

Hansen, but Mr. Aikman said that he would prefer to have another day in which to look up authorities regarding the interpretation of the word "may" in the contine of the code word may" OF FREIGHT RATES n the section of the code under which he made his application. He believed that in some cases on record the word n question had been interpreted as Reasons Why Part of Complaint Was meaning "must," and, as his case might rest upon that point, he would prefer

Dismissed--Mr. Mill's Disto have an adjournment until Monday, when he could cite authorities. In the meantime he would serve notice on the counsel for the crown to appear in

MILLIONS STILL

NOT EXHAUSTED

REMAIN IN GRAVELS

Mining and Dredging--Estimate

of Future Output.

Ottawa, Aug. 3.-There is still a gold-

Magistrate Hall granted the adjourn Ottawa, Aug. 3 .- The railway coment, but expressed the opinion that mission has given judgment sustaining Mr. Alkman's question as to the interpretation of the section was not in part the compalint and dismissing strong one. Should the word mean the another part of the compalint of the same as "must" it would mean that a boards of trade of British Columbia magistrate would be and Pacific Coast cities, that the rail- grant every application for a new trial way rates levied on all classes of goods from Varcouver edis from Vancouver eastward were dis- or not.

criminatory as compared with the rates on westbound traffic from Winnipeg. The judgment is signed by Commison westbound trame from winnipeg. The judgment is signed by Commis-sioners Killam and Bernier, and a dissenting judgment is given by Commis-

senting Judgment.

sioner Mills. The judgment of the majority of the commissioners is in effect that the complaint should be dismissed except so far as it-relates to classes traffic for which reduced rates are given under the act relating to the Crow's Nest line. The complaint was not based on the ground thatthe rates were in themselves so excessive as to be unreasonable, but merely on the ground that undue preference was given to traffic from Winnipeg westward, compared with from the coast eastward.

May Be Recovered By Hodraulic Commissioner Killam says: "No inference can be drawn from a mere comparison of the distances from different portions of the railways, and that it does not constitute discrimination, much less unjust discrimination for the railway to charge higher rates for shorter distances over the line having small business or expensive in con-

struction, maintenance or operation en harvest to be gathered from the than over the line having large busigravels of the Klondike valleys. The ess or comparatively inexpensive congovernment has completed an explorastruction, maintenance or operation. Figures given by the railway officials, tion and survey of gold-bearing gravels based upon evidence as to the cost of of both high and low levels. It is estioperation and maintenance on different mated that in the neighborhoods where ections of the main line of railway, gold is known to exist and from which show the rates from Vancouver to Calgary are really lower compared gold to the value of \$94,750,000 has been with those from Winnipeg to Calgary than if they were based upon the pro-portional expense of operation, etc. The report of the traffic officer showed the rates from Vancouver eastward are lower than those of United States thods of gold recovery.

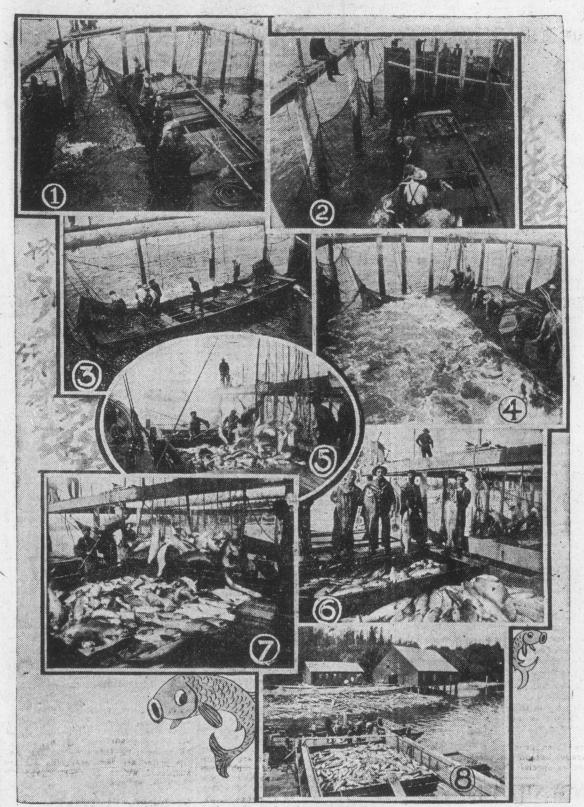
The examination was made by Mr. Commissioner Killam says as a result McConnell, of geological survey, assistlines. of the Crow's Nest Railway Act the tariffs on certain westbound merchan-dise are reduced by the C. P. R. from graphers. Fort William and points east from

ere. "When the statute passed," says Commissioner Killam, "the law provid-ed unjust discrimination between lo-district \$119,000,000 to date. It is estithe western portion of the company's railway, it should not be considered as having authority to what would, if done otherwise, have produced unjust

merchandise to which these tariffs re-late reductions did result in such discrimination, and that the rates from

VICTORIA TIMES, TUESDAY, AUGUST 6, 1907.





AT THE FISHING TRAPS

1, 2 and 3-Preparing to lift. 4-Lifting the brailer, showing fish in motion. 5 and 7-Spilling the brailer. 6-Specimens of fish. 8-The scows loaded.

ing: Armstrong, Gainsford, Dunn, Robertson, McNeal, Carson, Brown, discrimination. We are justified in in-ferring that in respect to the classes of At this season of the year consider- | continue it beyond this period. The fish | several of its piles torn away by Kirwin, Allen, Irwin, Elliott Raymond, able attention is directed to the taking when they are captured are making heavy sea and these were swept on to Fraham and Murphy. **SMOKED PIPE WHILE** ing of salmon by means of traps. The their way in huge shoals in which every the netting of a trap hard by, entailing HAWTHORNTHWAITE Serious Charge only traps used in British Columbia are kind seems to intermix from the feed- considerable ruin and loss. The traps Vancouver eastward upon similar traf-fic, carried under similar circumstances, Hamilton, Ont., Aug. 3 .- A writ was WAITING FOR DEATH situated over a small area in the neigh- ing banks to the quiet waters of rivers occupy nearly three months in being sued here to-day at the instigation of city had not attempted to statutory powers, but we under the provisions of the Consolidation Act. This ju laid, and during .that time anywhere should be proportionately reduced." Commissioner Mills, in his dissent from some portions of the judgment bornood of Otter Point, on the south where they spawn. uperintendent Owen, of the Barnardo end of Vancouver Island. Up to the Some half a dozen different kinds of from 12 to 20 men are occupied by each Home, Toronto, claiming \$1,000 dam-ages from Wm. Moore, Seneca town-Socialist Denounced by Leader for end of Vancouver Island. Up to the present this year the success has not been very pronounced, but this is ac-counted for by the fact that this is what is termed an off year. Every is deless. All the other kinds are canned useless. All the other kinds are canned interest winds of the majority, emphasized the fact that under the Crow's Nest Railway ship, for the seduction of Lillian Booth, a sixteen year old Barnado girl. upheld and (subject to the His Attack on R. G. judgment) we understand the decision of the Privy that the private act of t (amended in 1892) and the Act the C. P. R. reduced the rates of the prairie section without any corres The girl, who had been working for Macpherson. re's stepfather, recently became a By Inhaling Gas. ing reduction on the F nother, and Moore is charged as s there is a large run of sa ing a year's fishing falls little she the Esquimalt Waterwor passed in 1885 (amended in lumbia section. The balance was thu ing the father of her child. mon. The last was in 1905, and the next is expected in 1909. This is the fourth year in which op-erations by means of traps have been carried on in this province. By permis-trans during the province of a fairly large nature of the spring salmon, which are either sold in the city or are mild cured and shipped to the eastern states and to Germany. There are at present two non. The last was in 1905, and the next on the Fraser river with the exception \$15,000. It will thus be seen that the disturbed and has remained so, al-Returns From Conference. main subsisting and valid an affected by the Water Clauses though no evidence was given to prove Vancouver, Aug. 3.—The feature of that the traffic on the British Columbia Keir Hardie's meeting last night was Calgary, Aug. 3.-Premier Ruther-We beg further to report ord passed through Calgary yesterday section had then become or now is re- an attack made by J. H. Hawthorn-New York, Aug. 3.-August Mehlig, 60 generally lifted about twice a week, and were it not that the tugs attached to generally lifted about twice a week, and latively less than it was under the old thwaite on R. G. Macpherson, M. P., sion of the Dominion government a cer-tain number of licenses were issued permitting different cannerles to estab-E. Wiese of Seattle. As soon as the application of the city government for a conti edules. He therefore recommends erve of the Highland and So who had spoken early in the evening. the different traps are often absent for windows and closing the bedroom door. portant questions discussed was that the rate between Vancouver and some days taking catches of the fish Then he sat in a chair to smoke until an order in council has, we are Calgary should be reduced so as to pre- Mr. Hawthornthwaite declared that the lish these traps on the south shore of Vancouver Island. The canneries which where they are brought from the traps so he shut it off and opened the win-to the Fraser river canneries, they ing the season. Then he sat in a chain to shoke that is thought to be impractical at the present time, but was believed to be practical for the province where it en made extending the period serve the same relative proportion be- only reason Mr. Macpherson had ap-It will be important for the at present operate in this fashion are the Anglo-B. C. Packing Company, mediately sold to these firms, who cut tween these and those between Winnipeared was to save his political hide. pg and Calgary, as existed before the He was trying to get the workingmen's It will be important for the be advised whether any water cide upon as the source for a m mented waterworks system can ed by them under the 1373 act in 1892), or whether the right to has to be sought by way of re the Water Clauses Consolida The question is—whether, under private act they obtain the W mediately sold to these firms, who cut ing the season. Another advantage which the fish caught in the traps possess over those taken by the basis in the Frace price latter were introduced some years ago, Malcolm Cannon & Co., B. C. Packers' them up, wash them, place a liberal alwould be discussed later vote for the next election. thus equalizing Vancouver lowance of salt to each slice, and pack taken by the boats in the Fraser river cracks and airholes, but again he was eastbound Association, Capital City Canning Co., The North Bay Fire. and Winnipeg westbound rates at a A moment later Keir Hardie jumped J. H. Todd & Sons, and the B. C. Can- them in large casks, where they remain point 67 miles west of Calagry. The order of the board will be issued again to be heard. He severely criticis that they are much better in quality unsuccessful, the gas not having the North Bay, Aug. 2 .- Fire here toto his feet and made a dramatic appeal in cold storage for some time. They are then shipped to New York and from ning Co. The number of traps which and more suitable for canning purposes. effect desired. day destroyed the block of John Richare working this year number thirteen. The inauguration of the traps on the Mehlig examined all the pipes in the on & Co. J. Smith's drug store in a few days, giving in detail the abuse he heaped on Mr. Macpherson. "To invite a man to your platform and then shuge her heaped on Mr. Macpherson. ized Mr. Hawthornthwaite for the in the Gilmour block is wiped out, with ges in the rates under the majorthe store of T. M. Mulligan, the tailor private act, they obtain the v private act, they obtain the w out making the payment wh the Water Clauses Act, they w make to the revenues of the We, therefore, await the arr full text of the judgment of the being Council ity judgment as given above. shop of J. H. Campbell and offices of given the city a special interest in the supply, but finding everything tight at rung and the mild curing enterprise now 9 o'colck he tried again. One o'clock. where the demand for this kind of food G. H. Gilmour, real estate dealer, bethen abuse him is poor business." said operation, while this year the number BABY'S DYING WISH. Mr. Hardie. The latter's main address has been reduced to 13. Many traps, is great. sides the contents of furnished rooms. been carried out locally by German however, found him still puffing his The first firm which carried out oper- ,firms, has followed in its wake; it fur- pipe, so he put in more wy Father Released From Prison That He Purvis block war for a time i full text of the Privy Council. MASON & was the first of the evening. He is ill however, which proved unsuccessful and is getting ready for another opera-last year have been abandoned and tion. The ringing note of his address others have been laid in better positions findlay, Durham & Brodie, who several men have been selected for employ-and waited for death. danger. Might Attend Funeral. was that the labor world should unite to catch the runs of the fish, and these years ago experimented by means of a ment at the different stations, and as About 3.30 in the afternoon his wife The above letter was re-Chicago, Aug. 3.-"Bring papa 'to my POLICE BAFFLED. two facts account for the encouraging seine. After several experiments the all the spring salmon caught by means smelled gas, and failing to get into her in one great independent party. filed and the clerk then re funeral" was a dying baby's last renature of the results so far this year. reports spread that numbers of fish of the traps is transhipped from the husband's room she called a policeman. quest, and to-day James Corcoran was pardoned from the Bridewell that munication from Water C New York Authorities Unable to Stop remembered that were being found, and shortly after- city it has also given an impetus to The officer kicked down the door and SEEKS INJUNCTION. It must always be Raymur which read as follo Attacks on Women and Children. this means of fishing by traps is, as far as Vancouver Island is concerned, in an experimental stage, and much has yet to be learned. Wards licenses were taken out from the Dominion government. The trap lifting industry proper started in 1904, and since that year has been carried out to be learned. The trap lifting traps are devoting their attention prin-to be learned. The trap lifting to be learned. The trap lifting traps are devoting their attention prin-to the traps are devoting their attention prin-to the trap lifting traps are devoting their attention prin-to the trap lifting traps are devoting the traps are devoting the transmission of the traps are devoting the traps are devoting the transmission of the tr this means of fishing by traps is, as far wards licenses were taken out from the trade the wish might be granted. Five times His Worship the Mayor and found him seated in his hair smoking Telephone Company's 'Application to man has been released from the In view of what experiments have The policeman was almost overcome New York, Aug. 3.-The remarkable Aldermen: Aldermen: Dear Sirs:--The decision of Council in the Esquimalt wat ing adverse to the city, the now to decide in what dire The Montana Court. series of crimes in this city, in which women and children are objects of at-Bridewell, twice to attend the funeral of children whose life was flickered from hardship and want, while he was Helena, Mont., Aug. 3.-The 'Rocky A very interesting feature in connec- with varying success. It cannot as yet cipally to the spring salmon which are In the court Mehlig showed no ill- tack, shows no signs of abating. Dur Mountain Bell Telephone Company tion with the trap industry is that the last few years have shown far more spring salmon can be taken in this be said to have proved remunerative in every sense of the word, but even al-lowing for the lean years the success the more then most valuable if sold in the spring salmon can be taken in this be said to have proved remunerative in also the most valuable if sold in the lowing for the lean years the success the more then set are the spring salmon can be taken in this be said to have proved remunerative in spring salmon can be taken in this lowing for the lean years the success the more the provide the more the spring salmon can be taken in this lowing for the lean years the success the more the spring salmon can be taken in this lowing for the lean years the success the more the provide the more taken in this lowing for the lean years the success the more the spring taken in large numbers. These are also the most valuable if sold in the counted for his desire to die. behind the prison walls for abusing his shall look for an increased yesterday filed a suit in the Federal As you are aware, ther sources from which such support obtained, namely: Increasing its full capacity; developing th district; acquiring the works of mait Waterworks Company at urt against the Montana Federation The mother was a pitiable picture er, that of a young Eastside girl, who was attacked by miscreants while passwhen she entered Mayor Busse's office yesterday. Only a few months ago she nner than sockeyes, or indeed than may be said to be increasing propor- by the way, refers chiefly to sockeyes, all the other kinds put together. The tionately with each succeeding season. the traps are so laid as to catch as ing through the hallway of a house COAL FAMINE PREDICTED. junction restraining the respondents spring salmon are also at least a third Considerable expense and also misfor- many as possible of this species. had been there to get her husband that held her own home. Scarcely an spring salmon are also at least a third larger than those taken from boats in the Fraser river. No piscatorial au-These vary in length from 200 yards to pardoned to attend a funeral. The tears streamed down her cheeks as she clasped and unclasped her worn and labored gnarled fingers and solbed out, form interfering or molesting in any way the business of the company, and to shut off the boycott which the com-plainant alleges has been in force since Cleveland. Ohio, Aug. 2 .- The North- arrest of importance has been made, During recent years there has never famine during the coming winter than completely baffled. The list of victims and Thetis lake, or buying the Fraser river. No piscatorial at increased any in length from the yards to been any unneutry in intensity in many a market west will suffer a more severe could there is a more severe could famine during the coming winter than is considered very strange, as the fish which the wire and netting is laid are or sold fresh. In the case of the canned the record-breaking one last year them by the gallon, and obti-from Sooke lake. With the the price asked by the Esqui works Company for their who have met death in this March 14th last, which has damaged caught off Vancouver Island come from being driven, due allowance has to be salmon this is easily understood, as it which cost so many lives, according to crime has reached the shoals which are making their way made for the set of the tides in order is said to last in this form for twenty the big coal shippers of this city. It girls and two women. "Our baby has just died. It's not that crime has reached five, three young want my husband's help. We are better off when he is away, but our the company to the extent of \$5,000. better off when he is away, but our baby lisped she wanted 'My papa at An order to show cause why the applihave all the information rec ing the first three proposit to wards the Fraser. The trap lifting generally continues from between three to four months off the Jsland coast. It may commence as and wreck the work of weeks Only a CAR COLLIDED WITH AUTO. nowledge of Sooke lake is the funeral' just before she died." cation for an injunction should not be granted was made by Judge Hunt, rethe Island coast. It may commence as early as May and run on into Septem-few weeks ago one of the traps oper-quiring into the trade with a view to guiring into the trade with a view to ore-handlers, will bring about a far-I would therefore recomm Sooke lake survey be proc STEAMER WRECKED. turnable September 16th. Jackson, Mich. The trouble is the outgrowth of the once, and that on receipt of the information, Mr. Adams be en ber. It has been found unprofitable to ated by the Anglo-B. C. Company had supplying the fleet with canned salmon. reaching shortage of the supply of fuel strike of the linemen in Utah, Idaho, Sixteen of Crew Left Vessel in Boats at the upper lakes. Jackson, Mich., Aug. 2.-Three women Wyoming and Montana, the Montana port to the council which schemes he considers the With the best of fortune, and if all and Are Believed to Have Perished. were killed and two persons were in-Federation having ordered the Rocky STABBING AFFRAY. A TWENTY-NINE Company of Indiana of \$29,240,000, the the hopes of vessel men are fulfilled, jured when a suburban trolley tageous for the city, giving for such recommendation, t plans and detailed estimate Muscat, Arabia, Aug. 3.-The German Mountain Company to be declared unmaximum amount upon each one of the region beyond the upper lakes will struck an automobile here to-night. the 1,462 counts of the indictment on have from 3,000,000 to 5,000,000 tons of The dead and injured all belong in this Hampton, Va., Aug. 2 .- Thos. F. Madfair in all Montana cities, and ordering steamship Aeutonia from Bussorah, Asiatic Turkey, from Hamburg, was todox, chief master-at-arms, who with **MILLION FINE** out all switch board operators. which the company was recently con-victed of rebating. two other sailors from the battleship Adams having already be ground at Elk lake and Gold tally wrecked on July 20th near Rasma-Maine, was stabbed last night, died in THREE PERISHED IN FIRE. position to make a report w obsible delay. I received a te im yesterday saying that ble to undertake the work durah, on the southeast coast of Ar Will Appeal. the hospital to-day. Garret Welsh. shippers. injured, Mr. and Mrs. Oliver. first-class fireman, was instantly kill abia. New York, Aug. 3.-The Standard Oil Chicago, Aug. 3.—Judge Landis in the United States district court to-day irr-posed a fine upon the Standard Oil New York, Aug. 3.—The Standard Oil Company will take an appeal to the United States circuit court from the sentence imposed by Judge Landis to-day. New York, Aug. 3.—The Standard Oil Company will take an appeal to the United States circuit court from the sentence imposed by Judge Landis to-North Yakima, Wn., Aug. 3.-At least Sixteen members of the crew are be ed. Fred Curtierres, the man who did three lives were lost in a fire in the lieved to have been lost. They left the the cutting, was held for the grand wreck in boats and have not since been centre of the city this morning. The jury quired. without bail to-day. He is a 1 would further recomm heard from. property loss is placed at \$75,000 Spania"1, receipt of the report, it be s

FIRE DESTROYED Fight in Bakery Dissolves Partnership and Results in Assault Charge. The case brought by Edouard le Toqueaux against Joseph Matura, charging 'the defendant with assault, was dismissed in police court Satur day. The evidence of L. J. Quagliotti, EXPLOSION OF LANTERN the only independent witness called, showed that the charge of assault arose from a little bout of fisticuffs, in which both men were equally blameable. Toqueaux and Matura had been quarrelling at their place of business, Mayor of Winnipeg Will Negoliate the French bakery on Pandora street, for several days before the fight took place. There was some dispute be tween them over a money transaction and the prosecutor, Toqueaux, wante o settle it by a duel. On Wednesday he two men were discoverel by Mr Quagliotti struggling upon the side-Hamiota, Man., Aug. 2 .- The Dominwalk in front of the bakery. Witness on elevator here, together with about and another man separated them be fore either got hurt. Each claimed that the other struck the first blow. one thousand bushels of wheat we burned this morning. The fire w: The direct result of the fight has been the closing of the bakery, accord-ing to the defendant. The latter's caused by the explosion of a lanter brother ran it in partnership with the prosecutor, but the fight had broken up Port Arthur, Aug. 2.-Nineteen stall ing miners from Duluth, all affected he partnership for good. with trachoma, came here on a v and when attempting to return to the

CASE DISMISSED.

WAS FLOGGED BY **A MAGISTRATE**

Winnipeg, Aug. 2.-Rev. Dr. Bryce, of Manitoba college, left by this even-ing's train to be absent for several MAN THRASHED FOR weeks in Alberta and British Colum bia ILL-TREATING WIFE Winnipeg, Aug. 3 .- The board of

Sale of City Bonds---The

Educational Conference

Rejected by Officials.

On Way West.

Winnipeg Bonds.

Railway Extension.

ontrol has decided to rec

e community

the council that Mayor Ashdown be authorized to visit London and oth financial centres at an early date, to negotiate for the sale of \$4,500,00 worth Handcuffed to a Post in Street and of city bonds now ready for the mar-ket. His Worship is to have full power Soundly Beaten With a to sell as well as negotiate Belt.

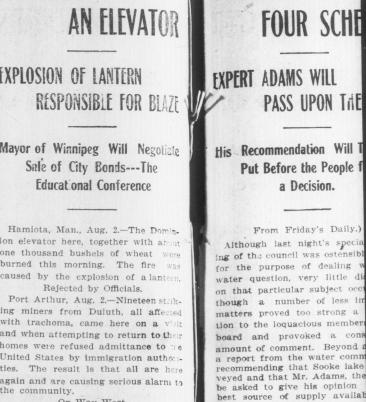
Winnipeg, Aug. 2.-An important contract has been let by the Canadian Paific railway involving an extension of Wilkesbarre, Pa., Aug. 3 .- Louis Samthe line running northwest from Mo polia, who had brutally beaten his wife, Jaw on the way to Lacombe and Edwas publicly thrashed by Ald. D. A. nonton. Will Not Retire McKelvie yesterday before a crowd of Brantford, Ont., Aug. 3.-Recent readmiring and applauding spectators.

ports with reference to the contem-plated retirement of Hon. William Aroused to a pitch of righteous indignation by the pitiful story of the dignation by the pitiful story of the abused wife, Mr. McKelvie sprang from without foundation. It is understood his magistrate's bench, declaring he here that Hon. Mr. Paterson will either retire from cabinet nor give up would give the prisoner the only punishment suitable for such a crime as his constituency. is, as fines and imprisonment would To Play for Cup.

Winnipeg, Aug. 2.-The Winnipeg labe of no service. Seizing the terrified man by the col-lar, he hustled him into the street, crosse team, champions of the Western Canada Lacrosse Association, left for oulled the coat from his back and then St. Paul to-day, where to-morrow the andcuffed him to a post. The crowd play the holders for the Chipman Inlivined his intention and a man took ernational trophy, won by default off his belt and gave it to McKelvie. from Souris two years ago. will be strongly represented and are hopeful of bringing back the trophy. The alderman is young and strong, and flogged vigorously. After a few strokes Sambolia fell to his knees, crying for The following will be the Winnipeg team: Goal, Clouthier; point, Lawercy, but McKelvie kept it up until he felt the prisoner had had enough. rence; cover point, J. Flett; defence field, Clark, Stephenson, Corrigan;

SIX KILLED BY LIGHTNING. entre, Hendron; home field, Berthr Findlay, Murphy; outside home, Bar-ker; inside home, McGregor. Spares, Posen, Germany, Aug. 2.-Six per-

ons were killed by lightning yester-Fleming and Kendall. The St. Paul day and great damage was done to eam will be chosen from the follow rops by extensive floods, as a consejuence of, a terrific storm.



TO INVESTIGATE

passing a resolution to carry mendation, the wat first recommendation, the v tion troubled the aldermen As it was these proceedings and dried and were evident sult of the informal me Wednesday at which the alde prived of a gallery to play to ently settled down to bus agreed on the course to be distribution was not even It is apparent the council to follow the advice of the nissioner which in brief is get information on Sooke uce of supply: second, cal pert, Adams, and lay before h formation on the following as Fik lake the Highlands. G and Sooke lake; third, take th decision without alteration an question up to the people. The city solicitors forwarde rected copy of the cablegran they received, announcing the the Privy Council's decision Goldstream case, together w ter in which an explanation rather ambiguous message tempted. The city solicitors advised that the council over the matter until the the judgment was received. don and this was done. The message ran as foll Appeal allowed with costs. Clauses Act no application Waters Goldstream and Niagan

private act. Taylor he The letter from the solid

His Worship

the City We beg to enclose herewith ted) received by

cable (corrected) receip London agents anno-of the appeal of the works Company. It will be in the recollection council that Mr. Justice Duff n council that Mr. Justice Duri ni cided the action in favor of the but on the counter-claim of th tion, seeking a declaration of th to appropriate the Goldstream der their statutory powers, d make such a declaration, Inasm