

The Daily News

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DAILY AND WEEKLY

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DAILY EDITION.

TUESDAY, DEC. 26

THE COUNCIL AND THE CONTRACTORS

A Business Man Writes to The News Giving His Opinions About the Council's Actions in the Matter.

As a citizen of Prince Rupert I note with more than casual interest the report in the Prince Rupert Journal of December 22nd of the proceedings of the City Council upon the question of the claims of the contractors and the pending lawsuits, etc. The position aired by the Mayor that "there were contractors who needed their money and he did not think it proper to keep them out of it longer than was absolutely necessary" appears to be rather inconsistent with his actions in the S. H. Watson & Company case, where it came out that the Mayor had refused to sign a cheque for quite a considerable sum which was not in dispute and which counsel at the trial admitted was due and owing.

The exposition of Alderman Hilditch, looking at the matter solely from the Council's point of view, is probably true; when he says Mr. Justice Clement has left the situation with respect to liquidated damages in a very unsatisfactory state, he is doubtless revealing the true sentiment of certain members of the Council. I have never yet known a case where the outcome of a lawsuit was satisfactory to the loser, and can understand that the Council is not pleased with the defeat and roasting it has received. But the voluble John goes on to say that Mr. Justice Clement has decided as to the strike period (referring to the question of liquidated damages) but not for the remainder. If this is the case, why is the city called upon to pay, and why is the Council talking appeal?

Prior to the lawsuits I understand the Council deducted liquidated damages for all delays, including the strike period, in excess of the extensions granted during the progress of the work, due to hindrances cause by the city. Now the Council has moved a little further along and is willing to allow S. H. Watson & Company for the strike period (although Mr. Justice Clement has ruled against any liquidated damages at all), and apparently is willing to waive all liquidated damages as against non-litigant contractors who will arbitrate. This surely means that the Council is prepared to grant to non-litigants the benefits fought for and won by the litigants to whom these rights are denied. But is this boon offered to the non-litigant contractors, so golden as it looks? The true inwardness of the matter would appear to be that there are other matters covered by the judgment in the Watson case which the Council does not like, and it is holding out the waiver of liquidated damages as a bait to induce non-litigant contractors to come into an arbitration tribunal presided over presumably by the City Engineer, who has declared himself as opposed to the allowance granted in the Watson judgment for back filling the excavation in muskeg below grade, who has also stated his position regarding plank roadways, extra expense on account of retaining walls, etc. Is it not like promising a peacock to leave it one plume in its beautiful tail if it will trust itself unreservedly into the hands of the plume merchant? If the entire matter were left to the arbitration of an independent arbitrator, such as Judge Young, the matter might not be open to such serious objection, provided the city undertakes to pay the cost.

The real character of the proceedings is revealed in the remarks of Alderman Newton and the Mayor. It was only a few months ago when the citizens of Prince Rupert were smiling to see how quickly Alderman Newton rushed into court when the former Council refused to pay his printing bill in full. Now he alleges that the contractors, or rather their lawyers, have acted with undue haste against the city. He has either undergone a remarkable change of heart or is looking at the matter from a different standpoint from that in which he stood a year ago. I cannot, however, see the justice of his criticism. I believe the city had ample time to decide upon its course. It apparently did so decide and it was up to the contractors to move and move quickly. Whenever I employ solicitors I always control their movements in matters of haste or delay in action. I have followed these cases carefully and am convinced that there was only one thing for the contractors to do, and that was to act quickly. In the first place it was not feasible to try these actions elsewhere than at Prince Rupert. Anyone who knows anything about the expense of taking witnesses to outside points knows this. If this case had been tried in Vancouver, it would have cost the city twice as much; in this respect the plaintiffs were kind to the city. In the second place, had these cases not been tried at the past civil sittings of the Supreme Court here it is not at all likely that a hearing could have been had until next spring, and it is ridiculous for Alderman Newton to talk of undue haste under the circumstances. Delay might have meant ruin to the contractors. In the third place, it was in the interest of every business man in Prince Rupert to have the matter settled speedily. I know in many cases large accounts are owing by the contractors to local merchants which cannot be met until the contractors are paid. Alderman Newton's cry strikes me as being the reverse of Aesop's fable of the boys throwing stones at the frogs. He complains because the contractors do not stand still to be killed.

It is clear that the remarks of Alderman Newton and Mayor Manson were aimed at Williams & Manson (the City Solicitor makes that plain), who are known to be personae ingratae with some of the city fathers. There is little doubt in the minds of many independent onlookers that the private spleen of the city fathers is largely responsible for its actions. This, as a citizen, I resent. I believe it is the duty of the city fathers to do justice regardless of their own private animosities. It is not likely the Council will love the lawyers who defeated them, although surely some admiration is due, but to penalize the contractors because you don't like their lawyers is petty and childish. The contractors are free to choose the lawyers whom they believe most capable, and it is no business of the Council whom they be. We have had one instance where this Council appealed from the judgment of Mr. Justice Clements and fared worse, and I would just like to remind the Council that it is just possible that in this case Mr. Justice Clements has handed down the judgment which the Court of Appeals would give if called upon.

A BUSINESS MAN.

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NOTICE

Notice is hereby given that an application will be made to the Legislative Assembly of the Province of British Columbia at its next session for an act amending Section 3 of the British Columbia & Alaska Railway Act, 1910 (Ch. 56, Statutes of British Columbia, 1910), by striking out all the words after the word "Columbia" in Line 10 of said section and substituting therefor the following:

"And from Fort George in a northerly direction to the valley of the Parsnip River by way of Fort McLeod, thence along the Parsnip River to a junction with the Peace River, thence along the valley of the Finlay River through Sifton Pass, thence down the Skeena River to a junction with the main line at Telegraph Creek; also powers to build branch lines either through the Pine River or Peace River passes to the eastern boundary of British Columbia, or by way of the most feasible route, or in the alternative by the most feasible route between Lytton and Teslin Lake, also to build from a point on said line of railway to the City of Vancouver or from the City of Vancouver to a point on said line, by the most feasible route."

And further, for an act extending the time within which the company has to commence construction and expend ten per cent of its capitalization.

Dated at Victoria, B. C., this 5th day of December, 1911.

ROBERTSON & HEISTERMAN, Solicitors for the Applicants, the British Columbia & Alaska Railway Company.

LAND PURCHASE NOTICE

Skeena Land District—District of Cassiar, Range 5. Take notice that I, James T. Fullerton, of Vancouver, B. C., occupation engineer student, intend to apply for permission to purchase the following described lands: Commencing at a post planted 52 chains east of Naas River and 40 chains south of pre-empted Lot No. 307 (S.E.C.), thence 40 chains north, thence 24 chains west, thence 40 chains south, following the Naas River; thence 40 chains east to point of commencement, containing 160 acres, more or less.

J. T. FULLERTON, R. H. Stewart, Agent. Dated Prince Rupert, Dec. 11, 1911. Pub. Dec. 13.

Skeena Land District—District of Coast, Range 5. Take notice that I, Abraham H. Barber, of Prince Rupert, B. C., occupation miner, intend to apply for permission to purchase the following described lands: Commencing at a post planted at the southwest corner of a small island, about twenty-five (25) chains north and two (2) chains east of the northwest corner of Lot 1322 (S.E.C.), Coast District, Forcher Island, thence following the shore line in a northeasterly direction about twenty (20) chains to point of commencement, thence in a southwesterly direction along the shore line about twenty (20) chains to point of commencement, containing 40 island containing about forty (40) acres, more or less.

ABRAHAM H. BARBER. Dated Dec. 6th, 1911. Pub. Dec. 13.

Skeena Land District—District of Coast, Range 5. Take notice that I, Dagobert Auriol, of Nanaimo, B. C., occupation miner, intend to apply for permission to purchase the following described lands: Commencing at a post planted at the southeast corner of Lot 448 (S.E.C.), thence north 40 chains, thence east 40 chains to point of commencement, containing 60 acres, more or less.

DAGOBERT AURIOL, Fred E. Cowell, Agent. Dated Nov. 10th, 1911. Pub. Dec. 13.

Skeena Land District—District of Coast, Range 5. Take notice that I, Theodore Nichalis, driver, of Victoria, B. C., intend to apply for permission to purchase the following described lands: Commencing at a post planted at the southwest corner of Lot No. 2287, thence east 80 chains, thence south 40 chains, thence west 40 chains, thence north 80 chains to point of commencement, containing 480 acres, more or less.

THEODORE NICHALIS, Fred E. Cowell, Agent. Dated Oct. 31, 1911. Pub. Dec. 9.

Skeena Land District—District of Coast, Range 5. Take notice that I, Paul Curtiss, clerk of Victoria, B. C., intend to apply for permission to purchase the following described lands: Commencing at a post planted at the southwest corner of Lot No. 2287, thence east 80 chains, thence south 40 chains, thence west 40 chains, thence north 80 chains to point of commencement, containing 180 acres, more or less.

PAUL CURTISS, Fred E. Cowell, Agent. Dated Oct. 31, 1911. Pub. Dec. 9.

Skeena Land District—District of Coast, Range 5. Take notice that I, Michas Beganis, cook, of Victoria, B. C., intend to apply for permission to purchase the following described lands: Commencing at a post planted on the north side of Williams Creek, where the Kitimat branch of the G. T. P. Ry. crosses Williams Creek, and about 100 (100) chains from the creek shore, thence south 30 chains, thence east 40 chains, thence north 30 chains, thence west 40 chains to point of commencement, containing 120 acres, more or less.

MICHAS BEGANIS, Fred E. Cowell, Agent. Dated Oct. 31, 1911. Pub. Dec. 9.

Skeena Land District—District of Coast, Range 5. Take notice that I, Samuel Bellteas, gardener, of Victoria, B. C., intend to apply for permission to purchase the following described lands: Commencing at a post planted on the north side of Williams Creek, about ten chains back from the creek bank, and about fifty chains south from the Kitimat branch of the G. T. P. Ry. right-of-way crosses Williams Creek, thence south 40 chains, thence east 40 chains, thence north 40 chains, thence west 40 chains to point of commencement, containing 160 acres, more or less.

SAMUEL BELTEAS, Fred E. Cowell, Agent. Dated Oct. 31, 1911. Pub. Dec. 9.

Skeena Land District—District of Coast, Range 5. Take notice that I, Louis Caleris, driver, of Victoria, B. C., intend to apply for permission to purchase the following described lands: Commencing at a post planted at the southeast corner of Lot 1725, thence south 80 chains, thence west 40 chains, thence north 80 chains, thence east 40 chains to point of commencement, containing 320 acres, more or less.

LOUIS CALERIS, Fred E. Cowell, Agent. Dated Oct. 31, 1911. Pub. Dec. 9.

Skeena Land District—District of Cassiar, Range 5. Take notice that James Ewing Macrae, of Vancouver, occupation real estate agent, intends to apply for permission to purchase the following described lands: Commencing at a post planted about seven miles distant and in an easterly direction from the Naas River, and about eight miles north of Alyanah Indian village, thence north eighty chains, thence east eighty chains, thence south eighty chains, thence west eighty chains to point of commencement.

JAMES EWING MACRAE, H. P. Rutter, Agent. Dated Oct. 31, 1911. Pub. Dec. 14.

Skeena Land District—District of Queen Charlotte Islands. Take notice that Ellen Marion Young, of Victoria, B. C., occupation spinner, intends to apply for permission to purchase the following described lands: Commencing at a post planted at the southeast corner of Lot 1552, thence west to the northeast corner of Lot 1553, thence south to beach, thence along beach to point of commencement, containing one hundred and four (104) acres, more or less.

ELLEN MARION YOUNG, George Young, Agent. Dated Nov. 15, 1911. Pub. Dec. 15, 1911.

Skeena Land District—District of Queen Charlotte Islands. Take notice that John Scott Young, of Saanich, B. C., occupation spinner, intends to apply for permission to purchase the following described lands: Commencing at a post planted at the northeast corner of Lot 1555, thence south to the north boundary of Lot 1551, thence east along the said boundary to the seashore, thence following along the shore to the point of commencement, containing three hundred and sixty-one (361) acres, more or less.

JOHN SCOTT YOUNG, George Young, Agent. Dated Nov. 15, 1911. Pub. Dec. 15, 1911.

Skeena Land District—District of Cassiar, Range 5. Take notice that Charles Bowen, of Seattle, Wash., occupation woodsman, intends to apply for permission to purchase the following described lands: Commencing at a post planted four miles east of the Naas River and about five miles north of Alyanah, thence north eighty chains, thence south eighty chains, thence east eighty chains, thence north eighty chains to point of commencement.

CHARLES BOWEN, H. P. Rutter, Agent. Dated Oct. 31, 1911. Pub. Dec. 14.

Skeena Land District—District of Cassiar, Range 5. Take notice that Frank Furey, of Seattle, Wash., occupation chairman, intends to apply for permission to purchase the following described lands: Commencing at a post planted about six miles east of the Naas River and about seven miles north of Alyanah, thence north eighty chains, thence south eighty chains, thence west eighty chains to point of commencement.

FRANK FUREY, H. P. Rutter, Agent. Dated Oct. 31, 1911. Pub. Dec. 14.

A REAL LIFE TRAGEDY

Evelyn Granville, a Famous ex-Beauty, Now Is Fallen.

New York, Dec. 22.—Evelyn Granville, whose charms and wit made her the talk of Broadway when she was a chorus girl a score of years ago, the other day staggered into Harlem Police Court, a ragged old woman, and threw herself across the rail, screaming to Magistrate Corrigan.

She was sent to the court prison, where she fainted and for a time physicians thought she would die of heart disease. Later she recovered sufficiently to go home.

Years ago Burton C. Webster killed Charles E. Goodwin, a Broadway "swell," over Goodwin's attentions to her. Webster was sent to Sing Sing for 19 years, but later was paroled.

"It was a good thing," said Magistrate Corrigan, "for some of the young women who sit until closing time in Broadway restaurants and think of life as all silk stockings, diamonds and champagne, to call on this woman. They might learn something—but probably they would not."

Born Like Caesar.

Chicago, Dec. 24.—A successful Caesarian operation performed in a local hospital brought a lively baby into the world half an hour after the death of her mother. The mother developed a sudden swelling of the throat while in the hospital pending the delivery of her child, and she died before anything could be done to relieve her. The attending physician tried the expedient that saved Julius Caesar to the world.

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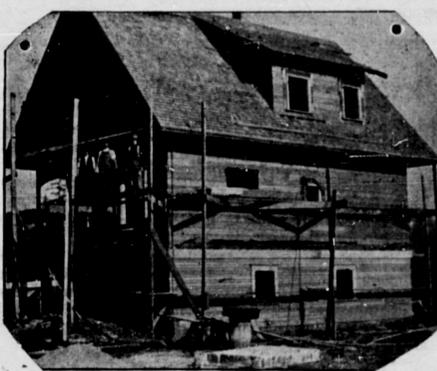
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