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No. 29.

ASSURANCES OF VICTORY GREET PROVINCIAL HEADS OF LIBERALS

Hundreds Welcomed J. A. Macdonald the Liberal Leader, and W. W. B. McInnes at Victoria Theatre Monday Night—Stirring Arraignment of the McBride Government --Outline of the Liberal Policy.

"Premier McBride, I say, never got beyond that conference; he was never refused Better Terms by the Laurier Government. He never reached the Dominion Government."
"Mr. Tatlow, the present Government financial genius, gained that reputation by taking from your pockets, by unnecessary taxation, the money which gives him his surplus."—J. A. MACDONALD.

(From Tuesday's Daily.)
To an audience which filled the Victoria theatre, which was representative of the electorate of Victoria, and which was largely sprinkled with ladies, J. A. Macdonald, leader of the Liberal party in British Columbia, and W. W. B. McInnes, late governor of the Yukon, delivered the opening speeches of the campaign here.
The addresses were punctuated throughout by frequent applause, as telling points were made by the speakers.
It was exactly at 8.15 that the chairman called the meeting to order, but almost an hour prior to that the audience began to crowd into the theatre. An orchestra was in attendance and entertained the early comers with popular selections. The entrance of the speakers was hailed with applause.
When the curtain rose Hon. Fred Peters, the chairman, occupied the

There is representative government the electors of that country are entitled, as are the electors of this province, to intelligent treatment; to a clear exposition of the facts of the situation. Declaration does not avail.
"Mr. McBride appeals to the people upon his record. In that record he lays stress upon two main factors: His financial record and his campaign record. The life of a parliament in the province was any too long. It was apparent that the government hoped to gain some advantage. The trip of Mr. McBride to Ottawa would be seen to be the old trick of drawing a herring across the track.
He looked upon Mr. Macdonald as the coming premier. Mr. Macdonald's record was before the public. A good deal had been said of the record of Premier McBride. That and the record of the present government was a beautiful record. The government said they were going to have a surplus of over \$200,000. How did they get that? By putting on taxes that no other province would stand.
Minority Report.
With respect to the Kalen Island matter he said that the government had undertaken contrary to all rules of parliament to keep the minority report on that subject from being put on record. An enterprising individual, however, had got that report and had it printed in the Times. For such an alleged offence the government attempted to deal with the editor of the Times for breach of the rules of the House. This attempt was hatched by the fact that it was found that the Colonist had committed the same alleged breach. The Conservatives charged that the Ottawa machine, whatever that was, had taken Mr. McInnes from the governorship of the Yukon to enter politics in British Columbia, and because Mr. McInnes wanted to do so, but because the machine wanted him to do so.
Mr. McInnes, according to the speaker's view, was not a man to be taken hold of by an Ottawa machine or any one else and made to do a thing which he did not want to do. He had followed the career of Mr. McInnes, and he did not believe it could be said that he had been the tool of anyone.
Tribute to McInnes.
Referring to the enviable career of Mr. McInnes as governor of the Yukon he said that that gentleman had made a splendid record for himself. Not a word had been heard against his conduct of affairs there until he entered politics here.
The Liberal party stood for good government, for progress. To that party in all its history had been due all progressive legislation. The Liberal party should be supported, therefore. He believed, therefore, that the party should receive the support of the electorate.
MR. MACDONALD'S ADDRESS.
Mr. Macdonald in rising was received with loud applause, which lasted for several minutes. In opening he stated that he considered it most fitting that the first meeting of this campaign should be in Victoria, the capital city of the province, and that so many ladies and gentlemen should honor it with their presence.
"I think it but just," he continued, "that the citizens of Victoria should welcome back Mr. McInnes, the late governor of the Yukon, who to-night makes his re-entry into politics, for Mr. McInnes is a man of whom the citizens of this province should be proud. In the Yukon, both his friends and his political enemies conceded he showed very great executive and administrative ability and accomplishments have been showered upon this young British Columbian."
"It has been suggested, as the chairman has remarked, that Mr. McInnes has re-entered politics that he has returned to British Columbia, forced upon myself and the Liberals of British Columbia by the machine at Ottawa. I am happy to say that it was in response to my request and upon my application that Mr. McInnes has consented to do so and that his decision to do so has been met with the warmest approval from one end of the province to the other."
The Affairs of Province.
In a dispassionate way I desire to discuss the affairs of this province. I think that in every country where

Oliver had introduced an amendment into the House that this grant of land should be in lieu of all demands, but the government would not have this. It might be expected, therefore, that the C. P. R. would come back again for a further subsidy.
"It will be remembered," continued Mr. Macdonald, "that when the question of better terms was introduced in the legislature by Mr. McBride two years ago, the Liberals offered him their united support. Moreover, the resolution upon which he went down to Ottawa was drawn up by myself, and was supported by every Liberal and every Conservative in the House. The question was raised above party politics. The Liberals dropped all opposition and wished him Godspeed, telling him to do the best he could.
An Election Cry.
"But what did he do? Mr. McBride went down not accompanied by such advisers as had the other premiers. He was accompanied by an ex-newspaper editor, whose presence was resented that he might send back glowing reports of what Mr. McBride was doing for better terms.
"But what is this question of better terms? In 1871 this province entered into an agreement with the Dominion by which in return for coming into confederation it received certain funds to meet its legitimate expenses. This agreement has been carried out by the Dominion. No one will deny that it was fulfilled to the letter. In going back to Ottawa we do not claim that the bargain made in 1871 was violated. We go and say: 'We did not know the conditions. We did not know what it would cost to run the machinery of justice, etc. here.
Precedent Set.
"In 1887 the precedent was set by the Conservative government of that day. They called a conference of the provincial premiers. A schedule was drawn up and presented, yet the Conservative government did nothing, though it remained in power for nine years afterwards.
"Later, in 1898, another conference was held, but for some reason or other British Columbia did not participate. Then came the late conference of 1906. 'Confederation is a partnership entered into between the provinces. Each province is a partner, and the consent of each partner to any agreement should be secured. When invited to attend the conference, Mr. McBride offered no objection. He did not say this is not the proper way to conduct it. He went down and took his seat.'
Not Refused Better Terms.
While the Liberals were anxious that the province should get more than it was offered at the recent conference, Mr. Macdonald stated that they were not refused better terms by the Dominion government. Premier McBride never got past the conference—he never asked the Dominion government for anything, and had never been refused anything by the Liberals at Ottawa. But if he had been what could he say of the Liberals of this province. They had never refused to support him. They had always lent him their support, always would support him, and if elected, will go down to Ottawa and demand and get better terms.
The Alliance.
Referring to the E. & N. Settlers Rights Act Mr. Macdonald said Mr. Hawthornthwaite went over to Mr. McBride and told him to introduce that bill into the House in that form or he would defeat him. He knew this because only a few months before at the session previous four members of the government, Mr. McBride, Mr. Green, Mr. Tatlow and Mr. Fulton had voted against the same bill. The bill was a dishonest one. It either took from the railway company what belonged to it and gave it to settlers or if it did not do that it gave the settlers nothing, but was a gold brick. It meant either confiscation of the lands of the railway company or it meant handing out a stone to the settlers. The courts had decided that the settlers had been handed out a gold brick. The act was a humbug. But Mr. McBride passed that at the dictation of Mr. Hawthornthwaite, who in turn agreed to support the Columbia & Western bill

"I would rather be a Cabinet Minister of British Columbia than Governor of the Yukon."
"Premier McBride, by his undignified and insulting attitude towards the other Premiers at that conference, placed it beyond his power to ever be successful in gaining his object, for Better Terms must come by their co-operation."—W. W. B. MINNES.

men, he has moreover devoted all his time to McBride's campaign.
"But if there is no reason at present known, it will be revealed when the secrets of that great department over which he presided are confided to Liberal care.
Another Absentee.
"There is another man who is not in the fight to-day. That is the Hon. Chas. Wilson. Why did he not stay with the McBride government? The premier gave no answer why he was not in the fight. Mr. Wilson, in the quiet of Cariboo, was nursing the reason why he resigned from the government, but no answer was given the electorate as to why he left it.
"The government did not intend to appeal to the country at this time. Notices had been sent out to some of the members summoning them for the transaction of business. But these were recalled, and two days later the House was dissolved. Mr. McBride had not the material to fill his cabinet. As a son to the people of Vancouver Island Mr. Manson was sworn in provincial secretary. Mr. Manson's best friend could not say that he was a



W. W. B. McInnes.

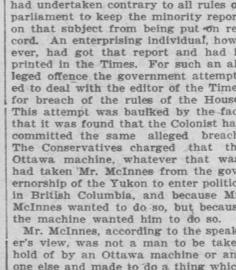
Water Powers Important.
The water available for irrigation was also an important matter. He thought a committee should be appointed to inquire into the subject and gather information relative to the water available for the purpose of irrigation.
"The School Act should be repealed. It was an unjust measure. It was not fair that one person should be heavily taxed to maintain schools while his next neighbor got off lightly. The act worked unfairly, and he would have it repealed.
Mr. McBride had sacrificed his own party to enter into an alliance with revolutionary socialists. The electorate had a chance now to tell Mr. McBride that they were not prepared to return a government which would not stand by its principles announced at the polls.
MR. MINNES' ADDRESS.
"In rising, ladies and gentlemen," said Mr. Minnes, "I had intended on this the first opportunity upon which I have had the honor of addressing the affairs of this province, to make some statement of why I am re-entering British Columbia politics, but in view of your generous treatment I feel there is no need. I feel that in the heartiness of your welcome there is justification enough.
"I am in politics again, because Mr. Macdonald and the Liberals of British Columbia have urged me to join them. To-night, as to-day, I said to the Times reporter, I prefer to be a cabinet minister in British Columbia than the governor of the Yukon. I say there is nothing strange in a young man resigning that position and plunging again into the affairs of the politics of Canada's greatest province. I trust there is no reflection upon the province of British Columbia that in her service I should cease to expend my energy.
"But, ladies and gentlemen, there is a question of far greater moment, fraught with grave consequences to the province. That is the question of my re-entering its public life. That is the fact that my friends the enemy are compelled to drag me into their service.
His Friend—Robert Green.
"Where is my friend, Robert Green, ex-commissioner of lands and works? He was credited with being the shrewdest man of the McBride government, but he has never shown his shrewdness more than when he retired. But why did he retire? Not one word of explanation, not a single reason has ever been vouchsafed to the public for his so doing. It was said he had to resign in order to devote his life to private business. Robert Green has no private business. And, gentlemen,



J. A. Macdonald.

centre, with Mr. Macdonald to his right, Mr. McInnes to his left. With them on the platform were: Senator Riley, F. B. Mcicking, C. B. Jones, W. G. Cameron, R. L. Drury, Richard Hall, J. D. McNiven; J. N. Evans, Liberal candidate in Cowichan; A. Huggitt, A. B. McNeil, Gordon M. Grant, W. E. Ditchburn, A. B. Fraser, senr., S. Perry Mills, K. C. W. K. Houston, H. Helgesen, A. B. Fraser, Jr., Thomas Davis, J. Chas. Mcintosh, A. Orlons, R. S. Henderson, J. M. Campbell, W. V. Robertson, S. H. O'Dell, J. M. Campbell, E. Castley, John B. Lovell, J. Bell, F. A. Acland, T. J. W. Hick, F. Serre, J. A. Grant, D. Stevens, John Piercy, J. Paterson, D. Leeming, T. H. Leeming, H. A. Munn, H. E. A. Courtney, W. S. Fraser, J. G. Case, H. D. Helmecken, K. C.
As J. A. Macdonald with logical precision unrolled the acts and lack of action of the late government, the attention of the audience became riveted. Any time during his speech the silence was intense, broken only by the incisive utterances of the speaker. Each sentence was provocative of renewed interest, and the next awaited with almost breathless anxiety. No such rally has been made around the leaders of either party since politics became a component part of British Columbian institutions.
Deeper and deeper grew the interest of the audience as the strident questions of W. W. B. McInnes hurled forth one upon another, only to be answered even more rapidly by the interlocutor himself. "What has the McBride government done? Why have its ministers resigned? What is the truth about the Kalen Island deal? Why did the late government pass no railway bill? But when the erstwhile governor of the Yukon touched upon the question of 'Better Terms,' and said that the Liberals were willing to accept it as a battle cry, and further added that his party was the only one that could ever obtain better terms for the province, he had won the audience to his side, one and all. There

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W. W. B. McInnes.

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ing 5 per cent. on \$500,000, of which they never had need. The province of British Columbia was not bankrupt. We have the richest province in the Dominion. It was never financially embarrassed. They had the financial base in their bonnet.

The speaker then reviewed the legislative acts of the government. The government had increased the taxes. They had raised these despite the fact that the C. P. R. on the British Columbia southern lands owed more than the additional amount they raised by these extra taxes. If there were a government in power strong as the C. P. R. it would compel the C. P. R. to pay that \$250,000 a year in taxes.

Was that act with regard to increasing taxes one of protection to the advancement of the province. No, it would deter capitalists from investing their money here.

Educational Policy. Mr. McInnes then referred to the educational policy of the government which he stigmatized as one of the cruelest acts a government could pass. If it was in the policy of the government to encourage education and immigration. The act had affected centers like Victoria very little directly, but indirectly they would feel its great deal. The men upon whom it fell heavy were the settlers who were reclaiming the wilderness, who were on the frontiers of civilization, and through whom much of the wealth of the country will be gained. These men should be encouraged, not deterred. The bill put an enormous tax upon them. He asked again was the policy of the government one to advance the province?

Take the policy of the government with regard to railways. They had promised a summer session to consider the question. It had never materialized. If there has been any railway building in the country, the McBride government cannot claim the credit for it.

Mr. McInnes reviewed at some length the policy of the government with regard to the Midway & Vernon railway. The refusal of the government to live up to the terms of the

the silver-lead industry. Mr. McBride had nothing to do with this. The progress of the province had been made possible by the progressive and statesmanlike immigration policy of the Dominion government. Mr. McBride had nothing to do with the running of the fish, and so the canneries were fortunate. Outside of the province there were great forces at work which reacted upon British Columbia, hence the province progressed even though the government was hostile to it.

Better Terms. Mr. McInnes then dealt with the question of better terms.

Machine politics were being worked to a finish by the Conservatives in Vancouver. Hon. F. Carter Cotton would be defeated. To his Liberal friends he counselled staying in the great party, for the Liberals would be returned to power. Mr. McInnes closed with a stirring appeal for support for Mr. Macdonald and the Liberal party, which would give them good democratic government. Return them and everything will be all right.

Mr. McInnes, you do not do so after all the warnings you have received, you return the McBride government having banneted you with impunity for the past three years. Heaven help you for the next four. There is only one party that stands clear of all contamination, mischievous fashions. It is the Liberal party. I call upon you all as loyal Victoria citizens to do what you can for the return of the Liberal party. With the singing of the National Anthem and with cheers for the speakers and the Liberal party the meeting dispersed.

COUNCIL HOLDS SHORT SESSION Routine Business Occupies Aldermen's Attention--Permit for the Palace Granted.

The city council held a very short session last evening, completing the business for the night in less than three quarters of an hour. There were present, besides the mayor, Messrs. W. W. McInnes, Hall, Fell, Stewart and Goodacre.

The secretary of the board of school trustees reported that he had received all moneys remaining from, or to accrue from, the four mill rate levied for school expenses and used only for that purpose. This communication was received and read by the council. Mr. Oliver & Johnson, solicitors, stated that they intended to submit a plan of the Fairfield farm estate to the court to-day, and that as the council had passed this plan, they expected there would be no objection. Received and referred to the city solicitor with power to act.

Mr. Justice Irving, the senior judge presiding, said that it was unfortunate that this was not discovered when the Chief Justice was present. Mr. Justice Martin said he was not discussing anything. He was simply calling attention to a fact. Mr. Justice Irving said that the fact that the Chief Justice had withdrawn from the room and others were taken by him as meaning an assignment. It was not to be expected, he thought, that the Chief Justice should name them over.

Mr. Justice Martin said the rule was that three judges should sit. He proposed to withdraw, leaving the court properly constituted. The appeal was then proceeded with.

NEW REAL ESTATE FIRM. Will Be Known as Knott & Reid, Real Estate and Financial Brokers.

A new real estate firm has been organized and commences business today at 35 Yates street. It is that of Knott & Reid. Mr. Knott, who has been connected with the B. C. Permanent Loan and Mortgage Company for a number of years, will remain with that company until they move into their new quarters at the end of February.

Mr. Knott arrived in Victoria from Toronto sixteen years ago and engaged in business as a contractor. For over thirty years he has been in the real estate business in London and Southwestern Ontario. He has been prominent in Sunday school work, and has been secretary of the B. C. branch of the International Sunday School Association. He has also been engaged in business in Montreal and Winnipeg prior to coming here.

Mr. Reid, originally Nova Scotian, was engaged in business in Montreal and Winnipeg prior to coming here. Since his arrival in Victoria he has been secretary of the B. C. Permanent Loan and Savings Company.

The two gentlemen with a thorough knowledge of the local conditions, and a wide connection in the East, are assured of success in their new venture.

FRIENDLY HELP SOCIETY. Meeting Held Tuesday Morning. Donations Thankfully Acknowledged.

At the meeting of the Friendly Help Society held on Tuesday it was reported that sixty boxes containing new garments, groceries, meat and, in some cases, toys, had been sent out during the Christmas season, to the needy families in the city.

The following is the list of donations which were received, and are most thankfully acknowledged: Boys' and Girls' Central schools, groceries, fruit and clothing; Hillside school, groceries, fruit, books and clothing; North Ward and Rock Bay, groceries, fruit, clothing and books; Klugston street school, two pairs chickens, groceries, clothing and fruit; South Park school, groceries, clothing and books; Victoria West school, groceries, fruit and clothing; Spring Ridge, groceries, toys and clothing; High school, groceries.

Clothing was received from the following: Mrs. Lucas, "Russell" street; Mrs. Burkholder, Mrs. Harvey, Stonyhurst; Mrs. Chamberlain, A. Friend, Mrs. Sweet, Mrs. Zantland, A. Friend, sack of clothes.

New garments were received from Mrs. Raymer, Mrs. Solly, Mrs. Vidler, Mrs. H. B. Robertson, Mrs. H. Barnard, Mrs. C. E. Cooper, Mrs. Jas. McGregor, Mrs. Watson, Mrs. Hardie, Mrs. Clarence Cox, Mrs. Saunders, Victoria Hill; Mrs. Burkholder, the Misses Harvey, Stonyhurst; Mrs. Ebb Miss

est. In the Kootenays the outlook was excellent for the Liberals. In Vancouver there would be a landslide in favor of the opposition. "I am not running in Vancouver to be defeated. I am not running to be a member of the opposition. I have been in opposition before. I would not rather be a member of the opposition than governor of the Yukon," said Mr. McInnes.

The Conservative ranks in Vancouver are split-split not by a few young Conservatives, but by the old leaders like Sir Chas. Herbert Tupper and Geo. Cowan.

Machine politics were being worked to a finish by the Conservatives in Vancouver. Hon. F. Carter Cotton would be defeated.

To his Liberal friends he counselled staying in the great party, for the Liberals would be returned to power. Mr. McInnes closed with a stirring appeal for support for Mr. Macdonald and the Liberal party, which would give them good democratic government.

At the opening of the Full court this morning, with all the judges present, Chief Justice Martin, Mr. Justice Morrison and Mr. Justice Clement, Joseph Martin, C. J., on behalf of the bar extended to the new judge felicitations upon his elevation to the Supreme court bench. Mr. Martin said that he had been doing the new judge further continue to exist between the members of the court and the bar as had characterized the past. The honor that had been done to the new judge was further magnified by the fact that Mr. Justice Duff had been translated to the Supreme Court of Canada from this province.

Mr. Justice Clement made an appropriate reply in which he expressed the hope that the happy experience he had had as a County court judge for eighteen months should continue on his elevation to the Supreme court bench.

After judgment had been delivered in the waterworks case the appeal in Rex vs. Bruce, a criminal appeal with Deputy Attorney-General Maclean, K. C., appearing, and S. Taylor, K. C., for the defendant, was called. Before proceeding to hear the case the Chief Justice retired, leaving the other four judges in court.

Mr. Justice Martin called attention to the fact that there was a new rule of court which was to be put into effect. This rule was to the effect that three judges should constitute the Full court for the hearing of criminal appeals and only two for civil appeals. It was unfortunate that this was not discovered when the Chief Justice was present.

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WORK OF NEW ROLE OF COURT. MR. JUSTICE MARTIN RETIRED FROM ROOM. New Judge Complimented By Bar on Elevation to Position--Appeal in Progress.

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toys also; Mrs. J. Forman, toys also; Mrs. Chas. Kent, Miss McDowell, Mrs. Angus, The Oaks; Mrs. G. H. Wilson, Mrs. Vincent, Mrs. G. Powell, Mrs. Ryker, Mrs. D. O'Brien, Mrs. R. B. Mackie, Mrs. Blackwood, Miss Wollaston, Mrs. Williscroft, Mrs. Newby, Mrs. M. C. Carl, Mrs. E. G. Russell, Mrs. Mc-Micking, Mrs. Robt. Wilson, Mrs. Wood, Mrs. Goodacre, Mrs. W. Mitchell, Miss Crease, Mrs. Edwin Johnson, Carl Lowenberg, toys; Mrs. Gill, Mrs. L. McQuade, Mrs. Otto Weller, books also; Mrs. Worlock, Mrs. Robertson, Meentze street; A. Friend, two pairs of boots.

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CITY WINS APPEAL IN THE WATER CASE. Decision of Full Court Handed Down, Chief Justice Dissenting--Will Be Carried to Higher Court.

(From Tuesday's Daily.) At the opening of the Full court this morning, judgment was handed down in the Goldstream waterworks appeal taken by the city from the judgment of Mr. Justice Duff. The decision was in favor of the city, with Chief Justice Hunter dissenting. The judgments of Mr. Justice Irving and Mr. Justice Morrison were in favor of the city.

Immediately upon the decision being announced, A. P. Luxton, K. C., representing the Esquimalt Waterworks Company, applied for a stay of execution in order that an appeal might be taken.

E. V. Bodwell, K. C., representing the city, thought this application should stand over so as to give time to speak to it.

This was agreed to and the Chief Justice set the 21st as the day for speaking to the application for an appeal, either to the Supreme Court of Canada or to the Privy Council, whichever course is decided upon.

In giving judgment Chief Justice Hunter, after tracing the history of the case, called attention to the fact that there was anomalous language in the acts bearing on the case, which necessitated surveying them all together.

He stated that the legislature did not intend to make a grant of the water to the Esquimalt company, but it did what amounted to the same thing, by giving an exclusive right to all the water. The company was given exclusive use of the stream, a very heavy expense was required to develop the waterworks and the legislature apparently felt that it was necessary to give exclusive use to the water or no company would undertake such work.

The city's claim to the "waste" water after it passed the power house, was not well founded, he thought. The word "used" in the act he thought did not mean "consumed" but rather "made available." The city had no status to obtain a water record, as it was not intended to be used for mining.

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or other purposes set forth in the act. Even if the company was not granted exclusive rights to the water, there was nothing to show that any one else was given a right to interfere. The fact that the company had exceeded its functions in using water for power purposes, the Chief Justice thought, the ground taken was untenable, there were no instructions in the act as to the use to which it was to be put. The city had no status more than any other person. He therefore dismissed the appeal.

Mr. Justice Irving pointed out that the legislature had not specified a time within which the city should obtain water at Goldstream under its act. Nothing was provided for in the way of arranging for a settlement of any dispute, provided both the city and the Esquimalt Waterworks Company claimed the water under their respective acts.

Whatever rights the city might have to the waste water without remuneration it was clear that the city could obtain all the water at Goldstream by expropriation. He could not see, however, if the Water Clauses Act of 1867 prevailed, how the city could be prevented from the use of the waste water. It did not matter how unfair it might seem that advantage should be taken of the water of the company, the city seemed entitled to the water.

The act of 1862 did not give the Esquimalt company exclusive rights. It gave a license to take what was necessary. The act of 1867 gave permission to take water not used and on this the city based its right. He allowed the appeal.

Mr. Justice Morrison thought the Esquimalt company exceeded its rights, supplying water for power for a railway operated many miles from the area within which it was entitled to provide rates. By the purchase of the lands the company was given only the rights which went with the land; the right to a continued flow of water, the company had an incidental right by the purchase of the land, but this did not give an exclusive right.

Goldstream waters, as applied for, were unrecorded waters and the city was pursuing the course contemplated by the Water Clauses Act of 1867. He allowed the appeal.

The appeal was therefore allowed, with the Chief Justice dissenting.

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REPORT ON SO. Frank Pedley, Affairs,

(From Thursday's Daily.) Superintendent-general of mines on the Songhees reserve has been forwarded to the trade and will be submitted next meeting.

The report, dated Ottawa, shows: Honorable Frank Oliver, General of Indian Affairs.

I have the honor to submit to you the report of the Superintendent-general of mines on the Songhees reserve and in doing so desire to state as clearly as possible the various matters which have been taken up by the reserve.

The Songhees reserve, about 16 1/2 acres, excluds the right of way of the Esquimalt Railway Company, the water front at Victoria to the extent of about 1/2 mile, and the Hudson's Bay Company, the water front at Victoria to the extent of about 1/2 mile, and the Hudson's Bay Company, the water front at Victoria to the extent of about 1/2 mile.

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REPORT OF DEPARTMENT ON SONGHEES' RESERVE

Frank Pedley, Deputy Superintendent of Indian Affairs, Reviews Negotiations With Songhees.

(From Thursday's Daily.)
The report of Frank Pedley, deputy superintendent-general of Indian affairs, on the Songhees reserve question has been forwarded to the local board of trade and will be submitted at their next meeting.

The report, dated Ottawa, is as follows: Honorable Frank Oliver, Superintendent-General of Indian Affairs: I have the honor to submit my report of recent negotiations for the settlement of the Songhees reserve question and in doing so desire to trace as concisely as possible the various steps that have been taken to dispose of this long outstanding matter.

The Songhees reserve, consisting of about 100 1/2 acres, exclusive of the right of way of the Esquimalt & Nanaimo Railway Company, is situated on the water front at Victoria, B. C., and to the extent of about three-fourths of its boundaries, is a part of Victoria harbor.

At the time of the establishment of the Hudson's Bay Fort at Victoria the Songhees Indians claimed and occupied the southeastern portion of Vancouver Island, including what is known as the Saanich peninsula.

About the year 1850 these Indians, who had been induced to remove to Victoria, did, under the following agreement entered into with the tribe, dispose of their rights to the land hitherto claimed by them, to Governor Douglas (afterwards Sir James Douglas), at that time representative of the Hudson's Bay Company, lessee of Vancouver Island from the crown.

"Know all men, we, the chiefs and people of the Kosampson tribe, who have signed our names and made our marks to this deed on the thirtieth day of April, one thousand eight hundred and fifty, do consent to surrender, entirely and for ever, to James Douglas, the agent of the Hudson's Bay Company in Vancouver Island, that is to say, for the governor, deputy governor, and committee of the same, the whole of the lands situate and lying between the Island of the Dead, in the Arm of Inlet of Camosun, and the head of the said Inlet, embracing the lands on the west side and north of that line to Esquimalt, beyond the Inlet three miles of the Colquits valley, and the land on the east side of the Arm, enclosing Christmas Hill and the lands and the vest of those objects.

"The conditions of our understanding of this sale is that the said villages and enclosed fields are to be kept for our own use, for the use of our children, and for those who may follow after us; and that the said land is to be properly surveyed hereafter. It is understood, however, that the land itself, with these small exceptions, becomes

the entire property of the white people for ever; it is also understood that we are at liberty to hunt over the unoccupied lands, and to carry on our fisheries as formerly.

"We have received, as payment, fifty-two pounds ten shillings sterling. In token whereof we have signed our names and made our marks, at Fort-Victoria, on the thirtieth day of April, one thousand eight hundred and fifty."
(Signed) "HOKOOWITZ," His X Mark
"And 20 others."
"Done in the presence of (Signed) "Alfred Robson Benson, M.R.C.S.L. "Joseph William McKay."
The land excluded by this agreement from that to which the Indian title was extinguished, is what is now known as the Songhees reserve.

The Governor's Opinion.
In 1859 efforts were made to remove the Indians from the reserve at Victoria, which by that time had grown into a town of considerable importance, the land included in the reserve having greatly increased in value, being much desired for building sites and especially so on account of its frontage on the harbor.

The legislative council of Vancouver Island presented an address to Sir James Douglas, then commissioned by the Imperial government as governor of the colony, inquiring whether the government had power to remove the Indians from this reserve and suggested that if this could be done the land should be sold under reservation, the proceeds to be devoted to the improvement of the town and harbor of Victoria.

The reply of the governor was in the negative and to the effect that, as a solemn agreement had been entered into by himself as the agent of the Hudson's Bay Company on behalf of the crown setting aside this reserve, especially for the use and benefit of the Indians, it would be unjust and impolitic to remove them summarily, but that he intended to lease portions of the reserve and apply the revenue therefrom for the benefit of the tribe.

From 1859 down to the present time several attempts have been made to secure the removal of the Indians from the present reserve, with comparatively slight success.

In 1873 Indian Commissioner Powell revived the question of removal, and was instructed to take up this matter and was informed that the superintendent-general would be prepared to consider carefully any scheme he might submit.
(Continued on page 5.)

LANDSLIDES IN CALIFORNIA

Number of Trains Have Been Tied Up—Several Lives Lost.

Los Angeles, Cal., Jan. 10.—A landslide in the canyon near here has blocked the through transit of the Santa Fe and Salt Lake railroads. The Los Angeles limited, due here yesterday afternoon, is tied up behind the slide. Eastbound trains of both roads were held here yesterday, and will leave this morning.

On the Southern Pacific a cave-in at tunnel No. 17, another at the Newhall tunnel and the trouble in the mountains effectually tied up the valley line so that it is impossible to say just when it will be open to traffic to San Francisco.

On the coast line to San Francisco, a landslide near Carpinteria and trouble of a like nature near San Luis Obispo has blocked traffic.

Los Angeles, Jan. 10.—In precipitation the storm that has drenched southern California during the past four days is the heaviest in eighteen years. Four or five lives are known to have been lost in the storm.

Two Persons Drowned.

Santa Barbara, Cal., Jan. 10.—A country bridge over the Santa Inez river, near Lompoc, went down yesterday, carrying twenty persons into the river. Two persons were drowned and several injured. The dead are Mrs. Sherman Hynch and an eight-year-old son of Linday, Kentucky.

ASK INCREASED DUTIES.

Ottawa, Jan. 9.—A delegation of textile operatives waited on the government and asked for increased duties on cotton fabrics, which they said would increase labor and pay. The government replied that there were two opinions on this subject and they had to legislate for the good of the whole people.

TO REDUCE TIME TO FAR EAST

NEW IRISH PORT MAY BE ESTABLISHED

Plans for All British Route By Way of Canada Are Being Prepared.

London, Jan. 10.—The plans of the so long discussed scheme for an all British mail route from London to the Far East by way of Canada are in course of preparation for presentation to parliament at no distant date.

The plan contemplated is the establishment of a new port at Blacksod bay, County Mayo, and a railway ferry from Stranraer, Scotland, to Larne or Belfast, passengers and mail being carried from London to the steamer side without change.

It is asserted that the use of 25-knot steamers will bring Halifax within four days of London, and that the voyage to Hongkong and Australian ports will be materially shortened.

If the plans mature the Canadian Pacific Railway Company is likely to be permanently identified with them.

SUBMARINE SIGNALING.

Vessels of United States Navy Will Be Equipped With Apparatus.

Washington, D. C., Jan. 10.—Experiments conducted by the lighthouse board in the United States, the British admiralty and the Danish government, supplemented by some smaller tests made by Rear-Admiral Evans, have satisfied the navy department of the value of the system of submarine signaling by means of bells to indicate the approach of a ship in thick weather or at night to the shore, and steps are being taken to equip most of the vessels of the navy with the proper devices for transmitting and receiving the bell signals under water. It is believed this will reduce largely the chances of stranding and collisions.

NEW VESSEL FOR COASTING TRADE

C. P. R. AWARDS CONTRACT TO LIVERPOOL YARDS

Big Steel-Freighter Will Be Constructed to Carry Cattle and Lumber to Northern Ports.

The C. P. R. has awarded the contract in England for a thousand ton freighter to be employed in the carrying trade north from the cities of Victoria and Vancouver.

The new vessel will be about the size of the Princess Beatrice, but will have a much greater hold, and consequently will accommodate a great deal more freight than that stout packet.

The news of the awarding of the contract has been received by Capt. Troup in charge of the C. P. R. coast service. The name of the successful tenderer was not given, but it is known that this vessel, unlike the Princess Victoria and the Atlantic Empress, which were constructed at Newcastle-on-Tyne and on the Clyde, will be laid down in a Liverpool yard.

It is not, of course known, whether the original plans as they left Capt. Troup's office are being adhered to, but if such is the case the C. P. R. will be able to transport a boat which will immensely assist in relieving the spring congestion of freight attending the opening of navigation on the Yukon river. The vessel will have commodation for cattle. She will not carry passengers.

Owing to her construction it will be possible to load her before she leaves the mouth of the Mersey, there being no other works such as was the case with the Princess Victoria, and which necessitated her making the trip round the Horn in an incomplete state.

While the new vessel will be of about the size of the Princess Beatrice, she will differ from her in an important particular. She will have a steel hull instead of a wooden one. Knowing that the policy of the C. P. R. was to build all the moderate sized craft of wood, and in local yards, Capt. Troup was asked why this rule had been departed from in the present case.

In reply Capt. Troup stated that although such had been the policy, the high wages, strikes and attendant conditions had increased the cost of such craft to such an extent that it was possible to build vessels of the Empress type there.

To Acquire Coal Lands.
Moreover, the plans of this English syndicate will be further reaching still. Already negotiations are pending for the acquisition of extensive coal and iron lands in the vicinity of Quatsino on the West Coast of the Island. Together with the B. C. Marine Railway Company, arrangements are in sight for the absorption of the Vancouver Engine Works, and the New Westminster Foundry Works by this enterprise, which is intended as a preliminary step to the acquisition of operations on Vancouver Island and the mainland, on a gigantic scale. It is stated that the enterprise will afford work for 5,000 men.

In fact should all the proposed negotiations come to a head the result will mean an unprecedented impetus to the industrial and commercial and maritime future of British Columbia.

RUSH PLANS FOR NEW PRINCESS

Will Be Faster Than the Victoria

Greater Beam Will Be Aimed at—The Question of Engines of Turbine Principle.

(From Thursday's Daily.)
The C. P. R.'s intention of placing on the ferry service a flyer faster and better than the Princess Victoria has already been alluded to in the Times, but it is not generally known, though an open secret in the service, that the officials charged with the preparation of this vessel, are arranging to place in commission a craft which for beauty and speed will be so far as this coast is concerned, "a world beater."

The plans have already gone forward, and as they are for official eyes only, even an outline of the plans and specifications of the nameless Princess cannot be obtained. But Mr. Piers himself is bound Englandward with the plans, and unless these are altered, he will award the contract for a clipper ship which will be the pride of the C. P. R. fleet.

In the first place she will be about thirty feet longer than the Princess Victoria, while adhering to the latter's yacht-like lines. If the builders agree, she will carry six more feet on her beam. On this point there is some apprehension felt by the local farmers, who are still coming with votes, but it was stated that the majority of votes favored accepting \$5 per day for miners and skilled help and \$4.50 for laborers.

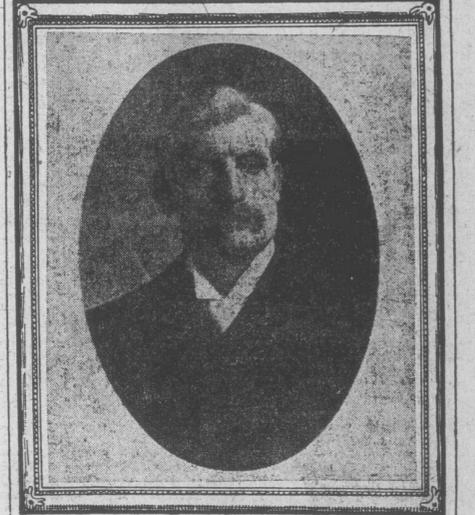
JOHN PIERCY WILL CONTEST SAANICH

Chosen Standard Bearer By the Liberals of That District at an Enthusiastic Convention Last Night.

(From Thursday's Daily.)
The Liberals of Saanich constituency in convention at Royal Oak last night selected John Piercy to be their standard bearer in the present fight. Mr. Piercy accepted the nomination and made a brief speech full of light and vigor, declaring his intention to bear the Liberal banner to victory on the 2nd of February.

The convention was a most enthusiastic one, full delegations coming from the primaries in the different subdivisions, namely, Royal Oak, Saanichton, Willows, Cedar Hill, and Bolekine Road. Five delegates came from each of these subdivisions, and there were as well a large number of interested electors in attendance, who of course took no part in the voting.

The chair was occupied by C. Pinter, vice-president of the Saanich Liberal



JOHN PIERCY, Liberal Candidate for Saanich.

Association, in the absence of A. Few, the president, who was prevented from being present through illness.

Two names only came before the convention, those of John Piercy and Henry Tanner, the member who sat for the riding in the last House. When the votes were counted it was found that Mr. Piercy had secured the nomination, and the chairman announced his selection.

At once Mr. Tanner sprang to his feet and in a spirited speech moved that the nomination be made unanimous. He pledged his loyal support and assistance to the choice of the convention, and intimated that from now until the date of the election his coat would be off for the Liberal candidate. Speeches followed by Mr. Piercy, who reciprocated the kind expressions of goodwill from Mr. Tanner, and who declared that the cause would not suffer from any lack of industry or zeal on his part. From his knowledge of the riding he felt confident of the outcome.

Speeches were also made by Messrs. Jennings and Sea, in which the same enthusiasm and confidence was expressed.

The Candidate.
In John Piercy the Liberals have selected a man who because of his unbridled popularity should have no difficulty in largely increasing the majority of all parties will be held in the interests of the Liberal candidate.

Stops will be made at all way stations and at Saanich crossing to pick up all residents of the city or district who wish to attend.

Leader J. A. Macdonald will address the meeting and R. L. Drury, John Piercy and others will also discuss the issues.

MORE MEMBERS FOR THE NEW PROVINCES

Ottawa, Jan. 9.—The House met at 2 o'clock to-day after the holidays. Sir Wilfrid Laurier introduced a bill increasing the representation of Saskatchewan to ten members and Alberta to seven members. This was in accordance with the recent census and the British North America Act.

COAL SCARCE

Little More Than Seven Days' Supply of Fuel in San Francisco.
San Francisco, Jan. 10.—Unless the coal situation is relieved San Francisco will suffer severely by next week. There is at present little more than seven days' supply of fuel here. Prices of the fuel are very high. There is talk of a movement to ask the Southern Railway Company to sell half of its reserve supply of coal at reasonable figures. The railway company has stored already somewhere about 300,000 tons.

THE ALBERTA LEGISLATURE

WILL AMEND THE TERRITORIAL ACTS

Bill Will Be Introduced Giving the Province Power to Deal With Railways.

Lethbridge, Alta., Jan. 10.—Hon. G. H. V. Bulyea, lieutenant-governor of Alberta, speaking of the coming session of the Alberta legislature which convenes on January 24th, said:

"You know I know nothing about politics. I may say, however, that the coming legislative session, the second since the erection of Alberta to a province, will be quite a heavy one, and that the time of the session will be engaged mainly with revamping and amending of old territorial statutes, and re-enacting them in an improved form under our new constitution. Of the strictly new pieces of legislation, one of the most important will undoubtedly be the proposed provincial railway act, under which the province will exercise its power of granting charters for railways and of regulating them. The territories possessed no power with respect to railways.

"It is extremely unlikely that the commission appointed to inquire into the question of a beef combine will have any report for this year's session, as the British Columbia government has not yet appointed its representative. The representatives of Alberta, Saskatchewan and Manitoba have, however, met informally, though the taking of evidence has not been begun."

His Honor said a spirit of harmony and to-operate in characterizing the members and parties in the legislature in dealing with the measures which gain an added importance from being enacted when the institutions are as yet in a plastic condition.

FARMERS' SONS WANTED

With knowledge of farm stock and full education to work in an office \$60 a month, with advancement, honest and reliable, must be honest and reliable. Branch offices of the association are being established in each province. Apply at once, giving full particulars. The Veterinary Science Ass'n, Dept. 29, London, Can.

COLONEL SLAIN BY TERRORIST

ASSASSIN SUCCEEDED IN MAKING ESCAPE

Vice-Admiral Doubassoff Informed That Another Attempt Will Be Made on Life.

Lodz, Russian Poland, Jan. 10.—Colonel Patko Andrej, chief of the gendarmes of the Lodz district, was shot and killed this morning on Poland street.

A passing patrol fired a volley at the assassin, but only wounded several innocent onlookers.

The assassin escaped.

Life Threatened.
St. Petersburg, Jan. 10.—Vice-Admiral Doubassoff, ex-governor-general of Moscow and at present a member of the council of the Empire, has received notification that another attempt upon his life will be made.

ENGINEER SAVED TRAIN

Boone, Iowa, Jan. 8.—After running wild for several miles at high speed with an engine out of control by the blowing out of a stud in its boiler, the Chicago and Northwestern fast mail train, No. 10, was barely saved from destruction near here last night by the heroism of the engineer, Louis Shult. Shult was driven from his seat by the scalding vapor and boiling water. Realizing that he could not reach the throttle he climbed over the tender of the express car and hammered on the door. The express messenger, fearing robbers, refused him admission at first, but when he finally opened the door he aimed two revolvers at Shult's head. The engineer, bleeding and exhausted, dragged himself into the car and with his remaining strength pulled the rope connecting the air brake, stopping the train.

TWO SUFFEN DEATHS.

Brantford, Jan. 9.—Col. E. Cameron, superintendent of Indian affairs in this section, passed away suddenly last evening. He was going home, but complained of being ill. He stopped to consult a doctor, but he was not in. The Colonel proceeded on his way home and fell near his residence.

Died in Ottawa.
Ottawa, Jan. 9.—J. A. Phillips, a well-known Ottawa newspaper man, died last evening in the press room of the House of Commons, where he had worked for many years.

GIGANTIC SCHEME WILL AID VICTORIA

English Syndicate to Absorb Many Large Steel Plants--To Acquire Coal and Iron Areas.

(From Thursday's Daily.)
This morning H. F. Bullen, of the B. C. Marine Railway Company, left Victoria for England. Ostensibly he is going to acquire improved machinery for the works of the firm in Vancouver. In reality, however, his business is quite different, and is one which is likely to have a very far-reaching result.

For some time past it has been brooded abroad that an English syndicate was about to acquire the local shipyard at Esquimalt and other mercantile firms on the mainland. This report has to some extent been verified by news which comes to hand to-day.

The B. C. Marine Railway Company, has, for the last three months been under option to an English syndicate. Recently this option has been extended for two months longer. It is with a view to completing the deal that H. F. Bullen has set out for England to-day.

The concern, which is contemplating this purchase, will be financed by Sir Fowler and Perks, of London, both of whom are members of the Imperial parliament and names to conjure with on the money market. It will also be associated with Swan & Hunter, a large shipbuilding firm, at Newcastle on Tyne, as well as with other shipping magnates of the Clyde yards. If this deal is completed, the syndicate, it is said, intends to bring over an entire plant to Esquimalt, and very probably a few

IROQUOIS SAILS COMING WEEK

STRENGTHENED FOR PASSAGE ROUND HORN

Further Particulars Concerning the Alaska S. S. Company's New Vessel.

(From Thursday's Daily.)
In another column reference is made to a new freighter which will probably be seen in these waters late in the present year, and which is intended to relieve the congestion of freight inseparable to the spring trade.

Before that time, however, two new passenger vessels will be ploughing the waters of the Straits and of Puget Sound, one of them being designed especially for the Alaska Steamship Company's Victoria-Seattle trade.

The first of these will be the Iroquois, purchased by C. E. Peabody on the Great Lakes for this run, and which is all but ready to start from New York for Seattle. She is expected to get away in about another week's time. Although having glass upper works somewhat similar to the Indianapolis, no difficulty is anticipated in rounding the Horn with her as she will be loaded up with stout planking and her hold jammed with coal, which will assist in counteracting the effect of her high center of gravity.

She will also have pitted on her decks sack coal, and expects to make the trip with but three stops—one on the eastern-Southwest coast, one on the western, and one at Callao. There will be some cleaning to do when the Iroquois finally reaches the Sound, as gentlemen residing in

thousands of British laborers, boiler-makers and machinists.
Sometime ago N. Thompson, of the Vancouver Engine Works, got the sanction of the government for a population of \$100,000 for the purpose of building a floating dock in the Terminal City. This will be constructed, and will be used by the firm in the yard, and at the same time the yards at Esquimalt will be remodelled to such an extent that it will be possible to build vessels of the Empress type there.

Moreover, the plans of this English syndicate will be further reaching still. Already negotiations are pending for the acquisition of extensive coal and iron lands in the vicinity of Quatsino on the West Coast of the Island. Together with the B. C. Marine Railway Company, arrangements are in sight for the absorption of the Vancouver Engine Works, and the New Westminster Foundry Works by this enterprise, which is intended as a preliminary step to the acquisition of operations on Vancouver Island and the mainland, on a gigantic scale. It is stated that the enterprise will afford work for 5,000 men.

In fact should all the proposed negotiations come to a head the result will mean an unprecedented impetus to the industrial and commercial and maritime future of British Columbia.

CASE

Chief Justice Higher

forth in the act. was not granted the water, there that any one else interfere.

The company had as in using water the Chief Justice taken was untenable instructions in the which it was to of no status more on. He therefore

pointed out that specified a time should obtain under its act. for in the way settlement of any the city and the works Company under their respective

city might have without remunera. at the city could at Goldstream by would not see, how- causes Act of 1897 ty could be pre- of the waste wa- how unfair it antage should be the company, the to the water.

not give the Es- lusive rights. It what was neces- causes Act of 1897 ke water not used based its right.

thought the Es- eeded its rights, power for a rail- miles from the was entitled to purchase of the as given only the th the land; the of water. The ental right by the but this did not

as applied for, ers and the city are contemplated the Water Clauses appeal. herefore allowed, dissenting.

YES HAVE CANDIDATES

Evening Made Standard Bearers

Executive Association Institute hall for candidates for the request, president, fairly well attended.

agement Premier ed in his nomina- on the ticket. names were re- were nominated: F. W. Behnen, H. Dallas Helms, and W. Blake-

found that Mr. the head of the n and Mr. Davey Geo. Jay was the ed with 234 votes, at the bottom of Mr. Helmecken of Mr. Lewis fol-

Premier, Messrs. and Davey were

PORTS.

Steamers Will Sail in Instead of col.

the White Star line statement to the to transfer its from Liverpool to June 5th with ton steamer Ad-

divided in the change tic and Teutonic. nt concerns only remainder of the ng retained here, in, especially as ing a dock by an- types of trans-At- w Docks.

London & South- and owners of the planning the con- sible capable of age of the tide the planned.

THOENA

Nothing Known of on in Official

Strathcona arriv- and went straight's office where he the Premier and Fisheries, if not talk on the n, but nothing is circles. Sir Wil- Strathcona had Club.

OBALT.
W. S. Fielding, Premier Murray, and others are pas- -day.

SAANICH AND THE "MACHINE."

Mr. John Piercy, who was a well-known and successful business man in Victoria before he entered upon the honorable profession of agriculture, has been nominated to contest the constituency of Saanich in the interests of the Liberal party.

It has been insinuated by the Colonist, a recognized authority on all matters pertaining to "machine" politics, that Mr. Piercy secured the nomination on the motion of some mysterious piece of political machinery.

In like manner the Premier issued his commands to the "machines" in Victoria, and the result was seen in the selection of three men who had to be identified in the convention by photographs issued by the "workers of the machine" because of the fact that they were absolutely unknown by many who had been the Liberal interests.

These are examples of the tactics of the "machine" in Victoria and in Saanich, and in every constituency in which it has been considered necessary to select candidates by putting them through the mill.

SOMETHING VICTORIANS SHOULD MAKE A NOTE OF.

Probably the most significant feature of the provincial election campaign as far as it has progressed is the tremendous enthusiasm the Liberals of Vancouver are displaying.

There is no reason to doubt that the old "old boys" are going to be permanently dissolved on election day. Nor is there any gainsaying the fact that Vancouver with its large representation in the Legislature and the pivotal point in the fight, Vancouver and the Socialists in the last contest made the theft of the Fernie seat the salvation of the McBride government.

WHAT IT MEANS.

The action of Mr. W. B. McInnes in resigning the commission of the Yukon, carrying with it a handsome salary, to take part in the present provincial political contest was beyond the comprehension of the leaders of the Socialist-Tory organization of British Columbia.

THAT PECULIAR CIRCULAR.

An attempt has been made to explain why on the very day dissolution was announced notices were sent out summoning a few, not the whole, of the members of the Legislature to meet for the dispatch of business on March 7th.

THE NOMINATIONS.

The four gentlemen who achieved such a signal victory for the Liberal party of Victoria at the provincial general elections of 1903 were again selected last evening as the candidates of the party in the contest which will terminate on February 2nd.

understanding that some of the late members had given expression to a desire to retire for a time into private life. But when the result of the balloting was announced Messrs. Peters and Marchant were the first to express their hearty approval of the choice of the convention had chosen wisely.

THE FIRST LIBERAL MEETING.

The Colonist says the first campaign meeting of the Liberal party held in the Victoria theatre was a very "cold" affair.

MR. W. B. MCINNES.

The defenders of the highly-favored career of the McBride government profess to be anxious to know why Mr. W. B. McInnes has decided to enter public life again in British Columbia.

of every person who looks for a common sense explanation of all extraordinary political phenomena, that the government had carefully computed the strength of the sentiment Premier McBride's grand stand play on the question of better terms had created—that the decision had been reached that this feeling was not going to obscure the real issues of the day and avert the defeat of the administration; that the conclusion had been reached that it would not be expedient to proceed with the set programme of dissolving the House and appealing to the country; that it had been decided to summon the Legislature for the dispatch of business; that just as this decision had been reached some power which held the life of the government in its hand laid before the Premier its ultimatum; that the Chief Commissioner had been called to call the House together.

LEARN VETERINARY DENTISTRY.

And make \$2,000 a year. We teach you at home in three months of your spare time by illustrated lectures and grant diploma after successful completion. The first Veterinary Dental College, Detroit, Mich.

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And make \$2,000 a year. We teach you at home in three months of your spare time by illustrated lectures and grant diploma after successful completion. The first Veterinary Dental College, Detroit, Mich.

A Proven Cure For Indigestion. A healthy stomach does two things: 1st—gives up enough gastric juice to digest food—and 2nd—churns food, by means of its muscular action, until digestive they give you a healthy stomach.

Sort up Your Stock. We can fill promptly Mackinaw Clothing, Winter Caps, Underwear, Sox, Mitts, Gloves, Blankets.

J. PIERCY & CO. WHOLESALE DRY GOODS. VICTORIA, B. C.

Steedman's SOOTHING Powders. Relieve FEVERISH HEAT. Prevent FITS, CONVULSIONS, etc. Preserve a healthy state of the constitution.

The Gillette Safety Razor. We are now able to save you the duty on this razor. It is said, "Once you get used to the Gillette way, it is the only way you will go."

Lump Jaw. The first remedy to cure Lump Jaw. Fleming's Lump Jaw Cure and it remains today the standard treatment for this disease.

A GREAT OFFER. THE London Times Weekly Edition. The Semi Weekly Victoria Times and Pearson's Magazine.

EPP'S COCOA. You cannot possibly have a better Cocoa than EPP'S. A delicious drink and a sustaining food. Fragrant, nutritious and economical.

THE London Times Weekly. Regular Price \$3.15. Weekly Edition \$4.00. The Semi Weekly Victoria Times and Pearson's Magazine. Regular Price \$1.00. Weekly Edition \$1.00. For \$3.30.

ROMANCE OF INDUSTRY. A romance of industry is recalled by the will, which has just been proved, of Edward Arnett, of the Garth, Monmouth, who left \$97,651.

OR The London Times Weekly. either one of the others For \$3.30. A great chance to obtain England's greatest weekly, British Columbia's greatest paper and a world-renowned magazine at a bargain.

REPORT OF DEPARTMENT ON SONGHEES' RESERVE.

Mr. Powell recommended on August 1874, that Sallias Island situated on the Straits of Haro, a mile from Victoria, should be reserved for the Songhees Indians.

In 1881, after some further correspondence with Mr. Powell, he stated that a majority of the Indians agreed to move to Cadboro Bay ancient camping grounds, provided suitable lands could be secured there at that place.

In 1884 instructions were issued Messrs. Powell and O'Reilly, the Chief Commissioner, to confer together and ascertain what terms a satisfactory deal could be purchased for the land.

A report was received from Mr. Powell and O'Reilly on the 19th 1886, recommending the purchase of two lots of land in the Metchohen tract in the vicinity of Peddie Bay.

This report was concurred in by the Minister, Sir John A. Macdonald. The correspondence with reference to the removal of the Indians to the Metchohen district was continued August, 1888, but led to little being done.

Between the years 1887 and 1890 considerable correspondence took place between the department, Mr. Dunsmuir and also the provincial government whose claims to the reserve lands had been advanced.

It was during the period above mentioned that the request of the Indians to have the reserve conveyed to the province was made.

On the 25th August, 1891, a telegram was received from the Vancouver and Land Investment Company, offering \$250,000 for the reserve and 15 acres to the Esquimaux & Nainaimo Railway Company.

On the 3rd March, 1895, the Clerk of the executive council of British Columbia forwarded an appropriate expression of the provincial government as to the best method of effecting a settlement of the question of the reserve.

The provincial government, by bearing the whole cost attendant upon the removal of the Indians to the reserve, and the payment of the taxes and other charges of the reserve, would be able to purchase the reserve at a price of \$250,000.

Special Commission. On the 21st January, 1896, the Hon. the Governor, Sir John A. Macdonald, forwarded an approved report of the committee of his executive council.

REPORT OF DEPARTMENT ON SONGHEES' RESERVE

(Continued from page 3.)

Mr. Powell recommended on the 24th August, 1874, that Salias Island, situated on the Straits of Haro, about 20 miles from Victoria, should be purchased for the Songhees Indians. This recommendation was approved by the governor in council, but the Indians having refused to surrender, nothing further was done.

Indians' Conditions. In 1881, after some further correspondence with Mr. Powell, he stated that a majority of the Indians had agreed to move to Cadboro Bay, their present camping grounds, provided suitable lands could be secured for them at that place. Correspondence to this effect resulted in the Hudson's Bay Company agreeing to sell property desired by Mr. Powell for the Indians, and containing an offer of \$50,000 for the sum of \$24,500. Mr. Powell recommended the acceptance of this offer, especially in view of the fact that an offer of \$50,000 had been received from Mr. P. C. Dunsmuir for the Songhees reserve.

It was considered, however, that the amount offered for the reserve was not sufficient.

In 1884 instructions were issued to Messrs. Powell and O'Reilly, the latter being the Indian reserve commissioner, to confer together and ascertain on what terms a satisfactory location could be purchased for the Indians of the Songhees and Esquimalt reserves, and were informed that the site to be chosen was to contain from 500 to 1,000 acres and was not to be less than 20 miles from Victoria.

Metchoen Mentioned. A report was received from Messrs. Powell and O'Reilly on the 10th April, 1888, recommending the purchase of a tract of land in the Metchoen district in the vicinity of Pedder Bay, about eight or nine miles from Victoria, by water and fifteen by land. These two lots together totalled 1,638 acres. Purchase of these lots was recommended, but the deputy superintendent-general reported against the purchase until a sale had been made of the Esquimalt and Songhees reserve or until the consent of the Indians to sale had been obtained.

This report was concurred in by the then minister, Sir John A. Macdonald. The correspondence with reference to the removal of the Indians was continued up to August, 1888, but led to little further being done. In the meantime an offer was made for the Songhees reserve by Mr. R. Dunsmuir, acting for the Esquimalt & Nanaimo Railway Company. The price offered by the company was \$20,000 for the whole reserve, or \$20,000 for one half of it. Mr. Dunsmuir was authorized to negotiate with the Indians for the sale of the reserve, but failed to secure their consent to its sale.

The Province's Claim. Between the years 1887 and 1893 considerable correspondence took place between the department, Mr. Dunsmuir, and also the provincial government (whose claim to a reversion to the lands had been advanced), with the result that the province was advised that this matter seemed to be about as far off as ever. Several interviews had been held with the Indians, but they were not prepared to give their consent to sale.

It was during the period above mentioned that the request of the city of Victoria, to purchase the Songhees reserve and the reserve conveyed to the corporation upon certain conditions formed part of the correspondence in the negotiations for a settlement of this question.

The Indian superintendent at Victoria was informed on the 17th September, 1891, that if the reserve were sold to the city none of the money derivable therefrom would be used for the improvement of Victoria harbor, as had been suggested, but all should be utilized for the benefit of the Indians.

On the 26th August, 1891, a telegram was received from the Vancouver Island Land Investment Company offering \$250,000 for the reserve and to deed 15 acres to the Esquimalt & Nanaimo Railway Company. Following this offer a meeting of the city council was held to consider the question of surrender upon terms as to desirable location, buildings, etc., and investment of balance of funds for their benefit.

In 1892 the superintendent reported he had interviewed the Indians several times, but that they declined to surrender the Provincial Possession.

On the 9th March, 1895, the deputy clerk of the executive council of British Columbia forwarded an approved minute expressing the views of the government as to the best method of affecting a settlement of the question of the removal of the Songhees tribe from their reserve to a suitable locality, and after stating claim of the provincial government to the reversion of the reserve, he intimated that the Songhees Indians would be willing to treat for removal to another location on the following basis, namely: The retaining of 949 acres, or more, in the Metchoen district; payment of three-fifths of the value of the improvements on the reserve after valuation and removal in cash, the balance to be used for the purchase and delivery of lumber on the new reserve; that the funds at that time at the credit of the band should be utilized for the purchase of live stock, implements, the erection of a school, etc.; that in the case of several Indians who had shown themselves to be thrifty by steady labor at a trade in the city a suitable lot or lots should be obtained for each of them in the neighborhood of Rock Bay, the Dominion government to pay the taxes, and that provision should be made for the removal of the Indian band from the present reserve.

The provincial government was to bear the whole cost attendant on the removal of the said Indians with the exception of the taxes and to provide a reserve in consideration of the release of the present Songhees reserve to the province. This arrangement was not accepted.

Special Commission. On the 31st January, 1896, the Lieutenant-Governor of British Columbia forwarded an approved report of a committee of his executive council em-

bodying a resolution of the legislature of British Columbia requesting that the question of the removal of the Songhees Indians should be referred to a special commission of three commissioners, one to be appointed by the Dominion government, one by the Lieutenant-Governor, and the two so appointed to choose a third, and in the event of the two so appointed being unable to agree upon a third, some member of the Supreme court of British Columbia to be the third commissioner. This was agreed by the Dominion government by an order in council passed on the 1st April, 1896, agreeing to the proposition without prejudice to the claim of the Dominion government as to all other reserves in the province of British Columbia, and that the title of the land which should be occupied as a reserve for the Songhees Indians in lieu of their present reserve be conveyed in fee simple to the Indians. Mr. P. C. O'Reilly, Indian reserve commissioner, was named as the commissioner for the Dominion.

The principal difficulty of arriving at an agreement as to the points to be submitted arose from the objection of the provincial government to accept a provision for compensating the Indians for the difference in value between the present reserve and the new reserve which might be set apart for them. The provincial government intimated in effect that the new reserve should be taken as a fair equivalent for the old one. This proposition was not acceptable by the Dominion government.

Dominion Proposals. In 1897 the Hon. Mr. Turner, then premier of British Columbia, visited Ottawa and discussed with the Hon. Mr. Sifton, then superintendent-general of Indian affairs, the question of the removal of the Songhees Indians. Following this discussion two proposals were made by the Dominion government.

(1) That the government of British Columbia should convey to the Dominion government the Esquimalt & Nanaimo Railway Company's 19 acres occupied by that company upon the reserve, and in exchange for the remaining 83 acres procure a new location for the Indians and bear the expense of removing them thereto and rehabilitating them.

(2) That they should agree to the Dominion proposal of disposing of the whole reserve on the understanding that the Dominion government should procure a new reserve, remove the Indians thereto and rehabilitate them; the proceeds of the sale of the present reserve, less the cost of a new reserve and the expense of rehabilitating them to be applied for the benefit of the Songhees Indians.

The provincial government declined to agree to the first proposal and on the second proposal being submitted offered to agree to the Dominion government's disposing of one-half of the present reserve, namely, 56 acres, on the condition of its procuring a new reserve and bearing the expense of the removal and rehabilitation of the Indians, the provincial government to take the other half of the present reserve unburdened.

The Dominion government did not see it clear to accept the Dominion government's proposition and the negotiations in connection therewith ceased.

A Later Proposal. In February, 1901, the Hon. James Dunsmuir, then premier of British Columbia, submitted a proposition for the removal of the Indians, namely, that the government of the Dominion would surrender absolutely to the province the Esquimalt reserve, one consisting of 174 acres, and the other consisting of 25 acres, the remainder of the reserve to be sold. The money in the hands of the department, the sum of \$9,820.20, and a further amount of \$2,409, which should be paid in a short time for leasing privileges, together with the proceeds of the sale of the reserve to be sold, estimated to be worth from \$100,000 to \$125,000, to be utilized in removing and rehabilitating the Indians upon a new reserve, and the reserve to be furnished free of cost in return for the land to be received by them.

The Dominion government would under this arrangement absolutely own the reserve, but if there were any surplus moneys after rehabilitating the Indians the proceeds of the sale of the province would retain its reversionary right to such surplus.

Received Minister's Assent. This proposition received the assent of the minister on the 7th June, 1901, and Mr. Dunsmuir was informed that the Indian superintendent had been asked to take the necessary steps to have the arrangement carried out if possible.

It would appear that no election of a new reserve was ever made under this arrangement, although the Indian superintendent and Mr. Dunsmuir made several attempts in this connection. In addition to this the Indian superintendent intimated that before the Indians and in 1904 reported that there was little hope of obtaining their consent, and nothing further appears to have been done with this proposition.

The Present Negotiations. During the summer of 1906 the necessity and advisability of again trying to reach a settlement was brought to the attention of the department by the Hon. Mr. Templeman, and, as a result, I left for Victoria on the 10th September, reaching there on the 15th. I met there the mayor of the city and learned from him that some correspondence had passed between him and the provincial government regarding this matter, which he, as representing the city, was desirous of having settled. I took the ground with the mayor that the city, so far as this affair though vitally interested in having it disposed of.

I concluded that the only hope of reaching a settlement with the Indians was by direct negotiations with them by this department.

Instantly, however, as a great deal of correspondence had passed between the Dominion and Provincial governments, very largely, as I take it, because of the claim of the province to the reversion in the reserve, though so far as I know this has never been conceded, I thought it better to consult with the government of the province and obtain a waiver of the claim to such an extent as would leave this department unharmed in its negotiations with the Indians.

That Reversionary Interest. As a result of several interviews with the premier and the members of the

provincial cabinet I obtained the following letters: "Premier's Office, Victoria, Sept. 19, 1906. 'To the Superintendent-General of Indian Affairs, Ottawa, Ont.: 'Sir:—In further explanation of the proposed arrangement for the settlement of the Songhees reserve question, I beg to say that my government is prepared to execute any document that may be desired for the purpose of transferring any reversionary interests in the province of British Columbia to the reserve, and make a good title thereto to any purchaser. 'I may add our understanding of the arrangement is that the administration of this reserve (including the right to sell, lease and convey) and funds derivable therefrom, shall remain with the Dominion government, and that in the event of the sale of the lands the reversionary interest of the province, if any, shall not immediately be enforced, but shall attach to the proceeds, and be dealt with and settled in respect thereto and in the same manner and for the same period of time as if the lands had remained unsold. 'Your obedient servant, 'RICHARD M'BRIDE, Premier.'"

Prime Minister's Office, Victoria, B. C., Sept. 28, 1906. 'The Honorable the Superintendent-General of Indian Affairs, Ottawa, Canada: (Songhees Reserve). 'With further reference to the correspondence relating to this question between the Federal and Provincial authorities, I beg to say that I am now authorized by the local government to advise you that they are agreeable to the deduction from their reversionary claim to the moneys to be netted from the sale of the reserve of the total expenditure to be made on account of the removal and rehabilitation of the Indians and the surrender of their present title. 'Sincerely yours, 'RICHARD M'BRIDE, Premier.'"

Having cleared the way as above indicated, I proceeded to arrange to discuss the matter with the Indians, but was unable to meet them for a few days owing to the fact that a number of them were absent from the reserve. I met the chief in the meantime and was informed by him that, owing to the many attempts to settle with them without material result, the Indians were tired of the whole business and did not care to reopen negotiations.

The Proposal. At my request, however, a meeting was held on the 8th October, when, after considerable discussion, I submitted the following proposition: 1. The Indians will be paid at the time of the surrender \$10,000 in cash, and \$5,000 cash upon being settled on the new reserve. 2. The owners of the improvements on the present reserve will be paid for these in cash or will be given in their place improvements on the new reserve, as the Indians may desire. 3. A new reserve will be provided before removal from the present one. 4. The cost of removal of the Indians from the present reserve will be paid for as well as any permanent land improvements on the new reserve. 5. The interest on the band fund remaining in the hands of the government after deducting the amounts necessary to carry out this proposition will be paid to the Indians annually or funded for their benefit.

At this meeting the Indians declined to express an opinion upon the merits of the proposal, but intimated their intention of talking it over amongst themselves and meeting me one week later, when they would communicate their views. I met the Indians on the 13th of October, a large majority of the voting members of the band being present.

Proposition Amended. After considerable discussion I amended my original offer, agreeing to pay \$10,000 in cash upon surrender being given, \$15,000 in cash a week or ten days afterwards, \$5,000 on settlement on a new reserve; to pay the cost of removal, provide a new reserve and set aside a fund of \$100,000 to be spent for the purchase of implements, boats, tools, horses, cattle, etc., for use in the business of the applicants upon requisition to and certificate by the agent or superintendent, and to pay semi-annually interest on balance remaining to the credit of the band, and further to share in the distribution of the land remain in the city his share could be used as he saw fit in providing himself with a new home and he would still retain his interest in the band property. When I made this amended offer to the band there were some at least who appeared to be willing to accept, but the majority were unwilling, and the chief intimated that the band did not wish to sell and would not accept any offer.

I met the Indians again on the 20th October at their request and heard from them what they were prepared to accept as settlement of this question. They intimated they were willing to take \$1,000 per family on a basis of 42 families and a reserve at Cadboro Bay. This proposition meant an additional cash payment of \$2,000 over my previous offer, and to this I agreed, the money to be distributed as indicated before, with the exception that the extra \$2,000 was to be paid on removing to a new reserve. I intimated that I saw some difficulty in acquiring a reserve for them at Cadboro Bay, as the land in that neighborhood was held at very high prices and the Hudson's Bay property, I had learned, was not for sale.

After discussing the matter at considerable length a vote was taken, the band expressing themselves as unwilling to accept the government's proposition on the other grounds and surrender the present reserve upon a new one being secured for them at Cadboro Bay.

During the week following this meeting I was in a position to secure what appeared to me to be a very desirable property for these Indians at Cadboro Bay adjoining the Hudson's Bay Company land, consisting of between 50 and 60 acres on the water front with a splendid beach and sufficient agricultural ground for those who wished to secure a somewhat larger tract of land, about 120 acres, at the head of Portage Inlet, up what are known as the Gorge

waters, situated about two or three miles from the city limits but having direct water communication with Victoria harbor. I took the chief and two other members of the band to see the property at Cadboro Bay, and the chief himself to see the property at Portage Inlet. The chief intimated to me that neither of these properties was satisfactory and would not be accepted by the Indians. In order, however, to place the matter properly before them I called a meeting of the band on November 1st, intimated what I had seen and what there and then informed by the Indians that no reserve other than their old camping ground, the Hudson's Bay property, at Cadboro Bay would be accepted by them.

In their interests. I expressed my regret at that time that the Indians had not seen the way clear to accept my proposition in full, that it was made more in their interest than that of any others, that in my mind they were not to be taken out of their own light in not giving their consent to surrender on the terms proposed.

While I am prepared to admit that with some of the members of the band the selection of a new reserve may be the all-important matter, I am thoroughly satisfied with a large number, if not a majority of the band, that the new reserve is merely a secondary matter, but when they came to act as a band it seemed much easier for them to follow the old beaten path and refuse to surrender than to disagree with a number of the old members.

The band at present consists of about 101 souls, 42 families, including the male heads of families, widows and the females represented by orphans. The voting strength of the band is 26. At the meetings held by me there was a general expression of opinion from the members of the band that they were independent of and receiving very little assistance, if any, from the government, while the part in their own and that they should be allowed to do as they pleased with it.

This reserve as now situated divides the eastern and western sections of about 101 souls, 42 families, including the male heads of families, widows and the females represented by orphans. The voting strength of the band is 26. At the meetings held by me there was a general expression of opinion from the members of the band that they were independent of and receiving very little assistance, if any, from the government, while the part in their own and that they should be allowed to do as they pleased with it.

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Several small business and residential lots on Fort street passed to local investors yesterday. Two lots on Yates street being for some years reserved for the next few days the B. C. Land & Investment Agency will place on the market the sub-divided lots of the Fairfield block known as the Carsons dairy farm.

The old post office cigar stand on Government street has changed hands. John A. Worthington having sold out yesterday to Messrs. Fullerton & McPherson. Both these gentlemen are highly respected and well known. Mr. Worthington has been in the cigar business since 1870, and is a representative of Wilson Bros., wholesale grocers of Victoria, with his headquarters in Nelson; while Mr. McPherson is also a prominent business man of the same city. The premises are to be thoroughly renovated, and the intention is to open up a real estate office in connection with it. Messrs. Fullerton & McPherson will have charge of the real estate, while Mr. Fred Crook, who for some time has been associated with the store, has been made manager of the cigar business. The business will be run on the same old-fashioned lines as heretofore, and Mr. Worthington retiring into private life.

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REALTY ACTIVITY IS PRONOUNCED LOCAL INVESTOR BUYS BIG SPORTING RESERVE

New Bank to Operate in City, and to Afford Increased Facilities to Merchants.

(From Tuesday's Daily.) Real estate agents in the city report that step by step the market is regaining the buoyancy which was evidenced during the visit of the Governor at Christmas. Sales and confirmation of sales have come to hand, and they presage even an increased activity on the market of realty.

Merely Island has been purchased by T. W. Paterson for a sum of \$27,000. This property there is 120 acres of cleared land, 120 acres partially cleared, and the remainder broken. The property was sold by Robertson Bros., who have the honor of the sale. This island is well known as the largest sporting reserve in the province. Pheasants and grouse abound, and the Governor and the Premier, General Sir James Macdonald, were at the guest of the Hon. R. Dunsmuir. Some weeks back no less than 20 brace of birds fell to two guns in a few hours' time.

Final confirmation of the James Ial- and deal is received, the property, as previously announced in the Times, passing into the hands of Dr. Findlay. The purchase money was \$22,000, and the new owner is at present inspecting the property.

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RESTORED TO MANHOOD



The New Method Treatment of Drs. K. & K. has restored thousands of diseased men to robust manhood. No matter how many doctors have failed to cure you, give our treatment a fair trial and you will never regret it. We guarantee all cases we accept for treatment. Not a dollar need be paid unless cured for you. Pay after you are cured. Drs. K. & K. established 25 years.

We treat Varicocele, Nervous Debility, Stricture, Blood Diseases, Kidney Bladder and Urinary Diseases. Write for Home Treatment. Consultation Free. NOT A DOLLAR NEED BE PAID UNLESS CURED.

148 Shelby Street, Detroit, Mich.

EXPLOSION OF MOLTEN STEEL

NUMBER OF MEN KILLED IN PITTSBURG

Charred Remains of Seven Victims Have Been Found—Search For Bodies Continues.

Pittsburg, Pa., Jan. 10.—As a result of an explosion of molten metal at the Eliza furnaces of the Johns & Laughlin Company, last night, the charred remains of seven men are at the morgue and twelve men badly burned and crippled are in the hospital. Workers are digging through masses of steel and clinders for the bodies of several others who are still missing. Of the injured twelve, six died in a plate yard.

The bodies of the victims were badly burned and almost unrecognizable. However, five of the seven taken out have been identified in a plate yard. The superintendent expressed the opinion that the accident was caused by the loosening of one of the steel beams of the boiler, which was in the furnaces. It fell, he said, making that portion of the shell weak. The great pressure of the steel charge against the weak point resulted in a plate yard and other plates were affected. There were a hundred tons of steel in the furnace at the time. The loss is \$50,000.

While attempting to rescue some of the men, Chief Peter Snyder, of the fourth fire district, slipped from a treacherous ledge 30 feet high and was seriously injured. He was taken to a hospital. While responding to the alarm a horse car was struck by a street car, two of the firemen were injured and a horse was killed. Two women passengers on the street car were injured by being trampled on.

When the families of the victims learned of the disaster they gathered before the gate and made frantic efforts to get in. Several frenzied women fought with the officers to be allowed to enter the mill to see their loved ones. It became necessary to employ police to forcibly escort them to their homes.

Death Roll Increased. Pittsburg, Pa., Jan. 10.—At least 23 of the 40 men reported missing have been accounted for. The estimate will probably be that 17 were dead and injured much larger than was at first expected. Coroner Armstrong to-day said he believed there were many more bodies buried in the mill. He said that his investigation reveals blame for anyone, prosecutions will follow.

NEW OFFICERS INSTALLED. Interesting Ceremonies Conducted By Victoria Odd Fellows at the Local Lodge Rooms.

(From Thursday's Daily.) The officers of Victoria Lodge, No. 1, Columbia Lodge, No. 2, and Dominion Lodge, No. 4, I. O. O. F., were installed last evening by Bro. F. Taylor, D. D. G. M., assisted by a staff of grand officers.

The following are the names of those installed: Victoria Lodge. P. M. Linklater, N. G.; A. Mackintosh, V. G.; Fred Davey, Rec. and Ph. Sec.; T. M. Brayshaw, Treas.; G. W. Kerkerson, War.; P. A. McLean, Con.; W. H. Huxtable, O. G.; R. W. Somerville, I. G.; B. Deacon, R. S. N. G.; Jas. Patterson, L. S. N. G.; C. A. McGregor, R. S. V. G.; D. Mouat, L. S. V. G.; E. Dempster, R. S. S.; J. H. Craig, L. S. S.

Columbia Lodge. J. Minto, N. G.; F. McConnell, V. G.; R. W. Fawcett, Rec. Sec.; W. Jackson, Ph. Sec.; H. A. Porter, Con.; W. H. Waller, War.; F. Fawcett, Con.; W. H. Huxtable, O. G.; W. Somerville, I. G.; B. Deacon, R. S. N. G.; Jas. Patterson, L. S. N. G.; C. A. McGregor, R. S. V. G.; D. Mouat, L. S. V. G.; E. Dempster, R. S. S.; J. H. Craig, L. S. S.

The officers of Colfax-Rebekah lodge were installed on Tuesday evening: Miss Pauline Lange, N. G.; Miss Jessie McFarlane, V. G.; Mrs. Frances Walker, Ph. Sec.; Mrs. Harriet Carre, Treas. Refreshments were served and a pleasant evening spent.

Next Monday's supper will be given in the hall for Odd Fellows only, their wives and sweet hearts. After a short programme of speeches, songs, etc., will follow. At 10 o'clock the floor will be cleared for dancing.

ECHO OF PRESTON INQUIRY. Ottawa, Jan. 10.—Correspondence presented to parliament contains a telegram from a London immigration office from Amsterdam last summer to Lord Strathcona which says: "Publication of the names of the North Atlantic Trading Company would result in some prominent members committing suicide."

Advertisement for Bowes' Stomach and Bowel Pills, featuring a portrait of a man and text describing the product's benefits for various ailments.

Advertisement for 'Fruit-Lives' tonic, claiming to cure various ailments like indigestion and weakness, and mentioning a 'Special Commission'.

Advertisement for 'Restored to Manhood' by Dr. Kennedy & Kergan, featuring a portrait of a man and text describing the treatment for various ailments.

Advertisement for 'Explosion of Molten Steel' in Pittsburgh, detailing the tragedy and the search for victims.

Advertisement for 'Victory Presaged Throughout Island', discussing political events and the Socialist party's prospects.

Advertisement for 'Bileans' medicine, claiming to cure various ailments like cramps and indigestion.

Advertisement for 'Wrecks on Pacific Coast', reporting on several shipwrecks and the search for survivors.

Advertisement for 'The Tariff', discussing the proposed tariff on imports and its impact on the local economy.

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BUYS SITE FOR RIFLE RANGE

COL. EVANS SECURES LAND AT EDMONTON

Will Also Be Used as Exercise Ground By the Canadian Mounted Rifles.

Edmonton, Alb. Jan. 9.—Col. T. D. Evans, C. B., of Winnipeg, D. O. C. military district No. 10, to-day completed the purchase on behalf of the department of militia and defence of 140 acres here for rifle range for the associations of Edmonton and Strathcona, the Canadian Mounted Rifles, lately organized, and any other corps which may be formed later on, as well as an exercise and maneuvering grounds for such troops.

GIFT OF TWO MILLIONS

J. B. Rockefeller's Generosity Will Enable Chicago University to Provide Pensions.

Chicago, Jan. 8.—The announcement is made by the trustees of the University of Chicago that John D. Rockefeller will soon endow the University of Chicago with \$2,000,000 to maintain a fund for superannuated professors of the institution.

THE WATERWAYS COMMISSION

RECOMMEND TREATY FOR FREE NAVIGATION

In Return for Grant of Water For Chicago Drainage Canal Scheme.

Ottawa, Jan. 8.—The Dominion government has received a report from the international waterways commission unanimously recommending that in return for the grant of water for the Chicago canal drainage system Canada and the United States join in a treaty for free navigation between both countries, the same as was enjoyed under the treaty of 1817.

MEXICAN STRIKE TROUBLES

Property Valued at \$150,000 Has Been Destroyed—Number of Strikers Flee to Mountains.

MAY GO TO AUSTRALIA

Report That Sir H. M. Durand Will Receive Colonial Appointment.

LOCAL OPTION

Ottawa, Jan. 9.—Local option in a majority of the municipalities was defeated for the lack of the necessary sixty per cent. majority vote.



CASE OF MAJOR SCHMITZ

Declares He is Illegally Deprived of Liberty—Petition for Writ of Habeas Corpus.

San Francisco, Jan. 9.—Mayor Eugene F. Schmitz, through his attorneys, has petitioned the Supreme court for a writ of habeas corpus, alleging that he was being illegally deprived of his liberty. To apply for this writ it was necessary for him to surrender a portion of his bond and place himself in the custody of Sheriff O'Neil.

JAMESTOWN EXPOSITION

Nations Will Be Represented By Land or Sea Forces.

Washington, Jan. 9.—Nearly all foreign countries have accepted the invitation of the Jamestown Exposition Company to be represented by a military or naval display. Some countries have indicated that they will be represented by a delegation of army officers, while others have announced their intention of sending warships. It is known officially that will send two ships, Italy one, Portugal one and Sweden one. Belgium will send a delegation of army officers. Persia and Denmark will not participate. Officially, it is stated that Great Britain, France, Germany, Japan and possibly Russia will be represented by fleets of modern warships.

DARING ROBBERY AT EDMONTON

MAN RELIEVED OF TWO HUNDRED DOLLARS

Sand Bagged While Entering Store and Money Was Taken as He Lay Senseless.

Edmonton, Jan. 8.—A daring robbery was reported to the police by a passerby on Sunday at 10 o'clock on Sunday when Mary Ann Milner, clerk in a grocery store, telephoned the police.

PERISHED IN FLAMES

Three Persons Lost Their Lives in Fire Which Destroyed Hotel.

Delhi, N. Y., Jan. 7.—Three lives were lost in a fire that destroyed the American Hotel in Delhi, N. Y., on Monday night.

ROBBERY THE MOTIVE

Portland, Ore., Jan. 9.—There are no developments in the mysterious death of Monday night of Dr. Johnson, the physician whose dead body was found under the Ford street bridge.

ALBERTA MURDER CASE

Point of Law Reserved by Regina Judge Will Come Before Court at Calgary.

SEALING PROHIBITED

Ottawa, Jan. 8.—The Dominion government has been advised that Truquair has promulgated a law against licensing seal fishing in Unguay waters.

TWO MILLION DOLLAR MERGER

Toronto, Jan. 8.—A \$2,000,000 merger is on the tapis. The Cleveland-Cobalt Mining Company proposes absorbing the Silver City, a contiguous property, and the Albert, next adjoining to the south.

PRIEST WITHDRAWN

Paris, Jan. 8.—In order to punish the Catholics of the Canton of Quend, 75 miles from Amiens, who were preparing to resist the law against the church and state separation law, the Bishop has ordered the withdrawal of the parish priest of Quend, thus compelling suspension of public worship there.

COLD WAVE IN PHILIPPINES

Manila, Jan. 8.—A cold wave is sweeping over Luzon and the adjacent islands. The temperature at Manila is 56, while at Baguio, the capital of Benguet, it is 39. The natives are suffering great discomfort, as they are unprovided with proper clothing.

ACTION FOR LIBEL

Edmonton, Jan. 9.—Frank Goode, proprietor of the Imperial hotel, has entered action for libel against the Southern California and is in a lawsuit, claiming \$10,000 damages.

A MYSTERIOUS OREGON TRAGEDY

PORTLAND DOCTOR FOUND MURDERED

Body Was Discovered By Car Conductor Below a Bridge—Pocket Book Empty.

Portland, Ore., Jan. 9.—The murder here on Monday night of Dr. Phillip Edward Johnson, a physician who recently arrived in New York, was one of the most mysterious tragedies that ever occurred in the city of Portland.

Dr. Johnson came to Portland with his newly-wedded wife two months ago to practice his profession. The couple bought a site for a home in a fashionable section. Mrs. Johnson, before her marriage last fall, was a Mrs. Scarborough. She is a daughter of former Governor Headley of Ohio.

LABOR TROUBLES

Strikers in Mexico Loot and Burn Stores—Soldiers Sent to Scene of Disturbance.

City of Mexico, Jan. 8.—Late yesterday word was received here that the textile workers in the city of Orizaba, state of Vera Cruz, who are on a strike, had announced their intention of threatening to destroy the mills. Two strikers were killed and a special train rushed to the scene about a special train.

WINDFALL FOR CHARITIES

Versailles, Jan. 7.—When the local authorities here took possession of the seminary, under the church and state separation law, bonds and other securities amounting to \$1,000,000 were discovered in that institution.

CRUSHED TO DEATH

Hamilton, Ont., Jan. 8.—Allen Toelger, a young man employed at Bremer's grocery, was killed in the cellar to-day by an elevator coming down on his head.

DEATH OF THE SHAH OF PERSIA

PICTURESQUE RULER HAS PASSED AWAY

His Successor, Who is Believed to Favor Liberal Policy, Has Been Installed.

Teheran, Jan. 9.—The official announcement of the death of the Shah of Persia was made this morning.

STEAMER DISABLED

Philadelphia, Pa., Jan. 8.—Captain Corvalante, of the schooner George May, which has reached port from Ferdinandina, reports that he passed on January 7th sixty miles below the Delaware breakwater a steamship with two masts, apparently with its machinery disabled.

ROUTE MAP FOR RAILWAY TO DAWSON

Ottawa, Jan. 8.—The route map of the Vancouver, Westminster & Talon railway from Vancouver to Dawson has been filed with the railway commission.

COLD IN ALBERTA

Hundreds of Cattle Are Dying—Losses Are Heavy.

OPERATOR ARRESTED

Livingston, Mont., Jan. 8.—Operator Charles Brady has been placed under arrest on suspicion of being the operator of the recent wreck on the Northern Pacific at Coal Spur, in which two lives were lost.

FATAL ACCIDENT

Saltcoats, Sask., Jan. 6.—George Irwin, who last night fell between the train and platform here, and as a result of injuries, Irwin, who came here from Lebogung, was standing on the platform of the station preparing to board the train for Winnipeg.

OTTAWA CIVIC ELECTION

Darcy Scott Elected Mayor—Board of Control Pleds Civic Carried.

Ottawa, Jan. 8.—Mr. Darcy Scott, second son of the secretary of state, was yesterday elected mayor of Ottawa by a plurality of 1,882. The official figures are as follows: Scott, 2,988; Aid, Hopewell, 2,800; ex-Mayor Morris, 1,570; ex-Ald. Black, 171.

ANOTHER RUSSIAN GENERAL KILLED

Murderer Also Shot a Policeman Before He Was Taken Into Custody.

St. Petersburg, Jan. 9.—Gen. Vladimir Pavloff, the military procurator or advocate-general, generally known since the late parliament as "Hangman" Pavloff, from the epithet commonly applied to him by the radical deputies, was shot and killed at 10 o'clock this morning while walking in the garden of the chief military court.

ARION CLUB WILL NOT BE REPRESENTED

Unable to Participate in Approaching Musical Contest For Earl Grey's Trophy.

Ottawa, Jan. 8.—Much regret is felt at Ottawa that the Arion Club of Victoria has found it necessary to notify the honorary secretary of His Excellency's musical and theatrical trophy competition, that owing to financial difficulties, Victoria will not be represented.

DISMISSED THE APPEAL

Full Court Disposed of the Case of the King vs. Bruce.

The Full court yesterday afternoon disposed of the appeal in Rex vs. Bruce. In this case S. S. Taylor, K. C., took before the court a point of law relative to the admission of certain evidence by the trial judge, Chief Justice Hunter.

THE SHAH

Illness Takes Turn for the Worse and His Recovery is Doubtful.

Teheran, Jan. 8.—The Shah's illness today has declined for the worse. He took at 2 o'clock this afternoon his recovery was declared to be doubtful.

CAPE TO CAIRO

Lord Milner Propheesies Great Future For New Railway.

Lord Milner, presiding at the reading of a paper by Sir Lewis Michel before the Society of Arts in London on the Cape to Cairo Railway, paid an eloquent tribute to the genius of Mr. Rhodes, and dwelt on the enormous benefit which the whole of Africa will derive from the line when it is at last completed.

DIED ON ALTAR STEPS

Vicar's Collapse at Celebration of Holy Communion.

Rev. Marcus Joseph Truman, vicar of Arnold Notes, virtually died on the altar steps of his parish church while he was celebrating Holy Communion.

HON. C. HYMAN'S CONDITION

Ottawa, Jan. 9.—Hon. C. Hyman is in a serious condition. He has been in bed for several weeks. He has been very popular with his parishioners.

ASSASSIN CAPTURED AFTER LONG CHASE

Murderer Also Shot a Policeman Before He Was Taken Into Custody.

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SEATTLE TRAGEDY

Well-Known Lawyer Killed—Suicide of the Murderer.

Seattle, Jan. 8.—Gen. C. W. Turner, one of the best known and highly esteemed members of the Seattle bar, was shot and killed by T. H. Emmons, in the saloon of Russell & Mix, at 1206 First avenue, last night, shortly after 10 o'clock.

LIBERAL LEADERS IN VANCOUVER

HUNDREDS TURNED AWAY FROM HALL

Were Unable to Gain Admittance to Rousing Meeting Held Last Night.

Vancouver, Jan. 9.—Hundreds of people were turned away last evening from the first Liberal rally of the campaign which was held.

JAPS AT HONOLULU

Many Former Soldiers Among the Last Batch of Immigrants.

Honolulu, Jan. 8.—Although most of the 700 Japanese laborers arriving on the steamer Chitusa were classed as laborers in search of employment, none have gone to the plantations. It has been discovered many of them are former soldiers who brought with them their uniforms. All are now scattered in Oriental quarters.

DIED FROM INJURIES

Winnipeg, Jan. 7.—Ada Pritty, a domestic, a recent arrival from England, died from injuries received by being struck by an electric car on Sunday night.

PROFESSOR COUSSEBART DEAD

Montreal, Jan. 9.—Rev. Daniel Coussebart, professor of Hebrew and Oriental languages at McGill University, is dead.

Ask your grocer for Canadian Wheat Flakes

Each packet contains a very handsome premium of fine chinaware. BRACKMAN-KER MILKING CO., LTD., NATIONAL MILLS.

NEW YORK MURDER

Manicure Killed—Murderer and Two Other Persons Probably Fatally Wounded.

New York, Jan. 9.—Mrs. Lena Weidman, a manicure, was shot and killed at her apartment at 732 West Sixty-second street, in a quarrel in which three other persons probably were mortally wounded.

PARIS, JAN. 9.—WILLIAM T. STEAD, editor and owner of the Review of Reviews, of London, who arrived here on Monday, says he is on his way around the world in the interest of peace.

He declares he is authorized by the premier, Sir Henry Campbell-Bannerman, to say that Great Britain, if no other country does so, will at the approaching second peace conference at The Hague, raise the question of taking steps to provide for the maintenance of international peace. This, Stead says, will be done in the form of two propositions, as follows:

First: That each country participating in the conference appropriate a sum of money to be used in the propagation of the idea of maintaining international peace.

Second: That each country participating in the conference render obligatory the observance of article eight of the act of the peace conference of 1899, permitting a third power to tender mediation, without giving offence, between two disputing powers, and also that the participating powers extend the scope of article eight so as to bind the signatories in case of a declaration of war, not to begin hostilities for a fortnight, in which interim friendly powers would have the right to intervene, in an attempt to adjust the quarrel.

NO TRUTH IN ROBBERY STORY

Edmonton, Jan. 9.—Charlie O'Connor, the east end grocery man who yesterday stated to the press that he had been robbed in the conference appropriate a sum of money to be used in the propagation of the idea of maintaining international peace.

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TEXT OF WATER CASE JUDGMENT CHIEF JUSTICE ALONE DISSENTED

Two Judges Favored the City's Contentions as the Corporation of Victoria Wins.

(From Wednesday's Daily.)

The full judgment in the case between the Esquimalt Waterworks Company vs. Corporation of Victoria, which, as announced in yesterday's Times, was a majority one in favor of the city, is as follows:

Hunter, C. J.—I think to the exhaustive judgment of the learned trial judge, as well as to the efforts of the learned counsel on both sides of this case, the questions for decision have been narrowed down to a comparatively small compass, there being, as I understand it, no material facts left in dispute.

By section 9 of the company's charter of 1887, the powers were conferred from time to time and at all times thereafter to survey, set out and ascertain such parts of the land within a prescribed area as they might require for the purposes of their undertaking, and to divert and appropriate the waters of Thetis lake and Deadman's river and its tributaries as they should judge suitable and proper, and to acquire any interests in the said lands or waters or any privileges that might be required for the purposes of the company.

By section 10 of the same act, "the lands, privileges and waters which shall be ascertained, set out or appropriated by the company for the purposes hereof as aforesaid, shall thereupon and for ever after be vested in the company, its executors, administrators, assigns and assigns."

The amending act of 1892, the provisions of the principal act as to appropriation and diversion (but vesting) were extended so as to embrace Goldstream river and its tributaries, except that there is no vesting clause similar to that contained in said section 10, and also in the power conferred to divert and appropriate water from this river and its tributaries, is to be subject to any grant of rights, privileges or powers, and also to the provisions of the Corporation of Victoria Waterworks Act, 1873; and by section 9 that nothing in the act is to be construed as derogating from any grant or privilege accorded to the city under the provisions of the said act. Then by section 10 it is stated that the lands and waters are conferred only on the condition that the company will supply, on terms which shall be fixed by a maximum quantity of 5,000,000 gallons per diem to the city if so required.

Much of the argument was devoted to the true meaning of the word "vested" in principal act, i. e., as to what is the nature of the grant as regards the waters, particularly as regards Goldstream river and its tributaries, there is only a right to use it for the purposes of the company, and that such goes to waste as reasonable under the provisions of the Water Clauses Act, 1877; while the company maintains that it has an absolute grant of the water, and that therefore any one can interfere with it. Both contentions have difficulties to cope with. On the one hand, if the company has only a right to use the water, so much of section 10 vests the "waters" in the company as is at least surplusage, as by section 9 it was already given the right to divert and appropriate the water, and it is not an absurdity to "forever after vest" only the water which is diverted and parted with to the company in pursuance of the undertaking. Nor, apparently, does it do to say that what is "forever" vested, is a theoretical quantum, as the quantum is constantly varying in volume. On the other hand, if we were to hold that there is an absolute grant of the "waters" themselves, i. e., that this word has a general comprehensive term, including all streams, creeks and bodies of water existing over the area, and that would then be the anomaly of a different construction being placed on the same day respecting a similar undertaking, viz., the Nanaimo Waterworks Company. That company's charter empowers it to divert and appropriate so much of the water from Nanaimo river as a certain point as it might consider suitable, and "forever after vests" the waters appropriated in the company, but it is of course not possible that the legislature meant to make an absolute grant of a particular cross-section of the water in the river. It would also appear to be too fantastic a conception to consider that the legislature intended that there should be successive grants in proportion to the amount diverted as the undertaking developed from time to time. The difficulty of holding that there was intended to be an absolute grant is also enhanced in the case of Goldstream by reason of the fact that there is no corresponding vesting clause in the amending act of 1892.

On the whole, I think the best solution of the problem is to be got not by dissecting any portions of the legislation minutely, but by surveying the whole together. Treating it in this way, I think that the legislature intended that to make a grant in terms of "waters"—which of course it could do if it chose—but, what for most purposes amounts to an absolute grant, is to confer an exclusive license to use them from time to time and at all times for the purposes of the undertaking, which shall be "forever after vested" in the company from the time that all outstanding interests in respect of such waters were extinguished, and I think a strong argument in favor of this view is the presence of the conditions imposed in favor of the city in the company's act of 1892.

It is obvious that so long as those conditions remain in force no one else could be permitted to interfere with the waters unless they were also to be permitted to put the company in jeopardy of losing its franchise under the act, and having its undertaking destroyed because of its inability to carry out

the conditions by reason of the interference. It certainly could not have been the intention of the legislature to leave it open to any person to come in and say to the company that it must take its water from Goldstream from above a certain point to supply the water that might be demanded by the city, because it intended to take water from below that point. There is nothing in the act to say where or how the water is to be taken, and it seems clear that in these matters the water is left entirely to the company; in other words, it is given the exclusive use and control of the stream.

But even if these conditions had not been inserted, I think the legislature must be taken to have known that to establish waterworks plants requires large sums of money, and that unless there is a sufficient source of supply reserved to provide for expansion and development, few, if any, capitalists would embark on such an enterprise, and therefore the court should be slow to hold in the absence of clear language that the company is empowered to do that after those who had obtained the franchise had proceeded to expend large sums of money on the works, and being ready to invest their money should have the right to come forward on the plea that the franchise was not an exclusive one, and claim to interfere with the streams which have been bona fide appropriated, and thereby seriously cripple, or perhaps destroy, the undertaking.

If then it is given the exclusive use and control of the stream, it would be contrary to sound legal principles to hold that the Water Clauses Act of 1877, being a later general act, was intended to enable any person or corporation to interfere with the rights and obligations created by this special legislation in respect of these particular waters in the absence of plain and unmistakable language, and on this point I am strengthened by the remarks of the learned trial judge.

I will assume, however, that the franchise does not amount to the exclusive use and control of the stream, but only a right to divert and appropriate the water conferred. Even then I think that the city's claim to record the so-called "waters" under the act of 1892 is not well founded.

The act declares all "unrecorded" water to be vested in the crown (which means once vested it cannot be divested without a new record or grant), and proceeds to provide a general code by which the right to take such water is to be obtained, and the duties of the officer of the application and the circumstances. Unrecorded water is defined to be "all water which for the time being is not held under a record in accordance with a record under this act or under the acts repealed hereby, or under special grant by public or private act, and which is not held under a record for the time being unappropriated or unoccupied or not used for a beneficial purpose."

It is ambiguous. This definition appears to be not altogether free from ambiguity, for in addition to water held and used under a record, it includes water which it may mean to exclude water held under special acts; or, on the other hand, it may mean to exclude only water held under special acts, and not water held under other special acts. If it is ambiguous, then again, of course, well known rules of construction would prevent us from holding that the act was intended to apply to application to particular streams dealt with by special acts. But I will assume that the act was intended to apply to the last member of the sentence in the former portion is removed. Even then, I think the fallacy in the argument is that the act was intended to apply to particular streams dealt with by special acts. But I will assume that the act was intended to apply to the last member of the sentence in the former portion is removed.

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seek the permission, it seems a reasonable inference that the legislature, having, as it did, the needs and desires of the city brought to its attention, considered that to give such permission was impracticable and inexpedient.

There is also the circumstance to be taken into account, referred to by the learned trial judge, that while the Company's Act of 1892 makes no reference to future legislation, all the other private acts passed in the year 1892, providing that the rights granted are to be subject to future legislation.

It was strenuously argued for the city that the company were and are using the waters of Goldstream for a purpose not authorized by its charter, and that the company are diverting large sums of money and that unless there is a sufficient source of supply reserved to provide for expansion and development, few, if any, capitalists would embark on such an enterprise, and therefore the court should be slow to hold in the absence of clear language that the company is empowered to do that after those who had obtained the franchise had proceeded to expend large sums of money on the works, and being ready to invest their money should have the right to come forward on the plea that the franchise was not an exclusive one, and claim to interfere with the streams which have been bona fide appropriated, and thereby seriously cripple, or perhaps destroy, the undertaking.

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23rd of April, 1892, unappropriated and therefore fell within the sweep of the act of 1892. Nor can the company by taking possession of the source of the stream confer on itself any greater rights than those conferred by the statute. The act merely granted a license to take what was necessary. By a public statute of the same date the crown reserved to itself the right to take water in that stream and in 1897 parliament prescribed a method by which the right to use these waters, as well as to take water out of the stream, was to be obtained, that is to say, by application to a commissioner, from whom, instead of from parliament, a right to perpetually use water was to be obtained. In making that grant the commissioner must have regard to existing rights (s. 15). His adjudication is subject to review by the Lieutenant-Governor in Council (s. 42b). In short, he can take into consideration all those matters which the private bills committee would consider in dealing with a petition for a private bill. Under the scheme of the Act the Lieutenant-Governor is to be satisfied that the water to be taken is done by the plaintiffs, and by the same time see that the waste waters are made available for the purposes of the water works which they proposed, and there used for the purpose of such a project as the water works, tramway company, but although they have abundant water for distribution, they do not employ any for any purpose other than for the water works power at this one place. The defendants seek to acquire this water at the expense of the water works company, and to have its water of Goldstream under the Act of 1873. After making these declarations, it seems unnecessary to make a declaration as to the plaintiffs' rights.

Morrison, J.—The defendants, the city of Victoria, in 1905, invoked the provisions of part III. of the Water Clauses Consolidation Act, 1877, which deals inter alia with the supplying of water to cities, and posted notices of intention to apply for certain rights over the waters of Goldstream. Thereupon the plaintiffs brought the present action, seeking to enjoin the defendants from further proceeding with those applications, basing their claim upon an exclusive right to the waters of Goldstream, which they alleged to have acquired from the legislature and riparian owners, respectively, and which right will be invaded if the records sought are granted. The defendants seek a declaration of their rights as claimed.

In the year 1873 the legislature passed an act dealing with the supply of water to the city of Victoria, then as now the capital of the province of British Columbia. The critical position of the municipality as to the quality of its water supply was a matter of public concern, and an area containing within the radius of twenty miles of the city was designated, from which a supply could be obtained—a species of water preserves—Goldstream lies within that radius, but the city did not seek to utilize its waters until the application in 1905.

In 1885 the Esquimalt Waterworks Company, the plaintiffs, were incorporated, and their objects were to construct, manage and maintain waterworks to supply the town of Esquimalt, the town of Cowichan, the Royal Naval Hospital, and the residents of a peninsula particularly described, but which does not include the city of Victoria, and to acquire the right to take water for the purpose from Thetis lake and Deadman's river.

By section 9 they acquired rights of protection of the public as well as of course only for the purposes for which the company was incorporated. By section 10, after appropriation, etc., the lands, privileges and waters became vested in the company. The company exercised those statutory rights.

In 1892 the legislature had before the counter-claim, and the plaintiffs' rights within the province, for at the session of that year, the Water Privileges Act, being chapter 47 of the statutes of 1892, was passed, as well as a number of acts incorporating water works companies, electric light companies, and for no other purpose than to provide for the acquisition of water for ordinary domestic, agricultural and mining purposes, and the supplying of water by water works systems in the incorporated localities. As a consequence of the passage of the act, the necessity of obtaining the sanction of the legislature for the acquisition of water for the purposes of the company was removed. The act deals with the acquisition and expropriation of "recorded" water and "unrecorded" water. "Recorded" water is defined to be water which is held under a record for the time being unappropriated or unoccupied, or not used for a beneficial purpose.

Much reliance was placed by the counsel for the city on the words "not used for a beneficial purpose," and having regard to the preamble, and the scope of the Water Privileges Act, 1892, and Water Clauses Act, 1877, I do not see how the contention of the city that the waste waters of Goldstream are "not used for beneficial purposes," can be resisted, provided the act of 1897 applies. It may seem unjust or unfair on the part of the city to avail themselves of all the work of the Esquimalt Waterworks Company, but that cannot affect the plain words of this section.

The question then is, whether the act of 1892, passed on the 23rd of April, 1892, that is, some weeks before the Esquimalt Water Works Company was incorporated, and under their statute, there was vested in the crown the right to the use of all water in Goldstream.

The Water Privileges Act of 1892 gave them power to divert and appropriate so much of the said waters as they should deem suitable and proper. If these two sections are compared, it will be seen how much more comprehensive is the language used in the public act than in the private act. In my opinion, the statute of 1892 was intended to control the acquisition and use of the waters not appropriated on the 23rd day of April, 1892, and the operations to Goldstream, and the rule that a later general act shall not interfere with an earlier special act is not being infringed. It is not, in my opinion, the company's Act of 1892

that is to be taken into consideration in dealing with a petition for a private bill. Under the scheme of the Act the Lieutenant-Governor is to be satisfied that the water to be taken is done by the plaintiffs, and by the same time see that the waste waters are made available for the purposes of the water works which they proposed, and there used for the purpose of such a project as the water works, tramway company, but although they have abundant water for distribution, they do not employ any for any purpose other than for the water works power at this one place. The defendants seek to acquire this water at the expense of the water works company, and to have its water of Goldstream under the Act of 1873. After making these declarations, it seems unnecessary to make a declaration as to the plaintiffs' rights.

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And by section 14, the city is prohibited from distributing water within the area where the plaintiff company have the right under their act to distribute water. Thus again showing the limits within which the plaintiffs are confined in their operations. Upon the passing of the amendment to their act, the plaintiffs purchased from the riparian owners on Goldstream their lands, and proceeded and built reservoir, etc. From 1892 until 1897 the legislature did not deal with the water question. In the latter year a comprehensive and exclusive law was passed governing the granting of water rights and privileges and regulating the enjoyment and use thereof, known as the Water Clauses Consolidation Act, 1897. Section 2 attempts to define "unrecorded water," included in that definition is water "not used for a beneficial purpose." Doubtless water may be used beneficially in a number of ways, but in whatever beneficial way it is used, say by the plaintiff company, it must be in a manner authorized by their act of incorporation. The plaintiff company, not being a power company, are precluded from performing the functions of a power company. So that any use of the water of Goldstream by the plaintiffs, pursuant to their contract with the Esquimalt Waterworks Company, is ultra vires and the water so used cannot be said to be used for a beneficial purpose. The learned trial judge finds that no beneficial use was made of the Goldstream water except under their contract with the Esquimalt Waterworks Company in 1898. That the legislature did not intend to confer any power upon the plaintiffs as they are exercising on Goldstream, seems to me manifest.

The doctrine of ultra vires as enunciated in Attorney-General vs. Great Eastern Railway Company, 5 A. C. 481, was followed in a very recent case, Attorney-General vs. Metropolitan Railway Company, decided by the Court of Appeal on the 5th December, 1906, and reported in the Times, London, of that date. The principle is "that if there is an act of parliament creating a corporation for a particular purpose and giving powers for the particular purpose, that it does not expressly or impliedly authorize to be taken to be prohibited."

And Vaughan Williams, L. J., in the latter case, says that "you ought to give a wider construction to the words of a memorandum of association creating and defining the powers of a purely commercial company having no public utility powers and no monopoly, than you would give to the words of a statute creating a company like a railway company, having a public utility powers and no monopoly, and a practical monopoly."

Were the plaintiffs' contention to prevail, the result would be a practical monopoly. Applying those principles to the company's "charter of its rights," if must be held that the main purpose of its act, and restricted in its operation to the area defined thereby. The supplying of water from Goldstream to an electric tram company, enable it to operate its line of railway beyond those prescribed limits, is, in my mind, clearly ultra vires. (Vide, secs. 15 and 24 of the Plaintiff's Act of 1892.)

If this view be right, and coupling it with the fact that the plaintiffs have made no use whatever of the waters of Goldstream for a period of thirteen years, i. e., from 1885 to 1898, I cannot see how they can claim to have acquired an injunction or even a declaration of their rights in this respect. The legislature has made ample provision for the protection of the public as well as of course only for the purposes for which the company was incorporated. By section 10, after appropriation, etc., the lands, privileges and waters became vested in the company. The company exercised those statutory rights.

In 1892 the legislature had before the counter-claim, and the plaintiffs' rights within the province, for at the session of that year, the Water Privileges Act, being chapter 47 of the statutes of 1892, was passed, as well as a number of acts incorporating water works companies, electric light companies, and for no other purpose than to provide for the acquisition of water for ordinary domestic, agricultural and mining purposes, and the supplying of water by water works systems in the incorporated localities. As a consequence of the passage of the act, the necessity of obtaining the sanction of the legislature for the acquisition of water for the purposes of the company was removed. The act deals with the acquisition and expropriation of "recorded" water and "unrecorded" water. "Recorded" water is defined to be water which is held under a record for the time being unappropriated or unoccupied, or not used for a beneficial purpose.

Much reliance was placed by the counsel for the city on the words "not used for a beneficial purpose," and having regard to the preamble, and the scope of the Water Privileges Act, 1892, and Water Clauses Act, 1877, I do not see how the contention of the city that the waste waters of Goldstream are "not used for beneficial purposes," can be resisted, provided the act of 1897 applies. It may seem unjust or unfair on the part of the city to avail themselves of all the work of the Esquimalt Waterworks Company, but that cannot affect the plain words of this section.

The question then is, whether the act of 1892, passed on the 23rd of April, 1892, that is, some weeks before the Esquimalt Water Works Company was incorporated, and under their statute, there was vested in the crown the right to the use of all water in Goldstream.

The Water Privileges Act of 1892 gave them power to divert and appropriate so much of the said waters as they should deem suitable and proper. If these two sections are compared, it will be seen how much more comprehensive is the language used in the public act than in the private act. In my opinion, the statute of 1892 was intended to control the acquisition and use of the waters not appropriated on the 23rd day of April, 1892, and the operations to Goldstream, and the rule that a later general act shall not interfere with an earlier special act is not being infringed. It is not, in my opinion, the company's Act of 1892

that is to be taken into consideration in dealing with a petition for a private bill. Under the scheme of the Act the Lieutenant-Governor is to be satisfied that the water to be taken is done by the plaintiffs, and by the same time see that the waste waters are made available for the purposes of the water works which they proposed, and there used for the purpose of such a project as the water works, tramway company, but although they have abundant water for distribution, they do not employ any for any purpose other than for the water works power at this one place. The defendants seek to acquire this water at the expense of the water works company, and to have its water of Goldstream under the Act of 1873. After making these declarations, it seems unnecessary to make a declaration as to the plaintiffs' rights.

Morrison, J.—The defendants, the city of Victoria, in 1905, invoked the provisions of part III. of the Water Clauses Consolidation Act, 1877, which deals inter alia with the supplying of water to cities, and posted notices of intention to apply for certain rights over the waters of Goldstream. Thereupon the plaintiffs brought the present action, seeking to enjoin the defendants from further proceeding with those applications, basing their claim upon an exclusive right to the waters of Goldstream, which they alleged to have acquired from the legislature and riparian owners, respectively, and which right will be invaded if the records sought are granted. The defendants seek a declaration of their rights as claimed.

In the year 1873 the legislature passed an act dealing with the supply of water to the city of Victoria, then as now the capital of the province of British Columbia. The critical position of the municipality as to the quality of its water supply was a matter of public concern, and an area containing within the radius of twenty miles of the city was designated, from which a supply could be obtained—a species of water preserves—Goldstream lies within that radius, but the city did not seek to utilize its waters until the application in 1905.

In 1885 the Esquimalt Waterworks Company, the plaintiffs, were incorporated, and their objects were to construct, manage and maintain waterworks to supply the town of Esquimalt, the town of Cowichan, the Royal Naval Hospital, and the residents of a peninsula particularly described, but which does not include the city of Victoria, and to acquire the right to take water for the purpose from Thetis lake and Deadman's river.

By section 9 they acquired rights of protection of the public as well as of course only for the purposes for which the company was incorporated. By section 10, after appropriation, etc., the lands, privileges and waters became

WEEKLY WEATHER SYNOPSIS

Victoria Meteorological Office, January 11, 1907. The chief characteristic of the weather during this province and an excessive snowfall in the southern part of the province.

The weather continued unsettled and until the 5th, when the pressure began to increase in the north and a vast important area of high barometric pressure moving down western British Columbia and nearly the entire western part of the continent and holding its position during the remainder of the week.

These conditions caused a great fall in temperature, especially in the west provinces; heavy snow fell on the coast and higher land in Vancouver Island. Skating prevailed for several days at Victoria and at New Westminster the continent and holding its position during the remainder of the week.

At Vancouver—Highest temperature, 43 on 3rd; lowest, 12 on 7th; total precipitation, including 6.30 inches of snow, 1.02 inch.

At New Westminster—Highest, 38 on 3rd; lowest, 19 on 7th; total precipitation, including several inches of snow, 1.08 inch.

At Kamloops—Highest, 22 on 4th; lowest, 14 below zero on 5th; five inches of snow.

At Barkerville—Highest, 4 on 3rd; lowest, 23 below zero on 2nd, snow, 1 1/2 inch.

At Port Simpson—Highest, 30 on 5th; lowest, 8th; lowest, 10 on 5th; min, 42.5.

At Atlin—Highest, 28 on 8th; lowest, 2 below zero on 5th and 7th; snow, 3.60 inches.

At Dawson—Highest, 4 on 8th; lowest, 2 below zero on 5th and 7th; snow, 3.60 inches.

At Fort Simpson—Highest, 30 on 5th; lowest, 8th; lowest, 10 on 5th; min, 42.5.

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house, Poul Bay road. The statutory meeting of the court of revision of the voters list will be held January 11th from 10 a. m. to 11 a. m.

The Junior Branch W. A. will hold their first meeting of the new year in the cathedral school room Friday, December 11th.

This afternoon the combined sewing and business meeting of the Women's Auxiliary mission, Cathedral branch, which was postponed from last week, was held at Christ church cathedral.

On Tuesday Fred Davey was appointed to the position of auditor at the meeting of the Victoria Building Society, in place of the late J. E. Church.

The fire brigade was called out about 11.30 Tuesday to the Taylor-Pattison saw mills on Victoria Ave. A quick run was made and the fire, which had broken out among some shavings, was quickly extinguished without any damage being done.

On Monday evening the death took place at the family residence, Cedar Hill road, of Clara Margaret, eldest daughter of Peter and Ann Merriman. Deceased was 22 years of age and was the wife of this city.

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LIBERALS OF CITY UNITE IN NAMING THE WINNING TICKET

R. L. Drury, Richard Hall, W. G. Cameron and J. D. McNiven Will Be the Standard Bearers in the Approaching Provincial Election.

The financial condition of the province was something in which the McBride government expressed its pride. The speaker reviewed its acts in this connection.

The next speaker was Richard Hall. After thanking the convention for the honor done him and the other nominees who had moved that the nomination be made unanimous, he expressed his confidence that the next legislature would be Liberal.

Mr. Drury, who was received with loud cheers, thanked the Liberals of Victoria for their confidence in him, in his efforts in the present campaign, but in again doing him the honor of making him their standard bearer.

Mr. Cameron, the next speaker, after thanking them for the honor they had done him, briefly reviewed the record of the government for the past three years. He reminded the convention that the election was in their hands and that if the Liberals were to be returned it must be through their efforts.

After thanking them for the honor done him, Mr. McNiven contrasted the Liberal leaders with those of the Conservative party. He said that he had a man under whom they were proud to work.

He asked why Hon. Chas. Wilson had resigned. He referred to the unconstitutional method followed by Mr. McBride on that occasion. Why had Mr. Green resigned? No one knew.

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DOCTORS DISPUTING AMONG THEMSELVES

Professional Ethics Have Been Brought Into Question.

The newspapers have been giving a good deal of prominence to the question of whether doctor should advertise, is being fought out in the courts in the case of Ontario Medical Council vs. Crichton.

"We sent for a sample of Psychine, and it did her so much good that we immediately purchased a further supply from our druggist, Mr. Millard. Today she is well and strong, and I thank you for restoring to me my faithful wife and helpmate."

"Our friends and neighbors are astonished at Mrs. Beach's recovery, and join with us in wishing you success." "Yours, etc."

Psychine (pronounced Si-been) is an absolute cure for coughs, colds, bronchitis, catarrh, chills, night sweats, wasting diseases, consumption and all stomach troubles, and answers to \$1 at all drug stores, or at Dr. Slocum's Laboratory, 173 King Street, west, Toronto.

Meeting of the Ladies' Committee—Donations Acknowledged. The ladies' committee of the British Columbia Protestant Orphans' Home held its regular monthly meeting in the city hall on Monday afternoon.

The acting matron reported \$2 little in the Home, all well, and the return on Christmas day had been very generous. Mrs. Noah Shakespeare and Miss Aubin were appointed visitors for January.

It was agreed to take the necessary steps to have the dining room covered with linoleum, and rubber placed on the stairs. The acting matron reported \$2 little in the Home, all well, and the return on Christmas day had been very generous.

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LOCAL NEWS

The total clearings at the Victoria Clearing House for the week ending January 8th were \$1,918,997.

Steamer Venture will sail for northern British Columbia ports on Wednesday, January 11th.

Dr. Lewis Hall has announced his intention of contesting Ward No. 1 in the approaching municipal elections.

There will be a meeting of the board of school trustees at 4.00 p.m. tomorrow in Supt. Eaton's office, city hall.

Richard Phillips, a pioneer of 1872, aged 74 years, a native of Cornwall, England, and for many years employed as a storehouse man at H. M. Dockyard, Esquimalt, died Tuesday at the residence of his son.

Far West lodge, K. of P. has decided to have their installation of officers on Friday, January 11th, at 8 p.m.

Complaints are being made by the voters of the province, which prevails among the boys attending the Normal Ward school of throwing stones on the ice at Goddard's lake, and the suggestion has been made to have some steps taken to prevent it while the skating season is on.

The quarterly general meeting of the Victoria board of trade will be held in the board of trade building on Friday next at 3 o'clock.

The vacancy in the sub-high school staff, caused by the resignation of Miss McGregor, who has received an appointment in the Waseda College, Japan, was filled by Miss Margaret Allan, of the Boys' Central school staff.

An experiment which has been greeted with signal success is that made by the board of school trustees in regard to saving banks in the public schools. In October last the trustees decided to make a trial of the system of school saving banks which is becoming so common in the East.

On Saturday evening next at St. Barnabas' church schoolroom, on Cook street, C. F. Moore, who was paymaster in the Chinese forces under General Gordon, will give a lecture on China as it was in the days of that great general. The lecture will be illustrated by lantern slides shown by T. W. Palmer.

The Lord Bishop of Columbia will preside, and the following programme will be rendered under the direction of A. Longfield: Scotch ballad, Mr. Taylor; songs, selected; Miss Bishop; cornet solo, "The Lost Chord"; Jas. Douglas; song, "There Let Me Rest"; Mr. Richmond; song, "The Gallants of England"; Mr. Dowler; violin duet, "La Cinquante"; Miss Brooks and Miss Greenhalgh; song, "For All Eternity"; Mrs. Staneland; song, "The Veteran"; J. G. Brown.

The following donations were received at the W.C.T.U. home during December: Mrs. N. Shakespeare, one sack flour and plum pudding; Mrs. Cooper, box bon bones, present for each inmate; Mrs. McGregor, candies, dishes and wrapper; Mrs. Goodacre, one sack flour; Mrs. Hardie, clothing; Mrs. Gill, 15 cash, 2 lbs. butter; A. Friend, ham; Mrs. Fendray, turkey; R. Porter & Sons, turkey; Mrs. Humber, fruit, candy and sausage; Mrs. Lester, fruit and candy; Mrs. Spencer, one roast beef; Mrs. Munzie, one box oranges; A. Friend, \$2.50 cash; Mrs. W. C. Wilson, plum pudding; Mrs. William Grant, dinner set; Mrs. Waite, head cheese; Mrs. Van Tassel, one box apples, one jar preserves; Mrs. Meaton, mince meat; Mrs. McNaughton, milk.

NEW IRISH SECRETARY. Report that Louis Harcourt Has Been Appointed Successor to James Bryce.

London, Jan. 9.—Louis Harcourt, Liberal member of parliament from Lanchashire and son of the late Sir Wm. Harcourt is understood to have been appointed to the Irish secretaryship to succeed James Bryce. Mr. Harcourt is understood to have been appointed to the Irish secretaryship to succeed James Bryce.

Learn Veterinary Dentistry at \$2000 a year. We teach you at home in three months and grant diplomas with degree. Particulars for The Detroit-Veterinary Dental College, Detroit, Mich.

Frederick Bolton, a man, was a sufferer from blood poisoning. He had been treated by a Plymouth Rock rooster, and neglected the wound. Blood poisoning had set in and he died within a week. The air is full of disease germs and poisonous microbes, and if doctors or diseased sores, such as eczema, etc., just as effective.

Zam-Buk is a cure for eczema, scalds, sores, itch, ringworm, rashes, ulcers, abscesses, cold sores, ring of open wounds, cuts, burns, scalds, bruises, chapped hands. As an embrocation it relieves rheumatism on chest due to cold, and cures rheumatism, sciatica, neuralgia, and all other pains. It is obtainable from all druggists, or from Zam-Buk Co., Toronto, for price, 6 boxes for \$1.

The Winning Four

R. L. DRURY. RICHARD HALL. W. G. CAMERON. J. D. McNIVEN.

tered the contest and been elected, it would have been a pecuniary loss to him. With cheers the motion was carried.

Mr. Drury, who was received with loud cheers, thanked the Liberals of Victoria for their confidence in him, in his efforts in the present campaign, but in again doing him the honor of making him their standard bearer.

Mr. Cameron, the next speaker, after thanking them for the honor they had done him, briefly reviewed the record of the government for the past three years. He reminded the convention that the election was in their hands and that if the Liberals were to be returned it must be through their efforts.

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CANDIDATES NOMINATED

Table with columns: Constituency, Liberal, Conservative, Independent. Lists names of candidates for various constituencies including Alberni, Atlin, Barkerville, etc.

ZAM-BUK CURES BLOOD POISON

Even when blood poison has already set in, Zam-Buk is still just as effective. Miss Saddington, of Hunteville, (Ont.), says—"I had a scalded arm which went the wrong way and began to swell very badly. The pain from it was terrible and when I went to the doctor he said it was blood poison. For 10 months I was very bad with it. I tried all sorts of remedies, but could not get case, to say nothing of cure. One day in the house of a friend Zam-Buk was mentioned to me. On my friend's advice I applied some Zam-Buk that same night, but it was more to please her than because I had much faith in it. To my intense surprise when I awakened next morning my arm was much better. I thereupon obtained a supply of Zam-Buk and continued with the treatment regularly. In three weeks the arm was quite well, and I have never felt any trace of pain from it since. It is now some months since it was cured, so that it is evident the cure is permanent."

Send for FREE BOX. Send in stamp and name of the doctor to whom you wish to refer. We will mail you a FREE BOX of Zam-Buk, and free trial box will be mailed you.

Might have been saved by ZAM-BUK THE GREAT SKIN-CURE.

MR. MCCOMB WILL REMAIN CITY EVANGELISTIC SERVICES FOR ANOTHER WEEK

Is Under the Joint Auspices of the Y. M. C. A. and the Y. W. C. A.

(From Wednesday's Daily).

Following the week of prayer which ends Friday evening...

On Sunday at 1 p.m. a mass meeting will be held in the New Grand...

Special music has been provided for the meetings...

A feature of the campaign to be conducted will be the open air meetings...

The evangelist, Mr. McComb, who is an interesting personality...

At 8:15 p.m. there will be an evangelistic rally for both ladies and gentlemen...

You will notice the importance which is being attached to this feature of the work...

MUNICIPALITY

Victoria West Voters Discuss Coming Election and Will Hold Big Meeting Soon.

A meeting in the interests of T. W. Paterson, candidate for the mayoralty...

Last night the Municipal Voters' Association of Victoria West met at the Athlete hall...

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VOL. 38

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