

THE WEATHER
Twenty-four hours ending 5 a.m.,
Dec. 13
MAX. TEMP. MIN. TEMP. WIND. IN. RAIN
47.0 44.0 29.871 .40

THE DAILY NEWS

Library Legislative Assembly
DEC 18 1911
NEXT MAILS
FOR SOUTH
PRINCE RUPERT, B.C. Friday 8 a.m.

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CITY HAS LOST ON BOTH OF CONTRACTORS' SUITS

JUDGE CLEMENTS AGAINST THE CITY ON QUESTION OF LIQUIDATED DAMAGES

Before Argument Commenced in the Supreme Court Case of the Contractors, His Lordship Expressed His Views on the Evidence That Had Been Offered—Argument Is Still Going On

All the evidence in the case of Watson vs. City is now in, but before hearing argument Mr. Justice Clements expressed his views on the case as far as the evidence has impressed him. He warned Mr. Peters that he would have some difficulty in substantiating the contractor's claim for \$750 against the city in this case, the difficulty being on points of law.

believe the city was liable for damages on account of the strike. The matter of the plank roadway in dispute, alleged shortage of lumber, etc., was set aside as trifling meantime, but on the point in regard to the dumping of 2,000 yards of rock at Beach place the Judge estimated that this might be charged against the city at the rate of 25 cents per cubic yard, or altogether \$500.

TEMPORARY BUILDING

Wooden Shack Round the Vault Proposed for Registry Dept.

W. J. Goepel, Provincial government inspector of office, who was here in connection with the fire which destroyed the Land Registry office, has gone below after visiting Stewart. It is understood that a temporary wooden structure surrounding the vault has been recommended to tide over the department until a permanent building is put up.

NO CHEAP LOTS LEFT

Sad Plight of "Uncle Jerry's Staff at the Present

Uncle Jerry's staff this morning were bemoaning the fact that the run on low priced properties in the last week had cleaned them out of all the cheap lots on their list. Something must be done.

Toys, dolls, games—Wallace's

FIVE ARE RESCUED

Were Taken From Tennessee Coal Mine Last Night.

Briceville, Tenn., Dec. 12.—Five miners, alive and well, were taken from the Cross Mountain mine late last night. It is known that three others of the 207 are alive.

DOCTOR, HEAL THYSELF

Thirty London Medicos are all Poisoned at an Oyster Supper

(Canadian Press Despatch.) London, Dec. 13.—Thirty medical students and doctors were poisoned at an oyster supper here for medical men. All will recover.

MAKE TORONTO AN OCEAN PORT

Ocean Steamers Will Reach the Port by Way of Lachine Canal. Will Deepen Harbor and Build Locks.

(Canadian Press Despatch.)

Toronto, Dec. 13.—Following the visit here of Hon. J. D. Hazen, Minister of Marine, public works and improvements will be made that will make this city an ocean port. Vessels will come by way of Lachine Canal up Lake Ontario to the port. The harbor will be deepened and docks built.

Prince Rupert's leading hotel—Savoy.

THE MAYOR ADMITS ON OATH THAT HE KNEW ALL ABOUT THE "RAINBOW"

Admits That While in Victoria He Received a Telegram From Acting Mayor Smith Asking That the Cruiser be Sent to Prince Rupert to Quell the Strike—Two Mysteries of the Strike are Cleared Up

A COSTLY FALL

A Vancouver Stenographer Got \$1300 from Railway Co.

(Canadian Press Despatch.) Vancouver, Dec. 13.—Hazell Bagnell, a stenographer, who was injured in a fall from a street car has been awarded \$1300 damages.

Panorium Pioneer Cleaners, Phone 4.

ANOTHER COMMISSION

This Time it is to Investigate Railway Officials

(Canadian Press Despatch.) Ottawa, Dec. 13.—A Commission has been named to investigate the complaints regarding conduct by certain officials of the Intercolonial Railway.

"When in Victoria did you receive a wire from Acting Mayor Smith suggesting that the Rainbow should be sent to Rupert to aid in quelling the strike?" The question was addressed to Mayor Manson in cross-examination by Mr. Williams yesterday afternoon when he took the box as witness for the defense in the case of Watson vs. City. Mayor Manson's reply to that question, given under oath, was "Yes." He said that he did receive the telegram asking that the Rainbow be requisitioned for Rupert. Asked what he did about it, he replied that he left it to the authorities to see to, as they had their own means of attending to the request.

So one of the mysteries long kept dark in connection with the strike has at last come to light. The Mayor was further asked: "Where were you at the time of the riot in Kelly's cut?" To this question the Mayor replied: "I was in the mayor's office at the time"; the answer set-

ting another mystery of the missing mayor. Throughout, for the most part, the Mayor's evidence was of a negative order. He did not know that the contractors had even tried to work during the strike. He would not admit that the work did not go on during the strike. He denied that he had ever talked with Contractor Frank Kelly suggesting that if the contractors compromised the matter of wages they would be let off their penalty clause, but declared that he had received letters from the P. R. I. A. demanding that the penalty be enforced. His suggestion that the parties should resort to arbitration was turned down flat by the P. R. I. A. As police commissioner the Mayor said that he had given orders that all possible should be done without violence to maintain law and order, and this he believed had been done.

Choice of liquors and cigars—Savoy.

FEARS THAT INDIAN PEOPLE WILL REBEL AT THE CHANGES

LORD LANSDOWNE AND VISCOUNT CURZON VIEW WITH ALARM THE CHANGES ANNOUNCED BY KING GEORGE FOLLOWING THE DUREAR YESTERDAY.

(Canadian Press Despatch.) London, Dec. 13.—Lord Lansdowne and Viscount Curzon in the House of Lords last night expressed their grave concern at the changes proposed in India, and in this they are supported by some Conservative papers.

According to the official papers, the new policy was carefully considered before being adopted, as being essential to the growth of local self-government in India. Lord Curzon's opinion, coming from an ex-vice-roy of India, is given more than ordinary weight.

CITY LOSES BOTH LAW-SUITS

In Scathing Terms Judge Clements Condemns the City for Its Treatment of the Contractors---Says That in Honesty and Justice Authorities Have Not a Leg to Stand on

"I propose to allow the city, if so inclined, to bear the odium of taking to appeal on a dubious point of law in a case in which in point of substantial justice and common honesty they have not a leg to stand on." With these scathing words Mr. Justice Clements handed down his decision today in the case of Watson vs. City. The decision goes against the city on every point of importance. A few minor points, involving the disposal of planks, and the question of whether or not retaining walls hindered the contractor have been decided in the city's favor, but in all main issues the plaintiff, Watson, wins, and His Lordship has ruled that the city must bear two-thirds of the costs of the action, including all disbursements and increased fees at the rate of \$100 per day for counsel. Judge Clements also gave out his decision against the city in the case of Kelly vs. City. It is practically a clean sweep.

Referring to the strike, His Lordship found the contractor entitled to an allowance of fifty days extra and said: "It was an outrage for the city to attempt to charge the strike period against the contractor under the penalty clause." He could not, however, allow the contractor's claim for damages against the city for the strike trouble, but added: "This does not in any way moderate my view of the iniquity of the city's attempting to charge the contractors for the time lost during that strike."

His Lordship ruled that the city had "improperly retained" a sum of \$750 from the contractor in respect of material dumped on low lying lots which had not yet been removed. He allowed the contractor \$500 for overhaul and \$92.50 for rock filling behind retaining wall, but did not find that retaining wall construction had hindered the contractor. He took special occasion to refer to the part played by the City Engineer in the matter, stating that the conduct of Col. Davis throughout was above reproach. After going at some length into the various points of the Watson claim, His Lordship concluded by giving in a word his decision in favor of Contractor Kelly in the other case for full amount of claim with costs.

CHINESE CREW MUTINY ON BRITISH SHIP STRATHAVON

OFFICERS HAVE TO DEFEND THEMSELVES FROM THE BRIDGE WITH REVOLVERS—CREW IS GIVEN OVER TO POLICE ON ARRIVAL AT SYDNEY.

(Canadian Press Despatch.) Victoria, Dec. 13.—Word has been brought by the steamer Makura that the steamer Strathavon from Puget Sound to Sydney has put into the latter port flying police signals. Her crew of twenty-one Chinamen were in a state of mutiny. They had at-

tacked their officers, who kept them at bay with revolvers from the bridge. They will be taken back here by the police. Christmas Season. At Keeley's a large assortment of just the proper gifts for "him" or "her."

SIDNEY CAPTAIN GETS DAMAGES

Policeman Arrested Capt. Johnson of Sidney, on a False Rumor that the Captain was Insane—Must Pay \$500.

(Special to Daily News.) Vancouver, Dec. 13.—A jury has awarded \$500 damages for false arrest in an action brought by Captain Johnson, a well-known resident of Sidney, against Constables Moore and Ego. Captain Johnson was arrested as insane following on a feud in the district. The jury held that the constables believed Johnson to be insane at the time.

THEY DON'T WANT PEACE

New York Mob Starts a Riot at Mention of the Word.

(Special to Daily News.) New York, Dec. 13.—A riotous outbreak interrupted a large mass meeting held in Carnegie Hall last night in support of arbitration treaties which President Taft has proposed with England and France.

THE LORDS REJECT

Naval Prize Bill Passes the Commons and Strikes a Snag.

London, Dec. 13.—The House of Lords last night rejected the Naval Prize bill by a vote of 145 to 53. The bill recently passed the House of Commons.

LABOR LEADER ARRIVES

Mr. J. C. Watters Will Arrange for a Labor Council.

Mr. J. C. Watters of the Victoria Trades and Labor Council arrived on the Prince Rupert this morning. He will confer with the local labor leaders tomorrow night with the view of organizing a labor council in Prince Rupert.

Which Are You?

Some people have trouble with their feet; others wear Scott, Froud & Co.'s shoes and leave trouble alone.

May Move to Terrace.

Dr. Traynor of Kitselas is in town today on business. The doctor, who has an extensive practice up river, is contemplating removal to the townsite of Terrace.

Wharf Looked Busy.

With the steamers Prince John, Princess Mary and the Venture all busy loading and unloading at the wharf last night, it looked a pretty busy spot.

IS NOW THE EMPEROR OF INDIA

Durbar of King George Was Celebrated at Delhi Yesterday Amid Great Pomp and Magnificence---An Ancient Ceremony

DELHI TO BE THE FUTURE CAPITAL

Announcement of Change in the Seat of Government Arouses Criticism at Calcutta, But Gives Great Delight to the Native Princes and Officials—State Banquet at Night Was Attended by Over Four Thousand Notables

Delhi, Dec. 13.—The wealth and gorgeousness of India outdid itself in the Durbar of King George and Queen Mary, which took place yesterday in the presence of all the native princes and millions of their retainers. Many costly presents were given to the Emperor, who wore the famous

"Star of India" in his crown. A state banquet and reception concluded the Durbar celebrations at night. More than 4,000 notables were guests of their Majesties, who expressed themselves greatly delighted with the cordial reception tendered them, the chief towns throughout India are celebrating the event with fireworks, illuminations and fetes.

It is feared the removal of the capital to Delhi from Calcutta, granted as a mark of the King's pleasure, will be resented in Calcutta, but the native princes and officials are greatly pleased, as Delhi is the ancient capital.

Raid on Blind Pig.

Under direction of Chief Vickers the police last night made a raid on a blind pig at Seventh avenue and McBride street. The house concerned was an Italian boarding house. Marie Boldecius is charged with running the blind pig and James Martini with assisting.

Well Known Launch.

The launch "Eleanor Mac," which has been lying idle for some weeks at the wharf, has been offered to the city. The Public Works Department is considering the offer.

WINTER GALES ON ISLANDS

Violent Weather Experienced on Graham Island During the Past Month—Buildings Blown Down by the Storm.

Masset, Dec. 12.—The stormy weather of the past month has been of unprecedented severity in the Queen Charlotte Islands, the wind recording over sixty miles an hour for many days. A

tree fell on the hospital tent at the Massett townsite, demolishing part of the structure, but doing no further damage. An engine house owned by Henry Edenshaw, on the Massett Reserve, was blown down, wrecking the plant. Old-timers among the natives are of the opinion that the windstorm on November 27th was the worst ever experienced on the island.

Fresh cut flowers Wednesday. Wark's.

Free doll at Ward's Candy Shop. Watch the window. tf

IS AFLOAT AGAIN

S.S. Empress of China Was Successfully Floated Today

(Canadian Press Despatch.) Tokyo, Dec. 13.—The C. P. R. liner Empress of China which went ashore on July 27, 40 miles from Yokohama during a fog was successfully re-floated today. She will be towed to Yokohama for repairs. For a long time it was feared that the vessel could not be saved.

SHOULD COME TO RUPERT

Robert Caldwell Has Only Voted Once in Eighty Years.

(Canadian Press Despatch.) St. Thomas, Dec. 13.—Robert Caldwell, who is over 80 years of age, voted for the first time in his life at the elections on Monday.

Malibut Haul.

The schooner Princess Victoria with 3,000 pounds of halibut has arrived at the Davis wharf.

QUEEN CITY IS FLOATED

Vessel That Replaced the Tees Also Meets Accident.

(Canadian Press Despatch.) Victoria, Dec. 13.—The steamer Queen City was floated safely last night and is being taken to Port Alberni. The extent of the damages is unknown till tomorrow. The Queen City, which was relieving the steamer Tees, went ashore at Dunsuir Point.

The vessel was held by the bow. She had a full compliment of passengers for West Coast points on board.

MAYOR DODGED THE ISSUE

Sidelight on the Strike Trouble Brought Out in Evidence Regarding Penalty Clause Yesterday in Supreme Court.

An effort was made by counsel for the prosecution to secure from Contractors Morgan and Kelly, in the witness box, confirmation of the statement made that the mayor had suggested to them in an interview that if they would compromise on wages with the strikers the city would forego the penalty clause. The exact words used by the mayor could not be sworn to by Mr. Morgan, who declared, however, that the mayor had said it would be to the contractors' advantage to raise the wages, and that the possible rebatement of the penalty was mentioned. "It is hard to give evidence on this matter," said witness, "because Mr. Manson was very guarded in his statements and tried to dodge the issue as much as possible."

"That is quite a political speech you have got off Mr Morgan," commented the city solicitor ironically.

Gentlemen,

Time you got "that Christmas spirit!" The women folks are wondering what you are going to give them and you are in a quandry, not knowing what to select. Bring your trouble to us. We've hundreds of things that make suitable gifts for ladies, so can easily solve the problem for you. Wallaces.

Mrs. Frizzell, who has been under the care of Dr. Kergin for some time past, is now about again and will be back at her business in a couple of days.