

FIGHTING FOR MINERS' RIGHTS LIBERALS SEEK TO AID PREMIER INDUSTRY Coal Resolution Quite in Order Lively Debate on Hopp Bill.

Legislative Press Gallery, March 5. During the last two days the Liberal party in the legislature has been busy in the defence of those who are engaged in the province's greatest industry, mining. If the Water Act were to pass as drafted it would, in the opinion of mining men, greatly hamper their operations and in many cases destroy their investments and render mining impossible for want of that prime necessity, water. As it happens, the chief mining sections of the province are represented in the Legislature by Liberal members, and the bill has been given particular attention from this standpoint.

The leader of the opposition has made a very careful and detailed study of the measure. As a result of his earnest representations the House has decided that there must be an appeal allowed from the board of investigation which is to be appointed under the act, and numerous sections, some of which vitally affect the mining interests of British Columbia have been held over, doubtless to be remodelled by the government along the lines which Mr. Macdonald, and not the framer of the bill or the government, have shown to be imperatively necessary.

This afternoon and evening a fight was put up on behalf of the miners and prospectors in the district which as one member put it, was practically all there was of British Columbia forty years ago. On John Hopp for whom, by the way, Canadian nationality does not seem to be good enough, however profitable he finds British Columbia, Mineral claims and water rights are asking the House to consolidate these claims and rights notwithstanding the fact that they are widely removed from one another. This gentleman holds twenty record claims, six placer claims, nine real estate placer claims, and thirty-five water records on twenty different streams, calling for an aggregate of 13,400 miners' inches of water in addition to the entire flow of French creek.

It is stated by the members for the district and by all who are so familiar with mining matters that the passing of this bill would effectually tie up all mining operations over a very wide district save those of John Hopp, owing to his having control of the water of so many streams. A strong protest was put up against the granting of the measure, culminating in the raising of a point of order by John Oliver which would appear to be so well founded as to delay the further progress of the bill indefinitely.

Another matter of interest to mining men was the objection raised this evening by Mr. Macdonald to the finding of prospectors who happen to work over Crown lands in the district to one person or company. There were thirty-five records, covering twenty different streams, for a total of 13,400 miners' inches. This did not leave a stream the knave of the area covered by Hopp's claims which was not plastered over with records. Hopp might as well be given the ground as the right to all the water. If the country was to be given away like this other company's would demand the same wide privileges as Hopp.

"We are, up there, like the Irishman who bought a cat; he was caught between the difficulty of holding it or of getting rid of it," said Mr. Jones, as he sat down amid laughter and applause. John M. Yorston (Cariboo) also opposed the bill, which he described as wrong in principle and detrimental to the mining interests of the province. It would place all other prospectors and miners in the power of Hopp and the bill was quite unnecessary. It asked for the consolidation of isolated claims on twenty creeks over an area of ten miles square, which could not be worked as one.

"If the law is good enough for the individual miner it is good enough for the capitalist; it is good enough for the capitalist to invest under the let us change the law and all share alike," said Mr. Yorston. The Junior member for Cariboo declared that the passage of the bill would stop prospecting in the area as no man would go in with such a handicap. The people of Cariboo were aroused and if there had been time would have sent down a petition. Instead they sent the telegram that Mr. Jones had read. It was safe to say that 95 per cent. of them were opposed to such a measure.

Stuart Henderson (Yale) pointed out that the section ought to be affected was practically the whole of British Columbia forty years ago. The bill was an attempt to put a damper on that section of the province and prevent its development except as that might be carried on by John Hopp. It would mean the giving away of all the land and water in a territory ten or twelve miles square; giving up the rights of domain to an American who had resided in the province since 1829 and

never thought it worth while to become a British citizen.

Hopp asked what no other individual or company ever got in this province and instead of putting in the statutory 1,000 miners' inches on each of his twenty claims he wanted to do all the work, not on a record or placer claim but on a real estate claim. He had never done anything to justify that he was in doing what he was doing. He had never thought of or had the hardihood to ask for. It was remarkable that all the mining companies that had ever got any special privileges from parliament had either passed out of existence or were shut down and doing absolutely nothing. This application was simply an attempt to graft land and water that for no claim in the past or future, alleged or possible, should be granted at all. It was asking the legislature to give something to a man who gave absolutely nothing in return but, on the contrary, was required to do considerably less than any other holder of mining claims.

A. E. McPhillips supported the bill and read a telegram from one John Bell, Barkerville, purporting to be the expression of fifty-five persons in favor of the Hopp consolidation.

Discourage Prospectors. Mark Eagleson (Lillooet) resumed the debate in the evening. He asked something which had never been asked from the House before, he said, and the passage of the bill would mean that there would be no encouragement to a prospector to go in through the country which had to depend on water on any of the twenty streams which Hopp sought to monopolize. No matter how rich a strike a prospector might make he could take no advantage of it for he would be unable to get water to develop it. Under the Water Act a farmer who has too much water recorded would be deprived of the excess and he could see no reason why Hopp should be in a different position. No man could use 1,000 inches of water in all his mining operations, so that there could be no doubt that Hopp had far too much.

Four Men Who Know. Parker Williams considered that the House should attach weight to the opinion of the four members they had heard, coming from constituencies in the district, on the subject of water. The bill was introduced by one of the Victoria city members (E. B. Thomson) who could know absolutely nothing about placer mining and its needs at first hand. The bill had come from the private bills committee, was the clumsiest job that body had ever turned out. Mr. Williams stated that he was informed by the senior member for Cariboo (Harry Jones) that the telegram referred to by Mr. McPhillips was the result of a misleading telegram sent up to Barkerville by Hopp. Most of the fifty-five persons who were said to have signed the petition in favor of the bill were again employed by Hopp.

"It is by mischance or otherwise," continued Mr. Williams, "a section gets into a bill passed by this House, no matter how long ago, it becomes for all future time a precedent for lawyers to get up and ask us to put the same power in every other bill." Mr. Williams said that in the committee he had moved to strike out certain portions of the bill, but was overruled and instead of striking out the bill, was composed entirely of Tories. Possibly it was a top-sided body of Tories that thought best fitted to deal with these matters.

An Alien Before Pioneers. John Jardine declared that the result of legislation of this kind would be to drive legitimate mining men from the country which it had not been for old Cariboo and the work of the pioneers who had developed its mineral wealth would not be in its present state. These pioneers had worked hard but now an individual named John Hopp, an alien came forward and asked for the consolidation of his claims and water rights for the purpose of unlawfully diverting water they had been using for a quarter of a century or more.

"It is regrettable," continued Mr. Jardine, "that hon. members should introduce bills of this kind and make themselves responsible for them. I think it would be well to have a committee of the House to keep a watch on these matters. I intend to oppose the second reading of this bill and do everything possible to defeat it."

Declares Bill Out of Order. John Oliver raised the point of order that this bill could not be considered inasmuch as it involved the disposition of the property of the crown, and therefore should be introduced by message from the lieutenant-governor. It proposed to dispose of water rights which, by statute, were declared to be vested in His Majesty. It disposed of lands and of the property of the crown in minerals by giving them a right to convert these minerals to his own use and benefit. The bill was further out of order in that it dealt with matters of revenue by the imposition of a rental. Innumerable authorities could be cited to justify his position, the member for Delta said. In 1902 government bills amending the Companies' Act to the extent of remitting certain fines were objected to on the ground that as they affected the revenue they should have been brought down by message. Mr. Speaker Pooley upheld this point, and subsequently the bills were reintroduced in the proper way. There it was held that it was not competent for even a responsible minister of the crown to introduce legislation which proposed to remit penalties imposed under the Companies' Act; that such a proposal must come down by message from the lieutenant-governor.

The only point he had to prove, Mr. Oliver continued, was that the bill dealt with the property of the crown; there could be no question of the propriety of his point of order. If this Section I purported to give to Hopp his executors, administrators and assigns, for a term of twenty years the lands described. So there was no doubt he had a right to the property which was being dealt with. It was the same with regard to the water. Hopp also wanted the right to minerals on certain conditions not known to the mining laws. The very fact that Hopp sought for this bill was positive proof that it contemplated a disposition of the property of the crown in a manner not otherwise provided. Again, the provision for a rental of \$1,150.00 was a

direct violation of the privileges of the crown in the matter of the revenue.

A. E. McPhillips contended that the bill gave no new rights and gave Hopp no lands or waters he did not already possess. It was simply a consolidation of existing rights. Mr. McPhillips cited decisions of the Journals of 1885 to 1888, which he contended were valid for the present bill. J. H. Hawthornthwaite remarked that the position taken by the member for the Islands now was quite the reverse of the position he took when called Parker Williams to order for proposing to increase the pay of jurors. "In that case the attorney-general raised an objection," said Mr. McPhillips. "I beg your pardon," retorted the member for Newcastle, "the attorney-general never claimed the privileges of the crown. He opposed the proposition purely on principle."

Clear Creation of New Rights. J. A. Macdonald pointed out that the bill proposed to extend the terms of the lease and to extend the different conditions to those in the original leases. It was a granting of an entirely new lease, on new conditions and with entirely different terms of demurrage. This was dealing in the most direct way with the property of the crown. As to the water records it would be that one, for the entire flow of French creek, went back as far as 1880, granting the water to Hopp which never was the property of the crown and now reverted to the crown. The incidence of this claim was changed in a manner quite impossible under the Placing Act and gave different rights to Hopp and his associates.

In further reply to Mr. McPhillips the leader of the opposition pointed out that the bill was distinctly changing the conditions of the original grant and was enlarging the rights of record holders by giving rights which the crown had retained up to the present time. Stuart Henderson quoted from the bill to show that Hopp would get the same rights and the right to a mineral claim as defined by the Placing Act, which was an accretion of rights not given in the Placing Act, and therefore put the bill out of order as disposing of crown property.

The speaker asked if the crown consented to the bill going on. "The crown does not intervene," replied the Premier. "The minister of finance moved the adjournment of the debate to enable the Speaker to look into the points raised. John Oliver in Order. Mr. Speaker Eberts gave a valuable and carefully worded ruling at the opening of the evening sitting on the Premier's point of order that John Oliver's resolution on the coal situation called for an expenditure of public funds, and was thus not within his competence to propose. The speaker reviewed the practice and declared the resolution to be strictly in order, and such a resolution to be quite within the privileges of a private member to move.

Thereupon Dr. McGuire (Vancouver) moved that the debate on the resolution be adjourned. This was rather a surprise to members for more reasons than one. Dr. McGuire, the author of the resolution, which he succeeded in having adopted by the government majority, calling upon the federal department of trade and commerce to investigate. That he should need time to prepare a speech on the subject was inconceivable, for he is full of it and of its importance to the community. And so alive is he to the fact for action that he tried to get a clause inserted in private bills this session to compel a coal company to sell as cheaply in British Columbia as without the province. So why he should delay the debate was not clear.

Mr. Oliver moved with parliamentary tactics in mind, with the adjournment to be used as a means to shelve the question for the session, and he insisted that the debate should not go on. When Dr. McGuire would not do so he challenged a division on the motion for adjournment, which was carried by the government on a strictly party vote. In a sense this may be taken as a vote on the merits of the resolution itself. It is in the following words: "Whereas it would appear that the cost of coal to the consumer in the province of British Columbia is out of all proportion to the cost of production; and

"Whereas, owing to the abundance of the coal deposits in this province and the proximity of the same to the supply to the market, the cost of coal to the consumer in British Columbia should be much less than at present is the case; and

"Whereas the excessive price of coal in British Columbia has the effect of retarding and preventing the establishment in this province of industries depending upon a fuel supply; and

"Whereas much of the product of the coal mines of the province is being exported to foreign markets at a price that enables it to compete with coal from other countries in such foreign markets; and

reasonable proportion to the cost of production."

Fining Prospectors. The Premier's bill to amend the Mineral Act, which would partly consider in committee, with N. F. Mackay (Kaslo) in the chair. One of the most important sections was that which re-enacted a section of the original measure under which a claimer is liable a fine of \$25 and costs for working without a certificate. Mr. Macdonald objected to this penalizing of a man because he went on prospecting on crown lands without a license. Instead of being penalized, he said, men should get every encouragement to prospect for minerals. As a matter of fact the work they did was far more benefit to the province as a whole than to themselves, for the prospector seldom made any money. It was in fact the work which was the development of the mineral resources, and greatly increasing the wealth of the province. No possible harm could be done anyone by reason of a prospector doing this without having a certificate. The section ought to be struck out.

The Premier admitted that he was not wedded to the section and consented to its standing over. He did not think any harm had been done by such cases, but it had been pointed out by him by his deputy that in some cases men got all the advantages of free miners without taking out a certificate. Goat River Bill Through. When the Goat River Power Co.'s bill came up for final consideration in committee in the evening, J. H. Hawthornthwaite moved to strike out the provision for a narrow gauge railway, which the company was to get power to build a standard gauge line, now it has got down to a narrow gauge, and in the result there will be no railway at all, which is what we were contented all along. The speaker remarked "It is the getting hold of a valuable water power these people want, not a railway."

J. H. Schofield (Ymir), who has been in charge of the bill, and had a hard time of it, had no objection, and the company was left with power to build a standard gauge railway only. The reporting of the bill was greeted with some applause out of compliment to Mr. Schofield, although from the Socialist corner, from which came a charge that the rights given to the powers given to the company was heard, a reminder that the bill had two stages to get through yet.

The bill to incorporate the Portland Canal Short Line Railway Company, of which Dr. Kerin (Skeena) is in charge, was left with power to build a standard gauge railway only. The reporting of the bill was greeted with some applause out of compliment to Mr. Schofield, although from the Socialist corner, from which came a charge that the rights given to the powers given to the company was heard, a reminder that the bill had two stages to get through yet.

The City's Bill. H. B. Thomson has given notice that in committee on the Victoria water works bill, he will move for the addition of a section making the duty of the water commissioner extend to Oak Bay, Saanich and North Saanich if satisfactory provision is made by those municipalities to assume a just and equitable proportion of the financial burden borne by the city on account of the installation and maintenance of the water works system. Similar proposals were made by the West, Esquimalt, Sooke, Highland, Goldstream and Malahat, and in case of a dispute a reference to be made to two judges of the Supreme court, which is best for the purposes of the commission left over before the commission went to Victoria.

The application of the Brunette Sawmill Company for an order changing the location of the V. V. & E. railway and compelling them to take up the spur track which runs through the centre of the company's yards was brought up. The matter was laid over until today to allow the C. P. R. officials to consider the plan to divert the spur and carry it across their tracks. Counsel for the C. P. R. announced that Mr. Busted had declined to consent to that arrangement until he had submitted the matter to Winnipeg, which he is going on Saturday. They have no objection to other part of the plan but the crossing. The commission left the matter in abeyance with regard to the crossing, with the understanding that the V. V. & E. spur to the C. P. R. track remains, but from the track through the yards to the bridge it is to be removed or left only for the use of the lumber company as a wagon road if so desired.

The commission made an order in the cases of Milton, McGuire, Shannon and Murphy vs. the V. V. & E. railway in favor of the applicants for crossings, drainage and cattle guards. The latter item was unexpected, inasmuch as the commission is endeavoring to secure a national standard of cattle guard as will settle for all time the question as to which is best for the purposes of the commission. An application was filed by the city for an order to construct a crossing over the C. P. R. at Clark drive.

Third readings were given to the following bills: An act to incorporate the Prince Rupert & Fort Simpson Railway Company. An act to incorporate the Graham Island Railway Company. An act to amend the Vancouver Incorporation Act, 1900.

COME DOWN IN LIFE LEADS TO SUICIDE. New York, March 2.—Humiliated and despondent by being forced by business reverses to sell cheap eye-glasses from a stand on Park Row, Isaac Samuels, formerly an optician in Prussia, his long, thin, white hair, and his eyes, such coal mines to maintain the high prices now being charged to consumers in this province. "Whereas, he it resolved, that his humble address be presented to his honor the lieutenant-governor by the House praying him to appoint a royal commission to inquire into the following questions: 1. Whether or not a combine or un-derstanding exists among the coal producers, or any of them, of this province to establish and maintain prices charged for coal. 2. Whether or not coal is being sold by producers, or any of them, for a less price than that sold for consumption outside British Columbia for a less price than that sold for consumption in the province. 3. Whether or not the prices charged by the producers, or any of them, for coal consumed in British Columbia is excessive. 4. Whether or not the prices charged by the producers, or any of them, of coal in British Columbia bears a rea-

THREE KILLED BY EXPLOSION FATALITY ON COAST SECTION OF G. T. P. Charge Exploded While Men Were Drilling—Two Buried Under Rock.

(Special Correspondence.) Prince Rupert, March 3.—One of the worst fatalities so far recorded since the beginning of construction work on the Pacific coast end of the Grand Trunk Pacific occurred on Thursday when three men lost their lives through an explosion of dynamite, and several others were so seriously injured that they may die.

A party of ten men were engaged at station work in a big rock cutting on Smith Brothers contract near Telegraph Point, on the Skeena river, and fifteen miles above Port Essington. Some days ago several holes were drilled in the rock, loaded with dynamite and set off, but in some way the fuse connecting one of the holes was jured and that one did not explode. Unconscious of what had happened and believing that all of the holes had been discharged, the men piled into the cut and commenced "mucking" the loose rock. After this had all been cleared away, two of them, John Samuelson and Eric Anderson began drilling fresh holes in the rock above the unexploded magazines. When the drill struck the dynamite the concussion caused a terrific explosion, and Samuelson and Anderson were buried beneath the mass of rock.

Fred Hoglund, who was working close by, received fatal injuries, from which he died on board the steamer Topaz while being brought down to the railway hospital. Several were badly burned, and two of the men are now in the hospital with broken legs and bruised bodies. It was in this same cut that a rock man had both of his eyes blown out through the premature explosion of a blast three months ago.

RAILWAY COMMISSION LEAVES FOR NELSON Gives Decisions in Number of Applications at Vancouver.

Vancouver, March 3.—The board of railway commissioners concluded its labors here this morning and left this afternoon for the Kootenays to transact the business of the session at Nelson. There was no new business brought before the commission this morning, and the decisions referred to applications and complaints left over before the commission went to Victoria.

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It was a theory of a physician in Ottawa, that if the amount of bitter principle in fruit juice could be doubled, the curative property would be increased, not twice, but many times. After many tests, this physician succeeded in forcing into the combined fruit juices an additional atom of bitter principle, and in doing so formed an entirely new compound. To the combined juices were added valuable tonics and antiseptics and the whole made into tablets. These are "Fruit-a-tives"—the only remedy known to science that is made of fruit. The wonderful cures in cases of Stomach Trouble, Biliousness, Constipation, Rheumatism, Chronic Headaches and Neuralgia, Kidney, Liver and Skin Diseases are due solely to the medicinal properties of fruit. Fifty cents a box, 6 for \$2.50, or trial box 25c. At all dealers or from Fruit-a-tives Limited, Ottawa.

Plain Figure-Facts of Grocery Economy CALGARY BUTTER, 2 pounds 55¢ ALBURN CREAMERY BUTTER, 3 lbs. \$1; 14 lb. box \$4.25 COWICHAN CREAMERY BUTTER, per lb. 45¢ COMOX CREAMERY BUTTER, per lb. 40¢ FRESH EGGS, per dozen 30¢ SPRING CHICKENS, per lb 25¢

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ACCIDENTALLY SHOT BY COMPANION Member of G. T. P. Survey Party Receives Wound—May Prove Fatal. (Special Correspondence.) Prince Rupert, March 3.—Through the accidental discharge of a 38-calibre Colt's revolver held in the hands of a companion, George Robertson, 23 years of age and a native of Edinburgh, Scotland, was shot in the side on Friday afternoon and received a wound that may prove fatal.

Dr. H. A. Brown VETERINARY SURGEON OFFICE: BRAY'S STABLES PHONE 182. RESIDENCE: PHOENIX, 1178 P. O. Box 428. CHICAGO VETERINARY COLLEGE

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CIVIC DELEGATION GOES TO PORTLAND TO-MORROW Aldermen Turner and Henderson and City Engineer Will Inspect Paving. (From Tuesday's Daily.) To-morrow Ald. Turner, chairman of chairman of the finance committee, and the city engineer, C. H. Hopp, will leave on a special train for Portland, Ore., to inspect the streets committee; Ald. Henderson, in charge of the delegation, will be in charge of the delegation to the meeting of the city council held last evening.

BOYS ENTERTAIN. On Monday the boys' department of the Y. M. C. A. gave an home to their parents and friends. The parents came with large numbers. At 7.30 o'clock an exhibition was given in the gymnasium. Twenty-two members of the Junior club took part in a well drilled and fancy marching, which they did in excellent style. The next was an exhibition of apparatus work by eight of the Senior boys: Elliott, G. Elliott, C. Baker, G. Robinson, J. Cameron, E. Chave, R. Donaghy and R. Brewster. They first gave in creditable manner an exhibition of the house which was later followed by work on the parallel bars. The best feature of the evening was the tumbling by Walter Sproule, William Sproule and Baker. The performance of these boys surprised the audience, and was greeted with hearty applause. This brought the exhibition to a close and the audience proceeded to the auditorium, where a short but interesting programme was given. R. C. Horn presiding. Refreshments were served at the close.

HOUSE FOR HOO-HOOS. Seattle, Wash., March 2.—The site for the Hoo-Hoo House, which is to be erected by the lumbermen on the grounds of the A.-Y.-P. exposition, has been formerly accepted by the Hoo-Hoo House committee and ratified by the exposition managers. The club house will be located between the Washington and the Forestry buildings. The work of construction is already under way. The cost of the house, its furnishing and maintenance will be \$15,000. It will be of the bungalow type covering ground space of 72 x 52 feet. Special features of the building will be the rest rooms for ladies and smoking rooms for gentlemen, with a musician's balcony on the second floor and a broad veranda surrounding the house on three sides.

Interchange With W. Kar Chicago, Ill. Herald yesterday news article: "Negotiations will, it is thought, be concluded in a measure of agreement between the Union Pa. which will be a new system. Mr. T. J. Gould, but it purpose to into high to the exc. In a measure of man was so into the syndicate Gould \$8,000,000 bankruptcy."

VOL. PRAISE OF ANTI-JAPAN Count Okura Eulogy

Tokyo, March 3.—The party, which was the Tokyo Mail, severely praised policy as emb. address. In re. would be a joining should between feder. complete with honor, and the States as a h. In respect to count pressed that such an able demand the idea that Japan. He as gross misrep. and the Unit. equally that a guarantee of Regarding cannot enter as a principle it as a temporary venting when the object of. In conclusion, "Japan's real the occasion of can feel, and by estimating the a n. and will disa. pleion."

W. J. BRYAN TO FIGHT Bryan announced will join in the city of J. called on. This sent in the prevention of Mr. Bryan sa. "I have been splendid array in the healthful habit. Pasteurization of the opportunity turing in vario. to aid in this to spread the that Nathan S. namely that m. from the list of by Pasteuriza. NO CLEMEN. Regina, Sask. been received Justice at Ott. Everts, other. two and a half. and Edmonton. tively for J. W. widely signed. katchewan.

GREAT TRAFFIC FO Interchange With W. Kar Chicago, Ill. Herald yesterday news article: "Negotiations will, it is thought, be concluded in a measure of agreement between the Union Pa. which will be a new system. Mr. T. J. Gould, but it purpose to into high to the exc. In a measure of man was so into the syndicate Gould \$8,000,000 bankruptcy."