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you will never be able to say that if you
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THE WEEKLY NEWS

VOL. 7

NELSON, B. C., SATURDAY MORNING, DECEMBER 12, 1908

NO. 33

CAN TAKE TIME

Heinze Need Not Yet Divide
With C. P. R.

RAILWAY CO. WILL APPEAL

COURT DECIDES THAT TERMS OF
AGREEMENT PROTECT MIL-
LIONAIRE—IMPORTANT CASE
WON BY VICTORIA STONECUT-
TERS' UNION.

(Special to The Daily News)
VANCOUVER, Dec. 11.—P. August
Heinze, the Butte millionaire, won and
sir Thomas Shaughnessy lost, in the ap-
pealed suit over the division of the 800-
000 acres in the Columbian and Western
provincial land grant, a case which the
C. P. R. will now carry to the privy
council.

Mr. Justice Clement decided a trial
in favor of the C. P. R. and ruled that
Heinze must at once select his half of
the land grant, but today the full court
agreed with the contention of Mr. Bow-
ser on behalf of Mr. Heinze that under
the terms of agreement by which he
sold his line to the C. P. R. he cannot
now be forced to submit to the partition
of the lands and that he has several
years in which to select his half of the
grant.

"Referring to one phase of this in-
volved case," said chief justice Hunter,
"it has been suggested that Heinze is
seeking to dodge taxation. Even sup-
posing that that be so, it is a matter
that must be decided between the crown
and Mr. Heinze."

A signal victory was won by the
stone cutters' union of Victoria by the
judgment of the full court late today
in the suit Graham vs. Knott, the lat-
ter being secretary of the union. In
effect the decision relieves any trades
union of liability to any applicant who
refuses to submit to the test for admis-
sion into the union and fails to secure
employment as a result of his refusal
to comply with the union's conditions.
They can threaten to strike if he is
employed and so force him out of work,
as they did in this case, and still not
be liable.

Graham was a stone cutter just out
from England and on arrival at Victo-
ria he applied for admission to the
stone cutters' union but refused to sub-
mit to their unfamiliar tests. Later he
secured employment but the employer
soon received a notice from the union
threatening a strike if he were not
dismissed. This was repeated wherever
he secured work. Graham sued the
union and judge Lammont held that
there was actionable wrong and that
he was entitled to a remedy.

Chief justice Hunter and justices
Morrison and Clement unanimously al-
lowed the union's appeal, holding that
there is no actionable wrong, the union
having showed no malicious intentions
but having merely protected itself.

The court also gave the following
decisions:

Barry vs. Desrosiers, appeal allowed.
Glazan vs. City of Rossland, appeal
dismissed.

Anglo-American Lumber company vs.
McLennan, appeal dismissed.

Buckworth vs. Nelson and Fort
Shepherd railway, appeal dismissed.

Gordon vs. Horne, appeal allowed.

Harrison vs. Granby Mining and
Smelting company, appeal dismissed.

Forest vs. Smith, appeal allowed.

Wilson vs. Ward, appeal allowed.

Lily vs. Johnston, written judgment
deferred.

GUILTY?

Italian is Accused of Shooting Father in
Quarrel.

NEW YORK, Dec. 11.—On his way
from Mill Creek, Penn., where he had
worked as a laborer for many years, to
his native home in Italy, where he in-
tended to spend his last years in com-
fort on his savings, Vito Pullero, 54
years old was murdered today in a
tenement house on Mott street. His
son, Dominico Pullero, 21 years old, is
a prisoner, charged with having caused
his father's death. The father and son
had quarrelled, Dominico objecting
strenuously to going back to Italy
while the father maintained that it was
the best thing to do. A short time af-
ter the fight in the house had heard the
exchange of angry words between father
and son, Vito's body was found with a
bullet through the brain.

EVACUATING CUBA

American Army Will be at Home By
April 1.

WASHINGTON, Dec. 11.—At the war
department the first details regarding
the withdrawal from Cuba of the Ameri-
can army of pacification which had been
on duty there since the fall of 1898
were made known today. The move-
ment of the troops will begin on Jan.
1 and will be completed by April 1. The
officers and civilians on duty in con-
nection with the provisional govern-
ment will sail from Havana the day
after the inauguration of president Go-

mez, and the troops remaining on the
island after that day will be withdrawn
as rapidly as the facilities will permit.
Three army transports will be used in
bringing the troops home and will be
landed at Newport News, Va.

BANQUET FOR BURRELL

GRAND FORKS WILL HONOR THE
MEMBER ELECT

MAXWELL SMITH'S ADDRESS ON
FRUIT GROWING

(Special to The Daily News)
GRAND FORKS, Dec. 11.—The junior
branch of the woman's auxiliary of Holy
Trinity church will hold a sale of work
and candy, suitable for Christmas, at
the rectory on Saturday evening. They
will also serve tea and coffee.

W. G. McMorris, business manager of
the Nelson Daily News, was in the city
on Wednesday and Thursday making
arrangements for material from the
"Gateway City" for the annual number
of the News which will appear in a
few weeks.

The contracting outfit of Porter Bros.
passed through the city yesterday on
the way to Polson, where they have a
quantity of work to do.

Martin Burrell, M. P., and Mrs. Bur-
rell are expected home from the coast
on Saturday afternoon.

Inspector of fruit Maxwell Smith will
address a meeting of the fruit growers
of the Kettle valley in the city hall on
Monday evening next at 8 o'clock. Mr.
Smith, who has been one of the judges
at the big apple show in Spokane, will
be able to place before the ranchers of
this district the best points of this fam-
ous exhibition and there should be a
goodly attendance, as the fruit growers
have always been anxious to learn of
anything which will advance the fruit
industry of the district.

N. D. McIntosh, formerly of the firm
of McIntosh & Heron, who was called
east a few weeks ago to see his brother,
who was seriously ill, has returned to
this city. Mr. McIntosh's brother died
before he reached the east.

At the last meeting of the city coun-
cil the clerk was instructed to com-
municate with the board of railway com-
missioners of Canada in regard to the
Callum and McFarlane were appointed to
act with the mayor as a court of re-
vision of the municipal voters' list for
the forthcoming civic elections; the
said revision to be held at the city hall
on the 21st inst at 2 p. m.

The supporters of Mayor Burrell, M.
P., will tender him a banquet at the ho-
tel Granby on Wednesday evening next,
December 16th. Mr. Burrell has been
absent from the city so much since his
election that the conservatives here
have been unable so far to show their
appreciation of his services. Mr. Burrell
is a man who made such a clean and
honest fight for "better terms and a
white British Columbia."

At the meeting of the license com-
missioners for this city which was held
yesterday, the application of A. W.
Fraser, a transfer of the hotel
license held by him to A. Trautweiser
was granted; as was also the right to
change the name of the said hotel, the
Windor, to the Yale. The application
of Jno. Webster for a transfer in re-
spect of the Windor hotel license from
himself to J. S. Miller was laid over
until the 12th of next month. The per-
mit which was granted to F. Hartinger
in respect of the Grand Forks hotel is
to be cancelled after the 15th of Jan.
next, but provided that Mr. Hartinger
erects a suitable hotel before the 15th
of July, 1909, a license will be granted
to him. The following hotel licenses
will be renewed, as far as permission
to do so from the commissioners is con-
cerned: Granby, Yale, Province, Collin
and Pacific. The bottle license of the
Lion Bottling works was also granted a
renewal; as was also the wholesale
licenses of the Lion Bottling works, Co-
lumbia brewery and Grand Forks brew-
ery. The hotel license of the Alberta
hotel was cancelled at the expiration of
the present license, Jan. 15.

The Grand Forks Amateur Dramatic
club will run an excursion from this
city to Republic, Wash., on Saturday
evening. The club will put on "A Regi-
sister J. Keiran and his defunct Fidelity
company through which it is
claimed that priests, nuns and Catholic
institutions have lost. The Chicago
creditors are insisting on the federal
receivership. Keiran is still at large.

TELLS SCOTCH

Returns Home and Tells of Canadians'
Mastery Mining Work.

EDINBURGH, Dec. 11.—James Barron,
a recent guest of the Canadian mining
institute, told the mining institute of
Scotland of the practical and mastery
work in which mining and mechanical
problems were faced and the immense
possibilities of the mineral resources of
Canada.

Fidelity Company.

NEW YORK, Dec. 11.—There will prob-
ably be a further arrival in the federal
court tomorrow of the affairs of Pat-
rick J. Keiran and his defunct Fidelity
Funding company through which it is
claimed that priests, nuns and Catholic
institutions have lost. The Chicago
creditors are insisting on the federal
receivership. Keiran is still at large.

NOT DISSOLVE

Premier Asquith Says No
Election Yet

ANNOUNCES PROGRAMME

DECLARES LORDS ARE IRRESPON-
SIBLE—VETO OF UPPER HOUSE
DOMINATING ISSUE—WILL
RAISE QUESTION OF PROTEC-
TION AND FREE TRADE.

LONDON, Dec. 11.—The government's
determination that there shall be no
immediate dissolution but that the min-
isters will meet parliament at its next
session with an important program, of
which the budget will be the leading
feature, was announced by premier As-
quith at a banquet given him at the
National Liberal club tonight by 200
members of his party as a mark of
their appreciation and confidence. The
occasion had been anticipated with great
interest as affording Mr. Asquith an op-
portunity to explain his legislation in
the face of the rejection of the house
of lords of the licensing bill.

In a speech justifying the legislative
work the liberals already had accom-
plished Mr. Asquith invited the party to
treat the veto of the house of lords as
the dominating issue in politics but he
declined to dissolve parliament at the
dictation and caprice of the upper
chamber. To admit such a claim on the
part of an irresponsible chamber would
be immeasurably absurd as it would
render the liberal government subject,
session after session, to a series of gen-
eral elections. The government would
therefore, choose its own time for dis-
solution.

With regard to the next session of
parliament Mr. Asquith said he was un-
satisfied at the delay in the details of
the program that would be forward-
ed but he declared that it would not be
a colorless list of non-contentious mea-
sures. The chief work would be con-
cerned with the budget and the weighty
domestic issues therein involved. Mr.
Mc on it the government would stand
or fall, or at any rate be judged. It would
raise again, in its most acute form, the
premier concluded, the great con-
froversy of free trade versus protection.

JAPAN MAKING TREATY

SEAL PIRACY BY YELLOW MEN TO
BE STOPPED

AGREEMENT WILL BE EXTENDED
TO BRITAIN

VICTORIA, Dec. 11.—A revival of
the pelagic sealing industry is expected
next season following an arrangement
which is being perfected at Tokyo,
whereby the same restrictions as apply
to sealers of other nations which shall
include Japanese in their scope. Mr.
advises received from Tokyo state that
the question of a Russo-Japanese seal-
ing treaty with reference to the Rus-
sian seal rookeries at Copper and Ber-
ing island and elsewhere in the north
Pacific ocean is now being discussed.
This agreement will afterwards be ex-
tended to include an arrangement with
Great Britain and the United States to
secure the enforcement of the restric-
tions made for the protection of seals
in Behring Sea and the North Pacific
ocean. The Russian ambassador at
Tokyo has been instructed to represent
his government in the conclusion of
the treaty. The text of the agreement
is now being discussed and will be sub-
mitted to the governments of Tokyo
and St. Petersburg. Copies will be re-
ferred to Washington and London. The
making of the treaty is due to the many
encroachments and the guerrilla war
fare which has existed during the past
few seasons at the Russian seal islands
where Japanese schooners have landed
and fought with the guards. Recently
advises have been received of the
shooting of some sealers. The exten-
sion of the treaty to include Behring
Sea in the scope of operations will fol-
low the agreement between Russia and
Japan.

LIVELY TENNESSEE

White Man Shoots 3 Negroes and
Wound 4 in a Saloon.

MEMPHIS, Dec. 11.—"I shot the man
that all there is to it," mumbled William
Latura, a white man of this city, as he
was being led to a cell at police head-
quarters, after killing three negroes and
wounding four in a saloon here to-
day. According to the statement of by-
standers, when Latura entered the saloon,
a group of negroes were around a pool ta-
ble in the rear room engaged in a game.
As he walked into the room, Latura after
surveying the crowd, leisurely unbuckled
a long coat he wore and drew an auto-
matic pistol. If any words passed, those
who escaped the rain of bullets which followed
shouting and confusion, did not hear them.
As Latura shot, one after another of the
negroes fell. When the police arrived three
were dead and four others were lying
about the floor, wounded. One of the dead
was a woman. The weapon empty Latura
threw it in an ash can and walked to a
neighboring saloon where he quickly sub-
mitted to arrest.

P. E. I. CABINET.

CHARLETTETOWN, Dec. 11.—
The reconstructed Hazard cabinet
as announced today is as follows:
Premier and attorney general F. L.
Hazard; provincial secretary and
minister of agriculture, John Rich-
ards; public works, J. M. Cam-
miskey; speaker, Matthew Smith.
Those without portfolio are G. E.
Hughes, Benj. Gallane, John Mc-
Millan, J. D. McInnes, Capt. Jos.
Read and Lauchlin McDonald.

DATE FOR PARLIAMENT

JAPANESE TREATY HAS BEEN DE-
CIDED UPON

RAILWAYS APPLY FOR EXTENSION
OF TIME

(Western Associated Press)
OTTAWA, Dec. 11.—January 20 was
decided upon by the cabinet counsel to-
day as the date for the opening of the
first session of the eleventh Canadian
parliament. The members had hoped
to call the house together a week
earlier but it was considered inadvis-
able to bring members to Ottawa on
January 13 with the possibility of the
new wing not being in readiness. On
the opening day the speaker will be
elected and on the following day the
speech from the throne will be read.
It will be Friday, January 23, before
the debate on the address is proceeded
with. Charles Macle, who for four
years has been deputy speaker, is al-
most certain to be elected to the
speakership.

OTTAWA, Dec. 11.—Several railway
companies are settling the issue of in-
tention to ask for legislation involving
extensions of time of beginning con-
struction. Those making application
are the Huron and Ontario, Kootenay
central, and Winnipeg and Northwest-
ern. The last named company also
wishes for authority to build branches
one from Narrows to Lake Manitoba,
westerly to Assiniboine river, and
thence northwesterly to Nut lake and
from Good Spirit lake southeasterly to
the Grand Trunk Pacific.

OTTAWA, Dec. 11.—The Bank of
Vancouver is applying for legislation
extending the date for beginning busi-
ness to two years from April last.

THEY OBJECT

Panama Will Probably Coldly Receive
U. S. Fleet.

PANAMA, Dec. 11.—The report re-
ceived here today that president Roose-
velt has ordered the sailing of the
Panama canal by American marines
under U. S. offices when the American
sailors land here during the visit of
the Pacific fleet next week, caused
surprise in government, native and
foreign circles. Last Wednesday some
prominent citizens of Panama and the
canal zone held a meeting at which
arrangements were made to adequately
celebrate the occasion of the visit of
the fleet of a friendly sister republic,
a twelfth also plans for the full pro-
tection of the sailors were taken in
charge by a special committee. On this
committee were appointed governor
Diaz, mayor Arosemena, chief of po-
lice Pretell and many other prominent
people who were educated in the
United States and who speak the Eng-
lish language fluently.

The chances are, that if the report
is true, instead of warm hospitality
cold courtesy will be tendered the mem-
bers of the fleet. The gunboat Yorktown,
which is preceding the American Pa-
cific fleet, arrived here this afternoon.

WOMAN'S DRESS

An Entirely New Shaped Human Being
—Walking Stovepipes.

PARIS, Dec. 11.—The revolution
gradually brought about in woman's
dress as a result of the dictatorial
craze is producing some curious con-
sequences. The dress designers and
makers, after having gradually brought
about what they describe as a straight
line in front, have now directed their
attention to the back portion of the
fashionable attire, and the decree has
gone forth that the straight line, both
front and back, is to prevail this win-
ter.

The result is to create an entirely
new-shaped human being, already nick-
named "la femme tube," or "the tube
woman" because the few women seen
about so far in the very latest style
of dress resemble walking
stovepipes.

The new figure requires the wear-
ing of a corset of extraordinary length,
resembling certain ancient iron instru-
ments of torture. They are made of
rubber or elastic tissue and whalebone
and reach nearly to the knees. Many
of these new corsets are on show at the
large shops.

Methodist is Stricken.

TORONTO, Dec. 11.—Rev. Dr. Wm.
McDonald, a Methodist clergyman, died
today as the result of a stroke of par-
alysis.

Old Mariner Dies.

HALIFAX, Dec. 11.—Capt. Wm. Watt,
aged 76, an old West Indian sea mar-
iner, died today.

LOWER RATES

Meeting With W. B. Lanigan
This Afternoon

COMMISSIONERS COMING

RAILWAY BOARD WILL SIT HERE
EARLY IN FEBRUARY—LOOKS
LIKE AN EARLY SETTLEMENT
OF LONG STANDING FREIGHT
RATE QUESTION.

An important conference will be
held this afternoon at the general
freight offices of the C. P. R. in the
city between W. B. Lanigan C. P. R.
general freight agent, and the repre-
sentatives of the local merchants, re-
garding the adjustment of freight rates
in and out of Nelson.

P. A. Starkey, president of the board
of trade and E. K. Beeston, secretary,
will have charge of the merchants' case
and they will be assisted by Messrs.
Goodeve and Wilson. Members of the
board of trade, it is understood, will al-
so be in attendance at the conference,
which should prove an interesting one.
The question of getting a reduction
and an adjustment of freight rates here
has been before the public in one shape
or another for the past four years, and
at present the situation is worse than
it was when the matter was first taken
up. Much of the delay has, perhaps,
been unavoidable for one reason or
another, and possibly both the C. P. R.
and the local merchants are not blame-
less, but the main difficulty has been
with the board of railway commis-
sioners, whose duties have prevented their
coming here, when their presence was
very earnestly desired.

President Starkey received word yes-
terday that the railway commissioners
have decided to hold a session in this
city early in February so that under
the existing circumstances there is
every reason to hope that a settlement,
satisfactory to the railway company, as
well as to the whole district of Koot-
enay may shortly be arrived at.

This afternoon's conference will start
at 2 o'clock sharp.

INCREASE IS GENERAL

BRADSTREET'S REPORT BANK
CLEARINGS

HOLIDAY TRADE OCCUPIES MOST
ATTENTION

MONTREAL, Dec. 11.—Bradstreet's
state of Canadian trade will say to-
morrow. Holiday trade, which is
opening up well, occupies most atten-
tion in Canadian trade circles. At the
same time the colder weather now be-
ing experienced has brought about a
larger volume of orders for heavy
weight goods. Spring orders are good.
Business failures number 60 as against
38 last week and 50 in the same week
of 1907.

	Inc. Dec.
Calgary	1,700,000 38.8
St. John	1,448,000 29.4
London	1,352,000 3.3
Victoria	1,113,000 2.9
Edmonton	971,000 2.5
Montreal	30,015,000 7.2
Toronto	29,088,000 16.2
Winnipeg	19,143,000 35.1
Vancouver	9,915,000 9.6
Ottawa	2,936,000 15.0
Quebec	2,332,000 5.6
Halifax	1,990,000 2.1
Hamilton	1,567,000 3.9

HAYTI AMUSES

Furniture and Fittings of Gunboat Are
Sold Cheap.

NEW YORK, Dec. 11.—Passengers
on the Allegheny, which arrived today
from South America and West India
ports, drew amusing sidelights on
the recent revolution in Hayti result-
ing in the overthrow of the govern-
ment. The Allegheny put in at Jeremi
where the Haytian gunboat Croyant
was anchored. The Haytian captain,
and found the late warship of the
Haytian government in the hands of an
auctioneer who was diligently distrib-
uting the furniture and fittings to the
natives at nominal prices. The sale
was continued until everything re-
movable, including doors and engine
room fixtures had been disposed of.
The gunboat lies so far aground that
no hopes of refloating her are enter-
tained.

SCENE IS EXCITING

Self-styled "John the Baptist" Holds up
Town.

EDGEWATER, N. J., Dec. 11.—Pro-
claiming himself "John the Baptist,"
claiming to save the world, an armed fan-
atic wrought up to a high pitch of
madness yesterday terrorized this village for
a full hour late today, appearing on the
main street waving a big revolver and
holding up the proprietors of several
stores. He exchanged many shots with
a hastily formed posse but was at last

wounded himself and the police helped
by citizens, succeeded in throwing him
down. No one was hit but the maniac
himself who afterwards escaped in the
midst of the excitement by command-
ing a horse and wagon, drove at a
reckless speed out of town.

OPEN REBELLION SOON

NATIVE DISCONTENT IN INDIA IS
GROWING

DEMAND HOME RULE AS IN THE
DOMINION

CALCUTTA, Dec. 11.—Secretary of
state for India, Lord Morley's scheme
for the liberalization of the local gov-
ernment here, to be announced next
Monday, is not expected to do much to-
ward allaying native discontent.

Anglo-Indians believe sedition will
ultimately have to be crushed by mili-
tary force. They have haste too. Re-
ports from all over the country indicate
frantically rapid growth in the anti-
English movement.

The entire local British population is
so sure it will break into open rebellion
soon that every departing ship goes out
loaded with women and children bound
for the safety of the home country.

The longer the delay in proclaiming
martial law, the fiercer, it is everywhere
asserted, will be the fight to re-establish
Anglo-Saxon domination. Plenty of con-
servative Britons say if things go too
far, their country's ascendancy can
never, in fact, be restored; that it
would be necessary to abandon the col-
ony altogether.

So strict has been the censorship on
news of the past few months of anar-
chist outbreaks that even here the exact
number is unknown outside official
circles.

The foundation of Lord Morley's plan
is the opening of an increased number
of high administrative government
posts to natives and a slight increase,
though not to the extent of a majority,
on the Indian council, a body with head-
quarters at Calcutta, vested with prac-
tically no real power but charged with
the duty of advising the secretary of
state on matters concerning
the Indian empire.

He also vaguely promises some form
of home rule as the country progresses.
The natives demand immediate home
rule under practically the same condi-
tions as at present in Canada.

STATE-OWNED CABLE

Companies Try to Discredit the Pro-
posed British-Canadian Line.

NEW YORK, Dec. 11.—A lengthy ar-
ticle in the New York Times tells of
fears among the monopolists in the
Anglo-American cable fields that some-
thing is about to disturb their arrange-
ments. It is not so much the agita-
tion of Henniker Heaton for a twent-
y word international cable and tele-
graph rate as it is the rumored project
for a state-owned cable across the At-
lantic by the British and Canadian gov-
ernments. The appearance in London
of hon. Rodolphe Lemieux, postmaster
general of Canada, his activities in fur-
thering his project of a British-Canadian
cable line, and his open and earnest
endorsement of the cable rate reform
movement, have aroused the Anglo-Am

SIKH TEMPLE

HOLD UP TRAIN

HOLD UP TRAIN

each of the above claims.
Further take notice that action, un-
der section 37, must be commenced before
the expiration of such certificate of improve-
ment.

this 12th day of August, A. D. 1908.
W. S. DREWRY.

