

POST OFFICE WINS APPEAL

ELECTION CIRCULAR CASE IS DEALT WITH

Baxter and Johnston Held to Have Infringed Regulations —Must Rectify Error

The decision of the then acting-magistrate, C. J. Prior, who decided against the post office last September, in the case brought by the department against Baxter and Johnston, who were charged with infringement of the post office regulations, was on Tuesday upset unanimously by court of appeal, which remitted the decision back to the police magistrate to be rectified, and for the imposition of the proper penalties. All four judges heard the appeal.

The charge against Baxter and Johnston arose out of the mailing of 25,400 circulars for the Licensed Vintners' Association. During the provincial election, in November, 1909, the firm sent the circulars sealed in envelopes by the Dominion Express Company to every city in British Columbia in large parcels. These were received there by agents of the association who mailed them with one of the stamps attached, in the local post offices, the object being, under the new post office drop rate, to save one cent postage on each circular. At Vancouver, one of the packages was with the Dominion Express Company's labels attached, and the post office inspectors traced the matter throughout the province and back to Baxter and Johnston, whereupon the action was commenced.

The magistrate gave a written judgment against the department and was applied to for a stated case to the appeal court. The stated case read as follows:

The accused, during the latter part of September, 1909, undertook a contract for the Licensed Vintners' Association of British Columbia to print, address, seal and stamp and dispatch a two-page circular to every voter in the province of British Columbia. Each circular was put in a separate envelope sealed, addressed to a different person and stamped with a one cent stamp. On or about the 8th of November, 1909, at the City of Victoria, the accused packed the letters addressed to all persons in each city and town of British Columbia (with the exception of the City of Victoria) in separate boxes and forwarded such boxes by the Dominion Express Company to an agent in each city and town of British Columbia. The letters were packed in such a manner that without opening the boxes no one could tell what they contained. The boxes were addressed and consigned to the respective agent as aforesaid, and on arrival were opened by them and all letters therein contained were mailed in the post office of the city or town to which they were respectively addressed. At Vancouver the post office authorities became aware of the means by which the letters had been sent to the agent there and the letters were intercepted and returned to the sender. The agent there and the letters were intercepted and returned to the sender. The agent there and the letters were intercepted and returned to the sender.

AUTHOR SUCCEUMBS TO HIS WOUNDS

David G. Phillips, Shot by F. C. Goldsborough, Dies in Hospital

(Times Leased Wire.)

New York, Jan. 25.—The body of David Graham Phillips, the author who succumbed in Bellevue hospital late last night to bullet wounds inflicted by F. C. Goldsborough, was taken to the National Arts club early to-day. Senator Beveridge of Indiana, in charge of the removal and has arranged that funeral services be held in the Little Church Around the Corner. No hour for the services had been set when the body was removed. Phillips will be buried in Indiana.

Phillips made a brave, though futile fight for life. At 11 o'clock last night he whispered to his brother, Harrison Phillips, who was at his bedside: "If there were only two bullets in me I might get out with five or six. It is pretty hard." A hemorrhage followed, the author relapsed into unconsciousness and expired at 11:07 o'clock.

The body of Goldsborough, Phillips' assassin, arrived to-day in Washington, where it was shipped at midnight.

"In the name of my father, my mother and myself, I wish to express the greatest sorrow over the shooting of Mr. Phillips," said Goldsborough's sister to-day. "There is no doubt that my brother was irresponsible and insane."

The police, after a full investigation of Goldsborough's antecedents, are convinced that the slayer was delirious. In his diary, after quoting at length from one of Phillips' books, Goldsborough wrote: "I deem Phillips an enemy of society and my own personal foe."

Nothing has developed to show that Phillips ever was sufficiently closely connected with Goldsborough to have done his personal injury.

MEXICAN TROOPS PREPARE TO MOVE

SHARP FIGHT EXPECTED NEAR TEXAS BORDER

Insurgents Who Are Strongly Fortified Await Advance of Federal Forces

(Times Leased Wire.)

El Paso, Tex., Jan. 25.—Hot fighting is expected between insurgents and a force of President Diaz's troops before sunset to-day at San Ignacio, just across the border from Fort Hancock. A company of American troops is in camp near the scene of the expected collision, and are under instructions to preserve neutrality at all costs.

The insurgents which will take part in the coming battle are a force which charged the town of San Ignacio on Sunday last and then retired into the hills, where they have thrown up trenches and are strongly fortified.

The federal troops are marching to-day at San Ignacio and Guadalupe, and the advance on the rebel position may be put off until to-morrow, there is every indication that it will be delivered about sundown.

While there is little certainty as to the number of the rebels from which can be discerned of their earthworks, they are believed to number about 1,500 men. The federal troops will reach about the same number, and a brisk encounter is expected.

Patrolling the Border. Houston, Texas, Jan. 25.—In line with a plan of the war department to establish a thorough patrol along the Texas border, four troops of the Third cavalry to-day left Fort Houston bound toward the border. Simultaneously the 22nd infantry started from Fort Lilla. Two detachments with troops in conjunction with other troops already scattered along the border and it is expected that no section of the boundary line between Mexico and Texas will be left unpatrolled.

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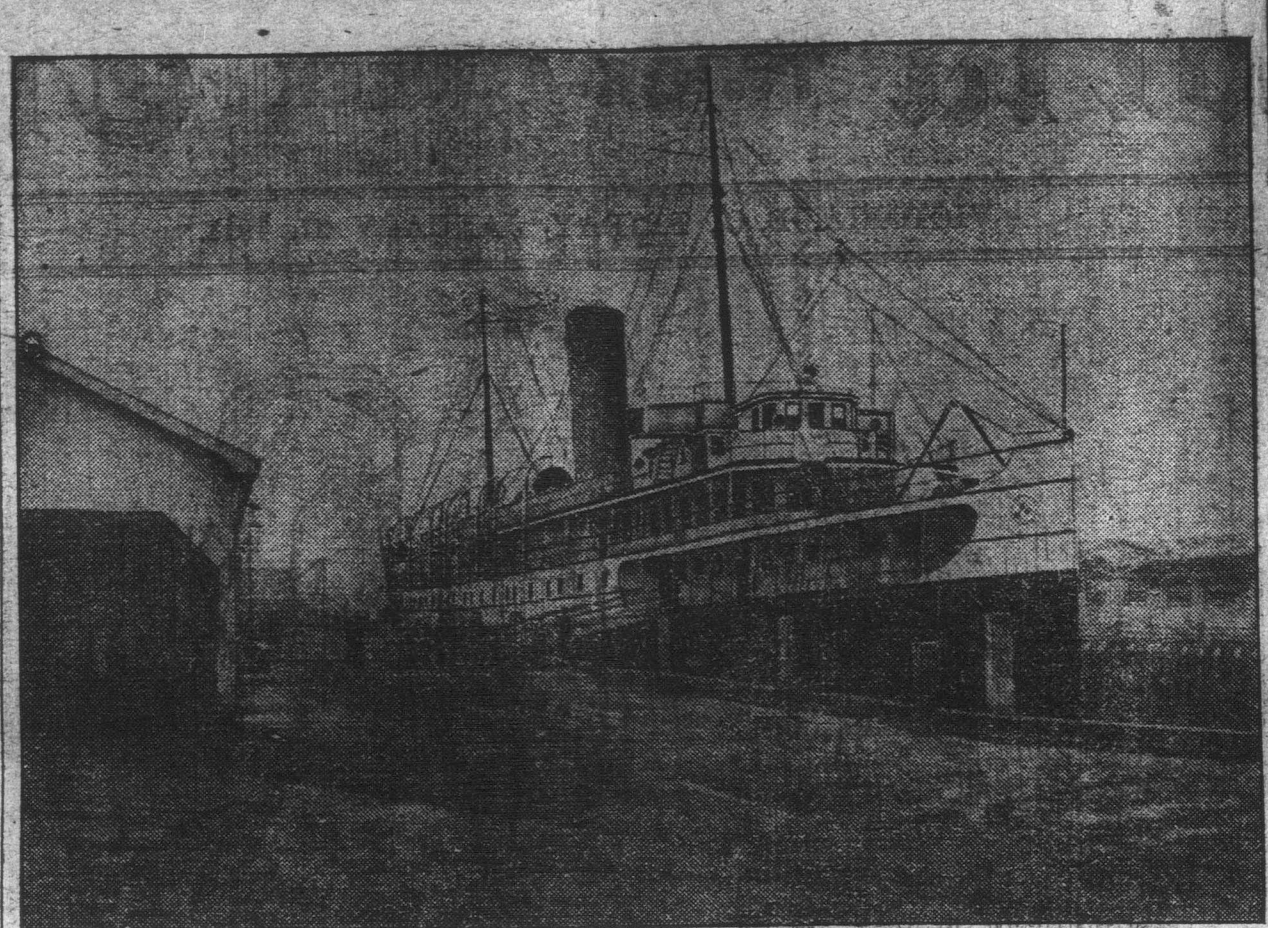
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PRINCESS ADELAIDE ON HER FIRST RUN
This photograph of the latest addition to the C. P. R.'s fine fleet of ferry steamers was taken Tuesday afternoon, a few hours before the vessel left on her maiden trip in the Victoria-Vancouver service.

MOVEMENT TO PRESERVE PEACE

STATEMENT MADE BY ANDREW CARNEGIE

Says Taft is Now Planning Broad Treaty With Great Britain

(Times Leased Wire.)

New York, Jan. 25.—The fortification of the Panama canal would in no way be incompatible with a world-wide peace agreement between the nations, according to a statement made to-day by Andrew Carnegie, who has donated a fund of \$10,000,000 to secure abolition of war.

"No nation can dispute our right to fortify the Panama canal. Our right to do so is a self-evident one, to-day to fortify New York or New Orleans," said the steel king. "It would not be a warlike project, but one purely defensive. The Panama canal, if built, would not be a shot unless the canal were endangered by an enemy, which means an enemy to other nations as well, because an injury to the canal would mean serious injury to the world's commerce."

"President Taft, I am informed, is now planning a broad treaty with Great Britain which will go far toward preventing war. The English-speaking race, which has abolished private wars in its vast boundaries, is obviously the race to lead the way in abolishing the savage custom of man-killing the world over. If the United States and Great Britain agree on this point, other nations soon will follow."

"I urge all lovers of peace of our country to support the president's holy work to trust him and to stand prepared to urge the senators to pass the great treaty he is now negotiating, compared with which the purely national question as to whether we shall erect forts at both ends of the Panama canal sinks into insignificance."

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WATER COMMISSIONER IS PREPARING REPORT

Soon Have Recommendation on Sooke Lake Scheme Ready for Council

Pursuant to instructions from the mayor and council, James L. Raymer, water commissioner, is preparing a suggested plan of action in respect to the manner which the big scheme of bringing water from Sooke lake shall be attacked. This report will be ready for presentation to the council at an early date, and it is probable that a special meeting of that body will be held to consider the same.

The report will necessarily deal primarily with the need of compensating the land necessary for watered land at Sooke lake, Sooke river and its tributaries as shall secure full protection for the water supply.

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DESTRUCTIVE FIRE AT GOWGANDA

PORTION OF TOWN ALMOST WIPED OUT

Three Hotels and Bank Among Buildings Burned—Loss Estimated at \$100,000

(Special to the Times.)

Gowganda, Ont., Jan. 25.—During the strongest gale of the winter broke out about noon yesterday in Cohan's dry-goods store, practically destroying the southern portion of the town. The loss is probably amounting to \$100,000. The fire is mostly Canadian companies with about \$75,000 in the American companies represented.

The buildings destroyed include the Queen's hotel, King Edward hotel, the Canadian Bank of Commerce, Dr. Grant's office, Todd Mohant Pharmacy, fruit company and Grocery, Karm Bros., grocers and dry-goods; Landria, Tobaccos, Carier & Bright, druggists; Taylor Drug Company, the telephone office, Gray, Barber, Mint saloon, Brownlee poolroom, Cherette saloon, Blackhawk livery, Boumbant saloon, Prospect hotel, Miners' Union hall, Davis restaurant, Coldwell & Coldwell. The origin of the fire is not known.

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FIRST RUN OF THE ADELAIDE

NEW FERRY WENT INTO COMMISSION LAST NIGHT

Arrives Back Here at 6 o'Clock —Cuts Considerable Time Off the Schedule

(From Wednesday's Daily.)