

It can not be said that Mr. Bowser is over-zealous, or success in connection with his prosecution. In the first place the Miller Act, passed by the Canadian Parliament a few years ago, has not been regarded by people up-bowed to race meetings as an impregnable place of legislation, and in the next place there are two decisions of Chief Justice Hunter of the Supreme Court of British Columbia to the effect that the pari-mutuel system of betting, as carried on at Minoru, is not gambling. To secure a conviction it will be necessary for the authorities virtually to upset these decisions of the chief justice. Mr. Bowser said this morning that it would be necessary for his lawyer to prove that the pari-mutuel system is a form of gambling. He understands that this decision has finally been reached by the courts of Australia, which is a great horse-racing country.

Against Three Months' Racing.

"In recent proceedings in a Victoria court," said Mr. Bowser this morning, "it was officially stated that the intention was to continue the race meeting or meetings until Sept. 31. That means almost three months of racing, which is altogether too long, in my opinion; and in response to what appears to me to be the very general sentiment of the people of this community I intend to do what I can to put an end to the present session at Minoru."

"On looking up the facts connected with this matter," continued Mr. Bowser, "I find that on June 14, 1912, the case of Schnell vs. the British Canadian Thoroughbred Association was argued before the chief justice. Schnell had asked for an injunction preventing the holding or continuance of the race meeting, but the chief justice decided that pari-mutuel machines were not gambling devices and that there could be no ground for official interference."

"A second decision was recently given by the chief justice on a similar motion brought before him at Victoria. In this instance the case was entitled E. Bonner Against the British Columbia Thoroughbred Association. The name of the defendant is slightly different from what it was in the first case, the intention apparently being to conduct technically a series of race meetings under different association names, keeping each individual company's name within fairly narrow limits. I am informed that the plaintiff Bonner is a stockholder in the association and I suppose it is a reasonable guess that Schnell was a member of the firm, so to speak, in the first case of two years ago."

"The actions in both cases have been friendly ones declared, of course, to secure if possible a favorable view of the court to the moot question of whether or not the mutual machines are gambling devices. The Bonner case was brought before the chief justice at Victoria on June 30 last, just a day after the opening of the meeting here. The court decided that there was nothing shown in contravention of the law, and the motion for injunction was accordingly dismissed."

Quick Action Not Likely.

When the case comes before the magistrate at Richmond counsel for the racing club will doubtless point to the decision of the chief justice and naturally argue that this is ruling law in any magistrate's court in this province. If the magistrate should decide that he is, therefore, compelled to dismiss the charge which the attorney-general will cause to be laid, the only action possible is an appeal to a higher court. This is a vacation time with both lawyers and judges not doing more work than the hot weather allows. So that it is quite possible that the starter will raise the law laid down by the chief justice a few times yet before a decision overriding the law laid down by the chief justice can be obtained, no matter how hard the attorney-general may press for it. Early in the season the understanding in a statement made to the Board of Trade was said to be that the race meetings would not last longer than a month. The board advised Hon. C. J. Osbert, minister of justice, that there was little objection to a month, but it would protest against a longer time. Mr. Osbert thereupon dropped the matter.

Smoke Is Rising from the Maru To Leave at Five a.m. Tomorrow

Capt. Yamamoto Has Said Good-bye to Mr. C. Gardner Johnson.

Hindus Surrender After a Long Fight for Admittance to Canada.

Smoke is rising from the funnel of the Komagata Maru and the tramp steamer, now famous as the storm centre of situations, which almost ended in a mimic naval battle, is expected to leave Canadian shores at 5 o'clock tomorrow morning. With the grim, grey, little old cruiser Rainbow lying in the stream not 300 yards away and with scores of trim militia men mustered on the C. P. R. wharves close at hand, ready for any emergency, the contingent of Hindus on the Japanese steamer last night gave up the fight for admittance to the Dominion, agreed to accept the terms offered by the Dominion officials and said they would make a peaceable departure.

No one expects further difficulty today although there is still an air of uncertainty in the city and Vancouver will breathe a sigh of relief when the dirty tramp steamer pokes her nose out through the Narrows and heads across the Gulf of Georgia towards the western horizon of the Pacific.

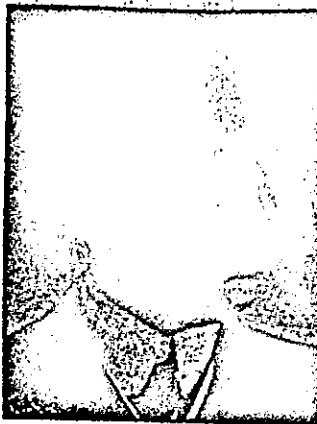
Floods of extra provisions, issued the moment the shore committee of Hindus had conceded to the Dominion Government ultimatum, told business Vancouver early last evening of the settlement of the affair. As the Asiatika on the boat had agreed to stand by whatever arrangement was made by the shore committee who represented those providing the money for the charter extension, it was quickly realized that as soon as the shore committee gave in, the whole situation was cleared. This proved to be the case, for the final conference at the Maru later on in the evening was more in the nature of a love feast than an argument.

Rainbow As Escort.

No shore leave has been granted to the complement of H. M. C. S. Rainbow. The men were all standing by yesterday with the exception of the steward's department. They came ashore to buy supplies. They were taken off to the cruiser yesterday afternoon.

This morning further supplies were sent aboard the warship, and it is understood that she is to escort the Komagata Maru outside Cape Flattery, and beyond the three-mile limit. None of the men can therefore be expected to get ashore leave tonight, as the vessel will have to be ready to hoist anchor early tomorrow.

The tug Sea Lion was alongside Pier A at noon today loading the sea stock for the Komagata Maru. A committee of shore Hindus and Inspector Hopkinson checked up the flour, canned goods, vegetables, fruit and other supplies as they slid down the plank to the deck of the tug. Vancouver pilot Captain B. L. Johnson is the pilot who is on turn to take



ROM. MARTIN BURRELL. Camb down from the Okanagan to aid authorities here in adjusting the Hindu trouble. He worked with Mr. H. H. Stevens, M.P., and Mr. Malcolm K. J. Reid all day long.

Seven Local Hindus Will Go on the Boat, to Spread Sedition, It Is Said.

Provisions Are Being Put on Tramp Steamer, Ready for Long Voyage.

Out the Komagata Maru. Capt. Johnson had the distinction of piloting the famous Hindu ship into Burrard Harbor on May 13, and it just falls to his lot to pilot her out if she goes tomorrow.

Some Seven Seditionists.

When the steamer leaves tomorrow morning she will carry, in addition to her 352 Hindu passengers, at least seven local Hindus who, it is claimed, are going to go back to India for the purpose of promoting the

JAPANESE CI WAITING

Victoria, July 1. Two Japanese were here received on the Pacific three-mile limit act an ocean Komagata Mar section of the crew is the which persons the Mexico Mar here this morning to keep day. Sufficient information obtained, however, asked of the M give ground to through exchange messages across Japanese war the Komagata she is two d from port.

sedition movement, cleared, will follow era.

Mr. C. Gardner J bye to Captain Yam ing and it is doubt: a more heartfelt fa else in his life.

Captain Yamamoto would be up today noon he would t

(Continued o

Official Launch Alongside the Maru Arr

