parto the manner of doing the work, and to give effect, because effect cannot be the last paragraph reads as follows: "The privilege is revocable by the council at any time on reasonable no-fice, and upon the same being revoked that I do not think Mr. Taylor's argu-ment that section 16 can have refer-ence only to the company's lines outliamentary representations than the urban industrial districts where, with few exceptions. Liberal majorities are we undertake that the rails shall be removed and the roadway and side-think if we look at the circumstances could be given to the section of the act walk be made good within such time of the case as discolsed in the statute, could be given to the section of the act pective elector is required, in city and country alike, to show that he has as the city engineer may require." we find that clause 25 was in existence, lived continuously in the same house The application was heard before and acted upon between the parties,

The application was heard before Martin, J., and counsel agreeing there-to, the motion was turned into a mo-tion for judgment, and trial of the ac-tion. The only evidence before the learned judge was that supplied by the writ. notice of motion, and affidavit writ, notice of motion, and affidavit was intended that a change should be above referred to. The learned judge made. It would confirm the agreement refused the motion and dismissed the as a whole, and modify it by subseaction, and from that order the plain- quent section. That I think is the na-

tural and usual way of proceeding in tiff has appealed to this court. It appeared on the argument before cases of this kind. us that besides this franchise in the The difficulty arises because of the city of Victoria, the company had ac-quired franchises outside of Victoria sections, namely, clause 25 and section referred to in an act of the legislature, 16 in direct conflict with each other, passed in 1890. coupled with the unsatisfactory word-It was contended on behalf of the ing of section 16. This sections sugcity that clause 25 of the agreement, schedule A of the Act of 1894, prohibited artfully succeeded in covering up the

the use of the defendant's cars for the provision respecting freight in such a carriage of freight, and that in so far way as that the effect of the words as section 16 of the Act of 1894 professes used would not readily challenge atto confer the right to carry freight, the tention.

rights therein contained ought to be I cannot, however, decide this case held to apply only to that portion of on a suspicion of this kind. Besides it the company's undertakings outside of the city of Victoria, Hence it was ar-that it is most likely that this act, gued that the defendant had no right to embodying an agreement of such imbuild a spur or siding for freight pur- portance between the plantiff and the defendant must have been watched in

I cannot accede to this contention committee of the Legislature by the The language of section 16 seems to legal representative of the plaintiff, me to be very clearly applicable to the and must have come to the notice of company's undertaking within the city, the City Council. I say this because and that being so, it is unnecessary for no suggestion was made in argument me to consider the statute of 1890, or that the act was passed without the bledon, Surrey, 3,492 out of 27,512. In- unything with regard to the company's knowledge and assent of the city auoutside undertakings. thorities. In Maxwell on the Interpretation of

By clause 25 of the agreement it is rovided as follows:

Statutes, at page 236, the rule is laid

carriage of passengers." That is to say, as I understand it, the dale appended to a statute is repug- | estate at Letchworth, Eng.

PILCHARDS, Cornish, per tin .... natter, upon and over the said lines line of buildings in a street, and sec-The Family Cash Grocery of railway by electric or such other tions in the said Railway Companies motive power as the said company may Act, passed in 1887, which gave general powers to erect stations within the and supervision of the city engineer or | limits of deviation allowed by the act. CORNER VATES AND DOUGLAS STREETS other officer appointed for that pur- The company built a station within pose by the said corporation, as to lo-such limits but beyond the general line PHONE 312. cation of all poles, tracks, and other of buildings in a street, and it was held that the later statute must prevail. The St. Hyachinthe case, 25 S.C.R., The St. Hyachinthe case, 25 S.C.R., 168, was relied upon by Mr. Taylor, but HEAVY CARGO think that the case at bar is quite listinguishable from that case. There **ON BANK LINER** the by-law and agreement between the gas company and the city was not set out in the act, and it is stated in the judgment that the city was not a party, nor did it assent to the legislation in question; that the attention SUVERIC ARRIVED of the Legislature may not have been directed to the terms of the by-law HERE YESTERDAY in question, but not the wide construction contended for by the gas com-Captain Shotton to Take Company, which was that of a monopoly mand of New Steamand not of a mere non-exclusive right. On the material before us it is not ship clear that the company observed the formalities requisite to entitle it to what it proposed, but as no point vas made of that on the argument, (From Monday's Daily.) assume that it was not desired that we should pass upon it. I am therefore of opinion that the appeal should be dismissed. (Signed) J. A. MACDONALD,

C.J.A.

ACTOR DIES SUDDENLY.

John R. Furlong Passes Away in Hotel

at Oakland.

where his children live.

then in port, led eight men; to t rescue and succeeded in saving a great deal of property. Shortly before the Suveric left Hongkong a British naval officer was violently assaulted by a number of American bluejackets who were at the time Arriving at William Head late on under the influence of liquor. Saturday and remaining there all set his rickshaw and turned him o hight, the steamer Suveric, one of the Later they were arrested and turne big steamers of the Bank line, tied up over to the American authorities, at the outer dock yesterday morning whom they were held for trial. The Suveric brought a large carge and discharged nearly 100 tons of and discharged nearly 100 tons of freight before leaving for Vancouver. Orient a much heavier cargo than she The vessel had about 6,000 tons aboard, brought. including 340 packages of silk and 800

MISTAKEN FOR BURGLAR. packages of valuable skins. The latter onsignment consisted of sable,

Groveton, Texas, Feb. 14 .- Fighting Oakland, Cal., Feb. 14 .- Veteran of a ard, bear and goat pelts shipped from Oakland, Cal., Feb. 14.-Veteran of a stage career extending over a quarter of a century, John R. Furlong, 54 years of age, is dead to-day in this city. Furlong was a member of the "Vir-ginia" company. Shortly after he had gone to his room in his hotel last night he felt coming upon him the recurrent heart trouble to which he was subject. Shaughai. The rest of the cargo con-in the dark with a man he though isisted of 3,000 tons of hemp from the a burglar, S. T. Lockhard discov the dark with a man he thought Manilla, and a quantity of rice from he had stabbed to death Carlet Swinner, his best friend. Swinner, China and tea from Japan. Two white passengers came across prominent man, in a temporary fit n the steamer, Mr. and Mrs. Fred insanity, broke away from his atten Elms, who are visiting here a short ants and entered Lockhard's home.

furlong had a presentment that he would time before returning to China. Eleven succumb to the attack and hurriedly walked to the hotel lobby where John R. Smiley and Charles R. Gilbert, other DIES FROM INJURIES. Chinese arrived, but only six of these debarked at this port, the others pro Los Angeles, Cal., Feb. 14.-Lewis ceeding to Vancouver. "I'm dying, boys," he said. "I can't breathe well now, and I wanted to be Heavy gales were experienced by the Wolfley, former governor of Arizona steamer shortly after leaving Yoko-hama, and this accounted for the fact from injuries sustained on Friday

Gilbert rushed to call a doctor, but Fur-long was dead before he returned. The deceased actor was known in New York. Stanley Shotton, the youn mander in the whole of the when he was run down by a car wh Stanley Shotton, the youngest com-mander in the whole of the Andrew was governor of Arizona in the Weir fleet, will leave the Suveric on eighties.

Shareholders of the First Garden City, Limited, determined, at the annual meet-go to England to take charge of one rovided as follows: "Cars to be used exclusively for the arriage of passengers." Statutes, at page 200, use to the down supported by several authori-ties, that "where a passage in a sche-ties, that "w Lever Brothers, Toronto, will send you

Suveric the question of the annexa-tion of Korea is still a live one. Several VICTORIA, No. 17, K. of K. of P. Hall, every '.'h Mowat, K. of R. & S. Be of the Japanese newspapers have taken A. O. F., COURT NOR'TE No. 5935, meets at Foreste, street, 2nd and 4th Wedne Fullerton, Secy. the matter up and are advocating it, claiming that it will mean that country will get a better government than she has at present. One of the members of the Diet also has prepared a NOTICE set of questions for the government to answer in which he tries to commit IN THE MATTER OF TH them to a change in Korea. GEORGE FREDER News was brought by the steamer of a big fire in Yokohama in which the LATE OF SHAWNIGA DECEASED captain of the German cruiser Arcon Notice is thereby given having any claim again ceased are required duly certified, to the tors for Wm. B. Hall, of said deceased, on of February, 1910; and will not be liable for t persons of whose claim have received notice. CREASE & ( 17 Fort St., Victoria, Said Executor. MONOPOLY OF IM MONOPOLY MONOPOLY OF IM Of their COGNAC a first-class firm o porters by a world re

taken by Capt. Cowley, formerly of

the Kumeric, but now on the steamer

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Yedde.

tillers and shippers in Many awards, among Prize at Seattle Exh liberal terms and cond 267 Poste Restante, Cog

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COURT CARIBOO, No.

each month in K. of Pandora and Pouglas

Foresters welcomed. F Evans, P. O. Box 910; R. Sec., 1361 Pandora st

K. OF P.-No. 1, Far West K. of P. Hall, cor. Dougla Sts. J. L. Smith, K. of R

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