DECIDE ON APPEAL

Committee of City Council Urge Action on Part of the Corporation.

AProtest Lodged Against Proposal to Have Lepers at Albert Head.

At the meeting of the city council last evening, a report was received from the water committee recommending that an appeal by taken from the decision in the gase of the Escapinal Law and the sering in the report of the electric light committee. The garding the fire at the station it was stated that no blame is attached to anyone, and in their opinion the fire was caused by a spark from the function and the report of the electric light committee. The garding the fire at the station it was stated that no blame is attached to anyone, and in their opinion the fire was caused by a spark from the funceo. It was tated that no blame is attached to anyone, and in their opinion the fire was caused by a spark from the funceo. It was tated that no blame is attached to anyone, and in their opinion the fire was caused by a spark from the funceo. It was tated that no blame is attached to anyone, and in their opinion the fire was caused by a spark from the funceo. It was tated that no blame is attached to anyone, and in their opinion the fire was caused by a spark from the funceo. It was also given out that the electric light station does not that the electric light station does not that the electric light station does not that the electric light station of the committee of the committee of the committee of the committee of the city and the committee of the city to be the city and the cit

Ald. Yates and Douglas vating in the affirmative.

A second report from the electric light-committee regarding the recent fire was as follows.

"We have examined into the cause of the fire which occurred at the electric lighting station on the morning of the 28th inst. and are of the opinion that it was caused by a spark from the furnace which caught in the sawdust and from there connecting with the roof. We do not consider that any blame attached to the officials at the station.

"We find a good deal of the roof over the boilers has been destroyed—the damage amounting to about \$500.

"We would recommend that the building inspector be authorized to have the same repaired as early as possible—giving the different trades their share of the work.

"We would also recommend that, as a

A Day of Reckoning

coming. He moved that the report be laid on the table pending a report from the finance committee showing where the money was to come from.

Ald. Vincent said the plant was valued at \$89,000.

His Worship said he thought there was a mistake about the valuation of the plant. He knew considerable about machinery and did not think it could be replaced for \$35000.

Ald. Hall.—There are others who know something about machinery.

Ald. Stewart said that it was important that the building should be cepaired at once in case of rain which would ruin the machinery. The report was adopted.

The finance committee presented ac-

cided adversely to the city on the 23rd of May last, upon consideration of all the circumstances, and after consultation with the city barrister, we recommend that an appeal be taken, and our solicitor and counsel so instructed. The time for appealing expires on the 23rd day of August next.

Ald. Yates said that in view of the fact that the Esquimalt Water Works contemplated using the waste water, it was time for the city

To Make Their Claim Good

To Make Their Claim Good

The report was laid over to be taken up with the water works discussion this evening.

Ald. Hall moved that it be resolved that it be unanimously adopted at the next annual election that the number of aldermen be increased to eleven including the mayor and he will give notice to introduce the necessary by-laws. The motion was carried.

Ald. Hall drew attention to the condition of Dalton street, Victoria West, stating that at present it was impossible to get on the street without having to make a long detour.

He also drew attention to a drain on Seventh street which he stated that Chinamen had dammed the ditch and were growing water cress in it.

Ald. Hall moved that tenders be called for printing and binding the voters list. This was carried.

His Worship.—I never did. I partly opened it and then stopped.
Ald. Davey.—It was open when I re-

the plant. He knew considerable about machinery and did not think it could be replaced for \$35000.

Ald. Hall.—There are others who know something about machinery.

Ald. Stewart said that it was important that the building should be repaired at once in case of rain which would ruin the machinery. The report was adopted.

The finance committee presented accounts amounting to \$2,780 which were received and ordered paid.

The finance committee were also requested to report as to where the funds for the repairs to the station were to be taken from.

Fire wardens recommended that a new pipe be laid on the city whift to be used in case of fire, and that leave of absence be granted Chief Watson to attend the annual convention of Pacific Coast fire chiefs.

Ald. Fullerton said the reason a new pipe was required was because those on the wharf at present were too large for the engine. The report was adopted.

The Old Men's Home committee recommended that the offer to install the company would do if they were asked \$500? Will they take their line away?

Ald. Stewart moved that the \$300 away?

Ald. Vincent wanted to know what the company would do if they were asked \$500? Will they take their line away?

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Chief Justice Hands Down Decision in E. & N. Railway Co. vs. McGregor.

CASE REGARDING A CROWN

Green vs. Electric Ry. Co.---Appeal Case From Mr. Justice Morrison.

He also drew attention to a drain on Seventh street which he stated that fin the Full Court.

Chinamen had dammed the ditch and were growing water cress in it.

Ald. Hall moved that tenders be called for printing and binding the voters list. This was carried.

Ald. Goodacre moved that leave be granted to introduce a by-law to be grant to granted to introduce a by-law to be grant to granted to introduce a by-law to be grant to granted to introduce a by-law to be grant to granted to introduce a by-law to be grant to granted to introduce a by-law to be grant to grant

to that the land was reserved, but that when the reserve was removed he would be given the first opportunity to record a pre-emption.

The land remained under reserve until the statutory conveyance to the Dominion government, and the defendants; mind the statutory conveyance to the Dominion government, and the defendant specific the statutory conveyance to the Dominion government, and the defendants; mind the surface rights under section 23 of the Settlement Act, and it is not denied by the company that he is entitled to a great of the surface rights; but they allege on the contrary that they have always been ready and willing to make the grant on payment of the sum of \$160 as provided by the section. The defendant has, however, never paid the money to the plaintiffs and has always insisted that he is entitled to a crown grant in accordance with the land laws in force in 1870.

The land in question is admittedly within the area indicated to a crown grant heave, agreement for sale or other alienation to the patient of the surface of the section of the law displayed to the court, finding that the blaintiff was a subject to the plaintiffs.

The learned counsel for the defendant section of the section of the land in the court as having obtained a preempte to record, and therefore, that the land was in the eye of the law alienated by the crown within the meaning of the exception created by section of the section of the land in the court as having obtained a preempte to the section of the land in law or in fact in the absence of any preemption record, and it is impossible to say that there was any alienation of the land in law or in fact in the absence of any preemption record h

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plaintiffs of their property without compensation.

The Act may possibly be of use to some person to aid him in obtaining his rights—or in ventilating his grievances fancied or real; but so far as concerns the present defendant, the grant is in operative, as there was no interest left in the crown to convey.

The appeal should be allowed with costs here and below, and relief given as prayed.

Mr. A. E. McPhillips, K. C., for respondent, then applied for and was given to appeal to the privy council. Mr. R. H. Pooley, for appellants, not objecting.

Newswander vs. Giegerich—This appeal was argued at the June sittings of the court, when the facts were stated fully. Judgment was delivered by Hunter C.J. who gave reasons for dismissing the appeal; but Irving and Morrison JJ. were of oniping that the appeal.

HOTEL

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There are also a large number and the sian troops in occupation of Manchuria. While I cannot is being done by the Russian regard, we have reports that are steadily being withdrawn necessary that the present in Manchuria be continued until such time as the withdrawn samplete. Has Dainy

JAPAN IN MANC Will Carry Out All Ple Open Door Policy --Important Stateme

ARON KOMURA,

BARON KOMUF

New Ambassador of

St. James' Court

Interview.

ambassador to Gre and his staff, arriv consul at Vancouver local Japanese- There was demonstration. The and suite will travel direct w the C. P. Railway and Empress of Ireland fro awrence port for Liverpoonst 9th. Still in delicate hea overed considerably from ness. Baron Komura, is gl to travel via Canada, fo wishes to avoid the exce f the railways further sout Baron Komura gave an in a Colonist reporter on boar press of Japan yesterday,

ome important statements, efinite announcement of tention to carry out, without est change, all pledges made var and since with regard to

war and since with regard to
door policy" in Manchuria.

"And Japan will maintain
door in Manchuria?"

"That I can state positiv
Baron Komura. "The criticis
eign merchants is due to it
The action of the Shanghai
merchants of the China coast
stated to have appealed to the
ters at Peking to urge China
Consing Manchuria to T Opening Manchuria to are due to this. The conditioning at present in Manchuristate the continuance of the ministration at least until such withdrawal of Japanese t

minstration at least until sur
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been accomplished. As soon
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complete then Japan will at o
out the pledges made before
war was entered into with
an open door policy in Manch
statement that the governmen
an has entered into agreem
belvate corporations to explichuria is unfounded. The coha open to uninterrupted co
of the merchants of all na
course, as is to be supposed,
merchants will fight hard to
much of the trade of the rie
as possible, and by virtue of
ural position Japan will have
erable advantage. But as for
ed further advantage by mea
government preventing the
tion of other nationals that is
continue to be non-existent.

"When will the military "Very soon," replied Baron The bulk of the army has air repatriated. There is still a able force in Manchuria. There are also a large numbe sian troops in occupation of

"Has Dalny been made a to Japanese and other natio Japanese restricted from tra that port in Manchuria?"

"That I cannot tell-you," Baron Komura. "This much I though. The pledges made i regarding Manchuria will be out in entirety as soon as the occupation by the military fexpired. Japan does not ex the open door in Manchuria tions will prevent the nati securing the greater part of churian trade, though, in car the pledges made it will be to secure the business in o equal competition with the the world. Already all nations mitted

To Trade in Mukden Intung and Saidoko for the places have already been open commerce of the world.

"In Japan, conditions are proving. The country has from the effects of the war n its attention to post-bellum conditions upon which the centering, not the least of whi development of Manchuria an Many enterprises are being and a large number of deput mierchants and others have being Manchuria to ascertain conditions. There are four fathis post-bellum condition whi conditions. There are four fathis post-bellum condition whistitate solution without delay are, first, how to revise the tariff; secondly, how to make great industrial country; thir to make Japan a victor in the cial warfare in neighboring whose doors were thrown op world's competition; and four to finance the post-bellum lags. The people should be with regard to the solution duestions.

iestions. In Manchuria, Korea, Sag other markets opened as a 1 the war the Japanese trader found to the fore, and the were giving great attention prises for these districts. The of Saghalien were already between the saghalien were already between the saghalien were already between the saghalien were said a movement

days ago said a movement templated to nationalize all of Japan." of Japan."

"This cannot be correct." so Komura. It is doubtful if such carried out, an not heard that any such mo contemplated. As is known the alization of railways is bein out. This step was carried of the ago and the project has most completed. There was