

the turn at a different point to any previously examined in this case. He placed the turning point to the west and about 180 feet to the south from the point generally accepted to date.

As to the long barren spot on No. 5 level—200 feet—the witness declared he had known of such barren spots in other mines, in one instance he recalled a barren spot 1500 feet long, but this was a mere crack, another case was 80 feet long; this was a contact vein, as to the sharp turns in the Star vein and the similar instances given in the witness admitted that the irregular course given was through the, which accounted for the irregularity. The other two instances given were under different conditions than those existing in the present instance.

Counsel wrestled with the expert for the better part of the afternoon, going over the question of what was shown by the new work, but if Mr. Davis succeeded in shaking the witness further an already stated it will appear in counsel's summing up of the case in the argument later on. Mr. Bodwell's testimony was brief and the expert was not called.

After some informal discussion, in which Mr. Justice Martin again repeated his view that the present case was in reality a new trial, and that he expected counsel would submit all the evidence they deemed necessary, the court adjourned until Friday morning at 11.

Victoria, April 12.—At the close of the proceedings in Star vs. White, it was made clear that the trial would be practically all of next week. As the hearing before the full court needs all interested, judges, counsel and witnesses, are getting more and more on edge and today this was rather more noticeable than usual. Mr. Taylor's attack on Oscar White's account of the "hidden drift" and his questioning of Mr. White all through was up in different lines than has been adopted during the week with other witnesses. Then the court fell foul of Mr. Bodwell for getting Mr. Drewry to alter the main map used by all the witnesses in telling their story. Mr. Bodwell had been at Mr. Taylor's saying that on the map being corrected Mr. Taylor's "nose of ore" on the No. 2 vein had disappeared, and Mr. Justice Irving promptly objected to any "tampering" with the map without the leave of the court. Mr. Bodwell assumed all blame in the matter and admitted he should have asked permission before making any changes. While waiting for the court to come in, Mr. Taylor saw a red apple placed on the defendants' model. "Is that porphyry?" he asked N. J. Cavanaugh. "No," retorted the Nelson mining man sharply, "it's just an apple; don't you know the difference?" and the defendants' experts grinned approval at the reply.

It was expected that Mr. Elmentorf would be the first witness today to explain, or as the plaintiffs say, to explain away, the story told yesterday by Max Bohmer, the brainy new expert imported into the case, who put a new complexion on many of the points involved by suggesting a totally or nearly wholly different state of geological affairs. Mr. Elmentorf, as generally maintained by defendants, as generally understood. But Mr. Elmentorf was kept in reserve and will not be called until Monday. At the close of the day that had been accounted for by the examination and cross-examination of N. J. Cavanaugh and Oscar V. White, "Nick" held his own with Mr. Taylor and Mr. White related how the 130 foot drift came to be "hidden," as described by Mr. Fowler, being vigorously cross-examined by Mr. Taylor on this and other points. Nothing very new was elicited from either witness, either in chief or upon cross-examination. Some 40 odd samples were added to the already large collection now in the possession of the court, and the general trend of the evidence given supported the contention of the defendants that the Slocan Star vein extended and could be traced without a break on its entire course as seen upon the model.

N. J. Cavanaugh told Mr. Bodwell that he was a witness at the first trial, that he was an official of the defendant company; he had since severed all connection with the company. He identified several samples of rock taken from the new workings and from other portions of the mine. The witness produced black vein matter taken all through the No. 5 level of what the defendants call the Slocan Star vein, from east end to west end, the samples differing only as could be seen, very little from what the plaintiffs call the characteristic filling of the black fissure. The other samples were taken with a view of contradicting what the plaintiffs claim is the geological formation at different points. In all about a dozen new samples were put in.

Then Mr. Cavanaugh drew pictures on the court black board of the first turn to the north in the 5th level of the Star workings, he being on duty at the property at the time the work was being done, the point involved being whether the vein turned at the point or was, as the plaintiffs claim, abruptly terminated by the black fissure. At the turn on the hanging wall there was three feet of clean galena. This ore could never be drag ore, it was ore in place. The ore shoots in the mine varied from 90 to 150 feet in length. The ore bodies found invariably were encountered in wedge shape widening out as the work proceeded and tapering off at the end, these kidneys of ore always showed twists and turns, and the ore occurrences were all of the same character.

Comparing samples produced by the plaintiffs as drag ore, the witness said he found identical ore in place at points admitted in the known portion of the Star vein, the witness added that he spoke as a practical miner and he mentioned many instances of how the ore bodies taken out of the mine, looked at the various stages of mining.

Turning to the new work at the southern extension Mr. Cavanaugh described the formation, laying stress on the stringer of ore encountered and giving similar instances of "cracks" to the south in the mine elsewhere where such small cracks had been explored before this action was brought. No permanent ore body was ever so

located.

The witness ridiculed the suggestion that along the line the black fissure with two veins existed, that separate veins were originally found. He declared the Star vein held on its course as they had traced it when working on the No. 5 level straight along from east to west, as worked. Mr. Cavanaugh described a recent visit of inspection made at the Ruth mine near the property under review, and contradicted Mr. Fowler's evidence given on the same point.

Mr. Taylor the witness said all he knew of mining was picked up from practical experience of the past 20 years. He declined to technically define a fault but told what he had seen on the formation when faults had been encountered in practical working. The instructions given the men when driving No. 5 level was to follow the Star ledge and they did so the full length of that level as shown on the plan. Counsel pressed the witness closely on many of his answers given in the first trial as well as today, but Mr. Cavanaugh held his own and fairly manly manner. Mr. Bodwell, Mr. Cavanaugh pressed the witness closely on many of his answers given in the first trial as well as today, but Mr. Cavanaugh held his own and fairly manly manner.

After the noon adjournment Mr. Bodwell called Oscar White, mine superintendent of the defendant company. He said the work done on the No. 5 level had been lagged up so as to conceal it from inspection, was not purposely concealed, the lagging had been done to protect some rails that were stored there while some of the exploratory work was under way. The 130 feet of drift had been run about 18 months previous to the lagging in the ordinary course of development. He reiterated that there was nothing to conceal at the drift in question. After the exploratory work was completed the lagging was taken down. He did not want the rails stored in the drift used on the new work, that was why they had been stored in the drift and the drift lagged up. There was no other reason for what was done, and he repeated there was nothing in the drift his side wanted to conceal. Mr. Fowler asked him about the matter the explanation would have been at once forthcoming. The witness then identified several pieces of rock, in turn explaining of what is shown in various points of the No. 5 level including the new work, and also including a specimen of black siliceous rock with polished smooth surface next to the wall having the indications described in the preceding characteristics of the black fissure, but as a fact taken from the Eureka mine, having the Star vein, half a mile away.

Mr. Taylor accounted for about 25 or 30 pieces of rock and for half an hour or so the registrar was kept busy marking up the new exhibits as they came along, singly and in groups. The witness then gave a description in detail how the mining was done on the No. 5 level in and around the first great bend to the north, his story practically agreeing with Cavanaugh's version and as related at the first trial. Incidentally the witness mentioned the visit of the chief justices to the mine and the lengthy visit paid by his lordship to practically every portion of the workings in company with Mr. Fowler and the witness, this being before the first trial was concluded.

To Mr. Taylor on cross-examination Mr. White repeated that the only reason the 130 foot drift had been lagged up was to hide the rails stored up. It was not double lagged, Mr. Fowler was mistaken as to the double lagging. The drift does show porphyry on its face. He had never been told of Fowler's discovery. He ordered the drift to be opened up without knowing anything of Fowler's find. Mr. White declined to make any statement made by expert Bohmer and particularly as to the extension or non-extension of the black fissure north in the new work. Zwicky's work apparently stopped at a more or less defined wall at the northern extension. The witness declined to pose as a technical expert on "drag ore" but declared he could always tell the difference between ore in place and drag ore as a practical miner when he encountered them in the mine workings.

"Are you aware," asked the counsel, "that No. 2 vein has been put on the plan differently from what it actually appears?"

"No sir," said the witness.

"Differently then, from the way Mr. Fowler sketched it in the first instance?"

"Yes, it is there now in the right position. Mr. Fowler's sketch was wrong."

"And," added Mr. Bodwell, "your beautiful 'nose of ore' has vanished."

The witness continuing, said that the workings had been properly placed up on the plan by Mr. Drewry. He contradicted Fowler and Sizer as to the appearance of the material next to the bottom wall going into the new drift (on the No. 2 vein). Pressed to the point, the witness got tangled up until Mr. Bodwell suggested that time be given to look up the evidence referred to and, necessary, Mr. White recalled to explain.

Mr. Justice Irving—I don't think any change should have been made on the plan without our permission. Mr. Bodwell refused to have his witness put the new work on the plan in the instance and Mr. Bodwell did it on.

Mr. Bodwell—I fear I am to blame in the matter. What Mr. Drewry put upon the map yesterday is the result of an actual survey of the No. 2 vein and is right.

Mr. Justice Irving—I have nothing to say as to its correctness. What I am saying is that it is an attempt to tamper with the map that is used by both parties without the leave of the court.

Mr. Bodwell—Perhaps the "nose" will come back now.

Mr. Bodwell—No, the plan is correct as now drawn, but I should have asked

ed permission to let Mr. Drewry do the work and then put him in the box.

Mr. Justice Irving—How long will counsel take for argument?

Mr. Bodwell—Not less than four days, my lord.

Mr. Justice Irving—When will all the evidence be in.

Mr. Bodwell—Probably by Tuesday.

Mr. Justice Martin—Then next week is occupied so far as the full court is concerned, with this case.

Mr. Bodwell am afraid that is so, but we should finish by the close of next week in any case.

The court then adjourned until Monday morning at 11 when Mr. Bodwell will call Mr. Elmentorf as his first witness, Mr. Elmentorf being the defendants' star expert witness at the first trial.

OFFICERS AND ACCOUNTS

ANNUAL MEETING OF THE 20.000 CLUB LAST NIGHT

CHARLES REEDER OUTLINES RECLAMATION SCHEME

The upshot of the annual meeting of the 20,000 club last night was the appointment of a president, vice-president, treasurer, and executive committee of 12, together with a board of directors. A discussion as to the accounts of the institution and the appointment of a special committee to draft a constitution and bylaws.

The chair was taken by Mr. G. Procter and there were 25 persons present, including Charles Reeder of Spokane, who was invited at the opening of the meeting to outline the scheme for the reclamation of the Kootenay valley. Mr. Reeder said that the Kootenay valley above Kootenay lake, contained some 80,000 acres which were all overflowed, half being in British Columbia, half across the line. The land was four-fifths meadow land, the remainder covered with cottonwood and brush which could be cleared at \$35 an acre. The land was fertile but not suitable for fruit. If opened up the city of Nelson would chiefly benefit. It was not true that Montana had empowered a company to work at the scheme on both sides of the line, that could not be done except with the permission of this province. He did not intend to drain the lake, the dominion government would stop such a procedure. Similarly there could be no attempt to flood the lake lands. At low water the level at Nelson was about 1.2 feet below the main lake, which in turn was 12 feet below Bonner's Ferry. In the flood of 1894 the main lake rose 33 feet, the west arm 28 feet. Mr. Reeder contended that the lake should be kept away at the various narrows and expends the little rise of the present day would be let out. Hence, in this way the top flood would not be over 15 feet above low water. It was necessary, however, that if the scheme should come up a flooding of the lake lands he would withdraw all his requests. His scheme would not reclaim lands from the water all the year. It would shorten the flood and much of the higher land would be free together in normal high water. Low water level could not be disturbed except by dredging. If such were done then a "collapse" dam would be necessary, but if the banks above low water were cut away then the flood water would get away more quickly but the low water level could not be disturbed. Mr. Reeder was of the opinion that the low flow into the main lake but not by the narrows at Procter acting as a dam, making a reservoir of the main lake and allowing the water to flow out of that water many months.

E. K. Beaton then gave some very good advice to the club as to the advisability of having a constitution, and E. W. Whitford, president, and W. H. Jones seconded that the club should adopt such a constitution. Mr. Jones said in support that last year some \$60 had been appropriated for a folder, the club then having more than that amount to its credit. That money was not then set to credit of the folder but was expended in other ways and finally another subscription had to be raised. This, the speaker said, would increase its output 25 per cent. The season has hardly opened as yet in many parts of the Slocan and Lardeau but there is every preparation for extending the work this summer. In the Ymir and adjoining districts capital is investing more largely than heretofore and the outcome will probably show in the shipments before the end of the year.

It was found to be the ore shipments and smelter receipts in detail for the past week and year to date in tons.

BOUNDARY SHIPMENTS

MINE	1906	1907
Granby	17,630	158,224
Mother Lode	4,883	46,841
Brooklyn	1,888	22,038
Snowshoe	1,467	62,303
Rawhide	1,932	17,728
Sunset	896	7,368
Emma	238	2,718
Mountain Rose	96	1,666
B. C.	16	1,346
Idaho	512	512
Oro Denoro	176	176
Morrison	100	319
Other mines	100	27,640
Total	29,852	271,640

ROSSLAND SHIPMENTS

MINE	1906	1907
Le Roi	2,458	37,327
Centre Star	1,006	23,874
Le Roi No. 2	1,006	23,874
White Bear	297	4,883
Other mines	1,006	1,006
Total	4,294	93,908

MINISTERS' PAY RAISED

Halifax, N.S., April 13.—Salaries of the members of the Nova Scotia government will hereafter be \$5,000 annually, in addition to their salaries as members of the legislature and the premier will have \$10,000 extra.

A bill to give effect to this has been introduced in the house of assembly.

DEATH OF "TRUTHFUL JAMES"

Sonora, Calif., April 13.—James Gillette, at one time Bret Harte's mining partner, and the original of that author's "Truthful James," died today.

BIG VOTE FOR STRIKE

Referendum Vote Among Crows Nest Miners Is Decisive

New Basis of Settlement Demanded in Circular Issued by President Sherman—Ten Per Cent. Increase

Fernie, April 11.—At a mass meeting of the miners of Coal Creek and Fernie held here last afternoon it was decided by a referendum vote of 741 to 42 to quit work unless the operators conceded their demands. The demands are embodied in the following circular issued by district president Sherman:

"In order that the public may understand what the demands of the Canadian mine workers are at this time, I wish to state that we are willing for the sake of peace that the present standard of rates shall be continued with an advance of 10 per cent upon all rates. The minimum rate for outside labor shall be \$2.50 for a ten hour day. That wages be paid every two weeks and that the work bank to bank day be established at all mines in Alberta. We do not desire to enter into any legal technical agreement with any coal company in this district. An agreement as to wages and hours will suit. All existing customs to be maintained. We do not insist upon an open or closed shop. Neither do we seek to keep any advantage over any coal company in a legal or technical manner. We are prepared to negotiate at once with any company in this district without waiting for an investigation board. F. H. Sherman, District President."

Vice-president Lewis, of the United Mine Workers of America, was the chief speaker.

L. P. Eckstein, barrister of Fernie, has been appointed by every union included in district 18, U. M. W. of A., which includes both the B. C. and Alberta fields, as their representative upon the board of investigation, if one be appointed by the dominion government, in pursuance of the Industrial Disputes Investigation Act.

WEEK'S ORE SHIPMENTS

MARKED IMPROVEMENT IN THE BOUNDARY DISTRICT

LATENESS OF SEASON, OPERATES AGAINST SLOCAN

The chief news of the week is the payment of yet another dividend by the Consolidated Mining and Smelting company, payable on May 1. This is the third dividend since the formation of the company. The Boundary mines are shipping more freely and the smelter at Greenwood has made a record week. Large as are the totals they will be bettered by the completion of the improvements now in progress of installation at the properties of the B. C. Copper and Dominion Copper companies. Unless there is a lull in the fuel situation there is every likelihood of a record summer in mining in the Boundary. This also applies to the Rossland district, where the taking over by the Le Roi of the Spitzee, gives an earnest of work on what is local regarded as a promising property.

Nearer to Nelson it may be noted that the Queen Victoria is about to instal machinery with a view to an increased output, and that the Le Roi mill this week will increase its output 25 per cent. The season has hardly opened as yet in many parts of the Slocan and Lardeau but there is every preparation for extending the work this summer. In the Ymir and adjoining districts capital is investing more largely than heretofore and the outcome will probably show in the shipments before the end of the year.

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BOUNDARY PAY-ROLL

Large Sum Paid Out to Mine and Smelter Employees

March Pay-roll Exceeded \$200,000—Prospects Favorable for Future Increase in Near Future

Phoenix, April 12.—As showing the importance that the mining and smelting industry is attaining in the Boundary district, the figures of the March payroll, which took place on Wednesday at all the large mines and smelters in the district, is instructive. It is estimated that over \$200,000 was paid in this section to approximately 2000 men employed in Boundary mines and smelters. As the mines and smelters are but just getting into full running order again after the delays of the winter, and as all three smelters expand, with recent enlargements, to treat a greatly increased tonnage of ore, if nothing happens to prevent, by the time summer arrives this payroll will inevitably be proportionately increased till it fully reaches the quarter million mark per month.

Monthly wages, as a rule, will average up about \$100 per month per man in this district, more or less, and the following approximate figures of men employed and wages paid for March are on that basis:

Granby Mines—	Men.	Payroll
At smelter	350	\$35,000
B.C. Copper Co.	300	30,000
At smelter	125	12,500
Dominion Copper Co.	350	35,000
At smelter	150	15,000
Snowshoe	75	7,500
High grade mines	200	20,000
Totals	2075	\$207,500

At both mines and smelters the number of men varies from month to month according to requirements, and while the tonnage shipped in the last month has not been as large as is expected for April, because matters had not been gotten into full running shape after the necessitated curtailment of operations in the winter, not a little development work was done in advance—something which the mine managers have in mind continually to be able to supply the large tonnage of ore required—to keep the smelting works in blast up to capacity. Nearly \$90,000 of the above amount was paid out in Phoenix camp alone.

SAWMILLS IN SLOCAN

REPORTED THAT PATRICK CO. AND W. HUNTER M.P.P., MAY BUILD

TO OPERATE EVELYN AND BUFFALO GROUP THIS SUMMER

Slocan, April 15.—J. W. Kyte, of Slocan, and William Horton, of Greenwood, have sold their interest in the Evelyn claim, situated on Four Mile Creek, near the Buffalo group, to Samuel Watson, acting for the Buffalo Mining company. The company has a case on the Buffalo, and will work it and the Evelyn this summer.

David McKeehan and family left this week for Edmonton, where they will make their home.

William Hudson, an old timer in the Slocan, and at one time foreman at the Arlington mine, has returned to Slocan after an absence of several years.

George Stahl has purchased J. W. Kyte's one-half interest in the Wilson house, here.

It is reported that the Patrick Lumber Co., who own a large area of timber land in the Little Slocan country, will erect a sawmill at Slocan City this summer.

It is said that a sawmill at the mouth of Four Mile creek, financed by William Hunter, M.P.P., and others, is also planned.

New plies are being driven at the C. P. R. wharf here.

IN AID OF UNIVERSITY

GIFT OF \$100,000 CONDITIONAL UPON LOCATION.

COLUMBIAN COLLEGE OFFERED \$10,000 FOR SCIENCE HALL.

Vancouver, April 12.—Mayor Keary, of New Westminster, has received an offer of a donation from an unnamed individual in the old country, of \$100,000 for the proposed provincial university, provided the institution be located between Vancouver and New Westminster. The offer was made known to premier McBride before his departure and will be taken up with the government at once. The same cable offered a gift of \$10,000 to the Columbian college, New Westminster, for a new science hall. This will be promptly taken up.

The Vancouver city council will be recommended by a committee to make a grant of \$3,000 for relief of famine sufferers in China.

James G. Brymner, New Westminster, has been appointed warden of the provincial jail in that city. The appointee is one of the best known citizens of that place and has been a guard at the institution for three years.

FOR A RATIONAL SUNDAY.

Toronto, April 15.—A Rational Sunday League has been organized here. Goldwin Smith is one of the sympathizers.

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FATALITY AT PROCTOR

MILLWRIGHT ISRAIAH NICKS STEPS IN MAIN DRIVE BELT.

WAS ONE OF THE PIONEERS OF THE KOOTENAYS.

(Special to The Daily News)

Procter, April 16.—An unfortunate accident, which happened in the sawmill here, resulted in the death of Israhiah Nicks. Nicks was at his work when, by a misstep, he became entangled in the main drive belt and was instantly killed. Prompt assistance was rendered by his fellow workmen, but life had fled ere the body could be released from the deadly grip of the belt.

Nicks, who leaves a wife and a son of ten years to mourn his loss, was one of the pioneers of the Kootenays. He lived in Kaslo for years, in the employ of G. O. Buchanan as a millwright and expert saw filer. Later he came to Procter, and of late has been engaged in the same capacity with the Watts Lumber Co. He was a member of the Methodist church, and was held in high esteem by all who knew him.

The remains will be taken to Kaslo, and the interment will take place there on Thursday morning on the arrival of the Kokanee.

CRIMINAL COURT OF APPEAL

London, April 17.—A bill containing a criminal court of appeal, which has not heretofore existed in Great Britain, was introduced in the house of commons today by attorney general W. E. Gladstone. The bill would create the right of appeal against conviction for crimes, similar to that now existing in civil cases. The bill passed its first reading.

RESULTS ARE ENCOURAGING

The shipment of between 700 and 800 tons of ore has just been completed

NEW ATLANTIC TERMINAL

C. P. R. MAY ESTABLISH WINTER PORT AT L'ETANG.

INTERVIEWED ON QUESTION MCNICOLL GIVES GUARDED REPLY

Montreal, April 13.—D. McNicoll, manager of the C. P. R., was interviewed today with reference to reports from New Brunswick that on a recent visit to that province he inspected the port of L'Etang, of which there has been some talk lately of becoming a rival to St. John as the C. P. R. Atlantic terminal and winter port.

Color has been lent to the rumor that the C. P. R. was interested in this place as a possible future shipping port, through the fact that a charter has been obtained to build a branch line there, and which the C. P. R. was popularly supposed to be behind.

Mr. McNicoll acknowledged that he had been to L'Etang, but that he was not sure that the C. P. R. was interested in the place. He gave it to be understood that the C. P. R. is not interested in a proposed railway to that place, whatever the course in that connection may be.

EVELYN'S MOTHER TALKS

DEFENDS HERSELF AGAINST THE DELMAS'S CHARGES.

SHE HAD