N DOYLE

d and drink a cup over the bar-
"
eard you ever such villainy?"
Aylward, breathing fierce and
. "Did you hear them, Simon?
oman for a keg of apples! And
heart's root is sad for the other
the girl of Normandy. Surely we
land tomorrow and burn all these
r rats out of their nest."
ay, Sir Robert will not waste time
rength ere he reach Brittany."
ure I am that if my little master
re Loring had the handling of it,
y woman on this island would be
ere another day had passed."
doubt it not," said Simon. "He is
who makes an idol of woman,
the manner of those crazy knight
nts. But Sir Robert is a true sol-
and hath only his purpose in
."
imon," said Aylward, "the light is
overgood and the place is cramp-
or sword-play, but if you will step
into the open I will teach you
ther my master is a true soldier or
"
ut, man! you are as foolish your-
" said Simon. "Here we are with
work in hand, and yet you must
s fall out with me on our way to
say nothing against your master
that he hath the way of his fel-
who dreams and fancies. But
les looks neither to right nor left
walks forward to his mark. Now,
s on, for the time passes."
imon, your words are neither good
fair. When we are back on ship-
d we will speak further of this
er. Now lead on, I pray you, and
s see some more of this ten-devil
d."
r half a mile Simon led the way
they came to a large house which
d by itself. Peering at it from the
of the cutting, Aylward could see
it was made from the wreckage
any vessels, for at each corner a
was thrust out. Lights blazed
in, and there came the sound of a
g voice singing a gay song which
taken up by a dozen others in the
us.
ll is well, lad!" whispered Simon
eat delight. "That is the voice of
king. It is the very song he used
ing. 'Les deux filles de Pierre.'
e God, my back tingles at the very
d of it. Here we will wait until
company take their leave."
ur after hour they crouched in the
cutting, listening to the noisy
s of the revelers within, some
ch, some English, and all growing
r and less articulate as the night
on. Once a quarrel broke out
the clamor was like a cageful of
beasts at feeding-time. Then a
h was drunk and there was much
ping and cheering.
ly once was the long vigil broken.
oman came forth from the house
walked up and down, with her face
upon her breast. She was tall
slender, but her features could not
een for a wimple over her head.
ry sadness could be read in her
d back and dragging steps. Once
they saw her throw her two
s up to Heaven as one who is
nd human aid. Then she passed
y into the house again. A mo-
t later the door of the hall was
open, and a shouting stumbling
g came crowding forth, with
op and yell, into the silent night.
ging arms and striking up a chorus,
marched past the peat-cutting,
voices dwindling slowly away as
made for their homes.
ow, Samkin, now!" cried Simon,
jumping out from the hiding-
e he made for the door. It had
yet been fastened. The two com-
s sprang inside. Then Simon drew
bolts so that none might interrupt
long table littered with flagons
breakers lay before them. It was
by a line of torches, which flick-
and smoked in their sconces. At
arther end a solitary man was
d. His head rested upon his two
s, as if he were befuddled with
, but at the harsh sound of the
ping bolts he raised his face and
d angrily around him. It was a
ge powerful head, tawny and
gy like a lion's, with a tangled
d and a large harsh face, bloated
blotched with vice. He laughed as
newcomers entered, thinking that
of his boon companions had re-
ed to finish a flagon. Then he
d hard and he passed his hand
his eyes like one who thinks he
be dreaming.
on Dieu!" he cried. "Who are you
whence come you at this hour of
night? Is this the way to break
our royal presence?"
mon approached up one side of the
s and Aylward up the other. When
were close to the King, the man-
rms plucked a torch from its sock-
nd held it to his own face. The
staggered back with a cry, as he
d at that grim visage.
e diable noir!" he cried. "Simon,
Englishman! What make you
?"
mon put his hand upon his shoul-
"Sit there!" said he, and he forc-
he King into his seat. "Do you sit
the farther side of him Aylward.
make a merry group, do we not?
n have I served at this table, but
r did I hope to drink at it. Fill
cup, Samkin, and pass the flag-
he King looked from one to the
r with terror in his bloodshot eyes.
at would you do?" he asked. "Are
mad, that you should come here.
shout and you are at my mercy."
Nay, my friend, I have lived too
in your house not to know the
s of it. No man-servant ever slept
eath your roof, for you feared lest
r throat would be cut in the night-
. You may shout and shout, if it
please you. It chanced that I was
ing on my way from England in
e ships which lie off La Birechou,
I thought I would come in and
speech with you."
ndeed, Simon, I am right glad to
you," said the King, cringing away
the fierce eyes of the soldier.
were good friends in the past,
e we not, and I cannot call to mind
I have ever done you injury.
en you made your way to England
swimming to the Levantine there
none more glad in heart than I."
f I cared to doff my doublet I
d show you the marks of what your
ndship has done for me in the
." said Simon. "It is printed on
back as clearly as on my memory.
y, you foul dog, there are the very
s upon the wall to which my hands
e fastened, and there the stains up-
e boards on which my blood has
ped! Is it not so, you king of
thers?"
he pirate chief turned whiter still.
may be that life here was some-
t rough, Simon, but if I have
nged you in anyway, I will surely
le amends. What do you ask?"

(To be continued.)

COAL MINES DISPUTE TO COME UNDER NEW LAW

Request for Board of Conciliation to Act in Alberta Affair

RALPH SMITH REMAINS MEMBER

Refuses Yukon Commissionership—The Retirement of Lord Aylmer Comes Up for Discussion

Ottawa, April 8.—There is a fair prospect of a settlement of the coal mining dispute in Alberta. The mine operators at Taber, who the workmen allege locked them out, have now made application to the minister of labor for the appointment of a board of conciliation and investigation under the new act of this session. They have nominated Mr. Eckstein of Lethbridge as their representative. Hon. Mr. Lemieux lost no time in communicating with President Sherman of the Alberta branch of the United Mine Workers of America, asking him to nominate a representative of the miners. In the event of the two parties to the dispute not agreeing on the third arbitrator, the minister of labor will then make the appointment.

Ralph Smith, M. P. for Nanaimo, has declined the Yukon commissionership. It was thought a few weeks ago that he would accept the position, but recently it has been represented to the government that it would be inadvisable to open Nanaimo, with a prospect of the seat being lost. Consequently Mr. Smith, like a loyal party man, will let the northern job go by the board and hold on to his seat in the House, in the expectation of succeeding Hon. William Templeman in the not distant future.

The House made splendid progress today in supply, the harbors and rivers appropriations for Nova Scotia, New Brunswick, Prince Edward Island and Quebec being passed.

Lord Aylmer's retirement was discussed in both houses today. The government contended that the inspector-general's appointment was for only two years, but Lord Aylmer denies that he was a party to this. The order-in-council appointing Col. Vidal to succeed him has been passed.

NO LEGAL FOUNDATION.

Ottawa, April 8.—In the House today Hon. Mr. Aylesworth told Mr. Foster that he had given his decision upon the claims of retired servants of the Hudson Bay Company, and it was that they had no legal foundation.

LAKE NAVIGATION

Buffalo, April 8.—The steamers *Joshua Rhodes*, from Monitowoc, and *W. G. Pollock*, not reported at custom house, with grain, have arrived here. The captain of the Rhodes reported no trouble with ice except in Lake Michigan. His vessel, however, struck on a bar in Buffalo Creek in attempting to reach her elevator, owing to the very low stage of the water. The steamers Robbins and F. L. Phicke, which sailed from this port on Saturday, are reported fast in a big field of ice opposite 18-Mile Creek. Eleven steamers sailed hence yesterday.

THAW TRIAL NEARS THE CLOSING SCENES

Addresses of Counsel and Judge May be Concluded by Tomorrow Evening

New York, April 8.—The curtain began to fall today on the dramatic trial of Harry K. Thaw, charged with the murder of Stanford White. Attorney Delphin M. Delmas, the California advocate began his long anticipated address to the jury this afternoon, and after he had spoken for more than two hours and a half adjournment was taken unttil tomorrow morning.

Mr. Delmas expects to finish his speech before the luncheon hour is reached. District Attorney Jerome will make the closing address of the trial on Wednesday, and Thaw's fate should be in the hands of the twelve men who have listened to the testimony by Wednesday night. Justice Fitzgerald today ordered the jury locked up until the end of the trial. In view of this hardship upon them, the judge's charge to the jury will undoubtedly be delivered immediately after the district attorney concludes his speech. The latter says he will take three or four hours.

Declaring that he would not base his plea upon the unwritten law, because his client found ample justification in the written statutes of the State of New York, Mr. Delmas made a striking appeal to the sympathies of the jury, but so far as he went today the subject of Thaw's sanity or insanity at the time he committed the homicide was not even hinted at. Mr. Delmas grounds his arguments solely upon the story of Evelyn Nesbit Thaw.

C. P. R. BUREAU OF INFORMATION

Company Organizing Own Agency to Cover Every Part of Dominion.

Toronto, April 8.—It is understood that the C. P. R. is establishing its own private detective agency to cover every part of the Dominion. The reason for this is believed to be the very heavy expense accounts which the company has had to pay private detective agencies in cases where the railway is interested. Cases have been shown where the railway has been known to chase defaulters around the world more than once, and this action is taken so that there may not only be a saving in expense, but that the railway company will be able to acquire the services of the best men in the detective profession.

This is being done under the name of the Canadian Detective Bureau, Limited, which has recently been organized in Toronto with Mr. Walsh, formerly of the North West Mounted Police, as superintendent. Inspector Alfred Cuddy, of No. 2 Division, Toronto, has accepted the position of manager of the Toronto office at a salary of $2,500 a year, nearly $1,000 more than he is getting from the city. The company would also like to have Inspector Walter Duncan, of the Toronto Detective Department, join also, and has made him a very tempting offer. The name of Chief Silas H. Carpenter, of the Montreal Detective Department, is connected with the position of superintendent for the Province of Quebec.

IMPERIAL PARLIAMENT

London, April 8.—Parliament reassembled today after the Easter recess. The second stage of the session finds the government confronted with a formidable programme of work; but Premier Campbell-Bannerman intends to press the new procedure scheme, by which much preliminary work will be sent to the new standing committee.

The budget will be introduced on April 10 and is expected to lead to a lively and prolonged debate. The prospects seem slight for an early effort to deal with the question described in the King's speech as the unfortunate differences between the Houses.

As the result of the large amount of work before parliament, an autumn session seems to be inevitable.

FLOUR FOR ORIENT IN LARGE SHIPMENTS

Heavy Increase in Canadian Trade Noted During Past Two Years

Vancouver, April 8—Flour shipments to the Orient by the C. P. R. steamers are a feature of the export trade from this city. Every trans-Pacific boat leaving Vancouver carries on an average 3000 tons of flour, principally for China. This is shipped mainly by the Ogilvie Company, and the orders of this firm will not be filled for several months to come. The flour trade to the Orient has developed amazingly during the last year. Before that it was not an uncommon thing to see much American flour going through this port; but now that the Canadian mills have secured the trade, all space on steamers is taken up with this commodity. The growing trade also demonstrates Vancouver's importance as a place of shipment, and the possibilities of development along these lines can scarcely be estimated, for with the expansion of the Northwest, the business will correspondingly increase.

THEATRICALS AT DUNCAN

Cowichan Bay Amateur Dramatic Society Gives Pleasing Performances

The Cowichan Bay Amateur Dramatic society gave two fine representations of "One Summer's Day," a comedy in three acts by H. V. Esmond, on Tuesday, at the Agricultural hall, Duncan; and at the hall, Chemainus, on Thursday, the Duncan performance was witnessed by the largest audience ever assembled in the hall, between 400 and 500 people being present, the hall being literally packed. The scenery was specially painted by L. C. Springett for the occasion, and was very much admired, whilst the play was stage-managed by R. Hincks; as in all amateur performances comparisons are odious, and it is difficult to particularize. Anyhow, it was the general opinion that all acquitted themselves with great credit in their respective parts. The annual Easter tea, given by the ladies of St. Peter's, Quamichan, under the presidency of Mrs. Hadwen, followed, which was succeeded by dancing to the dulcet strains of Messrs. Fawcett and Scholey, which was kept up with great spirit till the early hours of morning. The proceeds of this entertainment, after paying expenses, was divided between St. Peter's church and the Cowichan Agricultural society. Thursday's representation at Chemainus was also a success and was well attended; this being followed by a dance, in which, as usual, Mrs. Halhead was indefatigable in providing music till the early hour of dawn. Here, owing to the lack of hotel accommodation at Chemainus, the company had to perform the journey by stage, Mr. Keast providing a team of four horses to convey the artists to and from Duucan. We understand the company did not get back to Duncan till 3 in the morning, all tired out, but satisfied that their untiring efforts had been appreciated. Below will be found the full programme and those taking part:

Major Dick Rudyard.... Arthur Lane
Phil Marsden ..... R. Hincks
Theodore Bendyshe .....S Dighton
Robt. Hoddesder ..... A. M. Parry
Tom (his nephew) ..... M. Roncroft
Seth (a gipsy) ..... N. B. Soufer
The Urchin .. Master Dennis Dighton
Irene Reid (Hoddesder's niece)..... Miss R. Noric
Maysie (his ward) ....Mrs. R. Hincks
Mrs. Theodore Bendyshe ..Miss Miles
Bess (a gipsy) ..... Mrs. H. Mellin
Chiara (a gipsy) .... Mrs. H. Mellin

Act I.—A corner of an island in the Thames.

Act II.—Same as Act I.

Act III.—The lawn of Mr. Hoddesder's house.

DROWNED IN INLET

A body, which upon being recovered, was identified as that of Henry Halliday, of New Westminster, was observed floating in Burrard Inlet near the Union Steamship wharf about 6 o'clock Saturday evening by Captain Patterson, an ex-seafaring man who acts as night watchman for the Union Steamship company. With the assistance of some bystanders he succeeded in getting the body out of the water.

Upon a search of the pockets of his clothes, which were of a very good quality, a return ticket to New Westminster, a B. C. Electric Railway check for a grip, several letters and a quantity of bank notes were found. The letters bore the address of Henry Halliday, Esq., New Westminster.

M. A. P. Halliday, of New Westminster was telephoned to. He identified the remains of the unfortunate man as those of his brother. Had it not been for the fact that Mr. Halliday was familiar with the clothes worn by his brother, and that the water had not quite rendered the writing unintelligible it is likely the identity of the dead man would never have been learned, for his body was in a badly decomposed condition, and his face had been eaten almost entirely away.

Mr. Halliday states that his brother had been missing since February 17th last. A diligent search was instituted, but without any trace being found of him. The widow of the deceased had become almost hysterical with suspense as the days passed without bringing news of her husband's whereabouts, and now she is prostrated with grief.

Burlington, Vt., April 8.—George Grenville Benedict, editor in chief of the Burlington Free Press and one of the most prominent men in Vermont, died today at Camden, N. J.

LEGAL INTELLIGENCE

Star Mining Co. vs. Byron N. White Co. ((Before Irving, Martin & Morrison, JJ.)—This is an appeal from the decision of Hunter, C. J., in a mining action of more than ordinary importance, and its determination will be of considerable interest not only to the legal profession, but to all engaged in mining transactions.

The appeal first came on for hearing at Vancouver in November last, when the court ordered certain further development work to be done in the mine in dispute to demonstrate the contention of both sides. This work has been done and now the court is hearing evidence and argument on that point.

At the outset, Mr. Davis, K.C., for the appelants, asked for a ruling as to whether the court would call the further witnesses they being virtually officers of the court in that they had done the work ordered by the court. The luncheon recess was taken advantage of to consider this question, and on reassembling the court ruled that they wouldn't call the witnesses, but would leave it to the parties.

The courtroom is set out with an interesting display of models and maps, and many mining experts of note are to give evidence on both sides.

The action was one for damages and an injunction in respect of the alleged taking of ore by the defendants from the Rabbit Paw and Heber Fraction mineral claims owned by the plaintiffs, and its history is clearly set out in the following judgment of the trial judge:

The ore was admittedly taken from within the limits of the claims, but the defendants justify under the law governing their claims known as the Slocan Star and the Silversmith; that is to say, they allege that they are entitled to the ore as belonging to a vein, the apex of which is on their own claims, and which they have in due course of mining followed down into the plaintiff's ground.

The mountain on which the claims are situate looks towards the north, and the vein works backward with depth towards the south. The defendants sank a shaft from their 5th level, and worked thence westerly into the defendant's ground, as they contend, along their vein, and it is from this drift that most of the ore in question has been taken.

The plaintiffs contend that in so doing the defendants have not been pursuing the Slocan Star vein, but that this vein is cut off by what they term the Black Fissure, which extends from a point at or near the head of the shaft on the 5th level in a- northwesterly direction to the point B, on the plan affixed to the defendants' model, and beyond into the slates.

At the trial a large mass of evidence was given in support of the respective theories, the plaintiffs contending that the Slocan Star vein was cut off as already stated by the Black Fissure, and the defendants maintaining that the Slocan Star vein continued around point B. to a point C. on the model, and connected with the Silversmith vein, which they were working at the same level, and in fact that the Silversmith and Slocan Star constituted one and the same vein.

Difficulties having arisen as to the selection of an indifferent engineer to inspect and report upon the condition and appearance of the workings, I considered it advisable to inspect them myself in conjunction with an engineer chosen by each of the parties, and counsel were invited to attend the inspection, which, however, they both agreed was unnecessary. The plan was adopted that each engineer was to point out and explain upon the ground the principal facts in support of his contention, and that the other was then to explain them from his point of view. The result was that as the connection of the two veins between points C. and D.-27 on the 5th level was not apparent to the eye, it was ordered that such work should be done as would if possible shew the continuity of that vein through that distance.

This work having been done, and a second view having been had, I have come to the conclusion, after hearing further evidence and what was urgd, that the defendants' contention is correct, and that the 5th level shows a continuous vein traversing the Silversmith and Slocan Star.

With respect to the origin of this vein I incline to accept the defendants' theory in preference to that of the plaintiffs. The former was that the remarkable curve which the vein takes at the point where the work was ordered to be done arises from the fact that the fissure passes around the nose of a large dyke of porphyry, which had long before in a heated condition . . through the slates which there constitute the country rock in preference to traversing it, the porphyry being a much harder and denser material than the surrounding slates; and I do not consider that the theory is weakened by the fact that the fissure does traverse small tongues of that material. The defendants' theory was that the 'Black Fissure" cutting off the Slocan Star vein was caused by the contraction of the heated porphyry, but it seems difficult to reconcile this with the fact that small tongues of porphyry are found cut by the fissure, and that spathic iron or siderite, which is found close to the porphyry, cannot exist in the presence of any considerable degree of heat. However this may be, I do not think I am called on to definitely decide as to the correctness of either theory, as I consider there is abundant confirmatory evidence of the contention that the Silversmith and Slocan Star veins constitute one and the same vein.

Mr. Elmendorf, the defendants' engineer, pointed out several places in the east portion of the 5th level, which is admittedly on the Slocan Star vien—notably three—one being at the face, the second in the rise 75 feet east of the cross-cut, and the third at the junction of the level and the cross-cut, where identically the same material and appearance is to be found as that which composes the barren portion of the Black Fissure, which Mr. Sizer, the plaintiffs' engineer admitted to be the case. And although he admitted that there were many spots in the different levels of the Slocan Star which were barren and composed of the selfsame material as the Black Fissure, he maintained there was less evidence of crushing movement in the Star vein than in the Fissure, but I do not see how any distinction can be based on this ground alone to differentiate portions of a vein which is continuous in fact. It is true that at one or two points, notably at and beyond B., the material composing the vein and the adjoining slates appeared to be more compressed, shattered, and contorted than usual, but I think this was to be expected owing to the sharp curve taken by the fissure and the weight of the superincumbent mass of porphyry.

Inspection of the 5th level disclosed the fact that ore is found between stations 19 and 20 as well as all around the "horse" or shaft (i.e., where the vein widens out at the western boundary of the Slocan Star and commences its north-westerly course in the Heber Fraction); and also for a distance of 280 feet from the shaft as far as station 27, that is to say, for 280 feet in the Black Fissure, and there is nothing to distinguish this ore from that in the Slocan Star vein. Mr. Sizer explained the existence of the ore in —this 280 feet by saying that for a distance of 80 feet up to the cross-cut it was the Slocan Star vein broomed out, as it were, and butting up against the Black Fissure; and that as for the next 30 feet, there is little or no trace of ore, but from that on to the uprise in the Rabbit Paw ground, a distance of about 40 feet, ore is found to occur; that these circumstances point to the existence of another vein separate from the Slocan Star vein, and also cut off by and traversing out against the Black Fissure; and, in explanation of the fact that ore is found in the remaining 90 feet up to station 27, invokes the theory of drag ore, or suggests that the Black Fissure has been mineralized for that distance. I have, therefore, on the one hand the contention that the presence of ore for this 280 feet indicates continuity of vein, and, on the other, a theory which has little to commend it except the ingenuity born of despair and which the fact that the ore is found over the entire width of the vein is of itself sufficient to demolish.

Certain places were visited which Mr. Sizer claimed supported his theory, and would demonstrate it if exploratory work were ordered to be done. Mr. Sizer contended at the trial that evidence could be found at the angle of the slope near station 19, about 25 feet above the 5th level, in support of his theory of cut off, but a shot having been put in, since the trial, has wiped out any appearance of junction or cut off. In the stope above, where Mr. Sizer contended at the trial a similar appearance could be observed, the ore has dropped down since the trial and shews the vein continuing on the course shown by exhibit 70, and has also uncovered a clear hanging wall of porphyry. At the west face of the intermediate above No. 5 level there is left before the trial an angle as shewn by exhibit G., and Mr. Sizer contended that if this were removed a clean cut off would become apparent. Work has been done and the level continued for a distance of 23 feet, with the result that the vein appears to proceed in the course shown in exhibit 71; and there is a good ore body now showing in the face. In presence of this debacle all that Mr. Sizer could suggest was that the level was not run far enough and that the vein might be 70 or 80 feet in width, and that it broomed out in the same way as below. There was also a place in the angle of the intermediate below Five, where Mr. Sizer stated at the trial that a crack 18 inches in depth was to be seen, which supported his contention that the Black Fissure cut off the vein and proceeded on beyond; but this spot was not then open to examination, as the shaft was full of water.

Silversmith level No. 4 was then examined. This is entered through a horizontal tunnel which penetrates the nose of the dyke about 50 feet, when matter in place becomes observable, and at a distance of 126 feet Mr. Elmendorf pointed out ore, and it was shown at the trial that ore was found nearer the mouth of the tunnel by a distance of about 50 feet. I have no doubt that this tunnel simply cuts through a downward bulge in the porphyry, and that if it had followed ore or vein matter all the way in from the exit.

The outcrop was next inspected, where a series of pits (over 50 in a distance of about 1,300 feet) had been dug showing the apex rounding the dyke, its lowest point being at the nose of the dyke. Mr. Sizer candidly admitted that he could not dispute the fact that the Silversmith vein continued its way easterly around the point of the dyke, but that at a short distance east of the mouth of the tunnel it was intercepted by the Black Fissure. He could not, however, pretend to fix the exact place, nor to say which pit was the most easterly of the Silversmith outcrop, or which was the most westerly of the Slocan Star. In fact, such a feat was obviously impossible, for the simple reason that in all the pits identically the same vein matter was visible. Evidence was given at the trial that ore in place had been found in the top of pit 19, i.e., the mouth of the shaft which communicates with the fifth level, and this was not successfully impeached by the plaintiffs. The significance of the fact that ore in place is to be found in and near pit 18 lies in the circumstance that this pit is, roughly speaking, the corresponding point on the apex to the middle point of the Black Fissure as it appears in the 5th level.

The work ordered to be done between C. and D.-27 was inspected in May last, and the locus showed in places a clearly defined hanging wall and the characteristic vein filling present in the Silversmith and Slocan Star veins. Mr. Fowler, the engineer who attended on the inspection on behalf of the plaintiffs in the absence of Mr. Sizer, stated that he was unable to see how this wall could be connected with the hanging wall of the Slocan Star vein, and no doubt it would be difficult for a stranger on a cursory view to be satisfied that there had been any connection by reason of the curvature and width of the workings at this point (the former drift having cut diagonally across the hanging wall), and by reason of the fact that the hanging wall throughout this portion of the vein frequently changes its dip, and that as already stated, the slates around the point of the dyke are much contorted and shattered.

Inspection in presence of Mr. Elmendorf and Mr. Fowler was also had of the place in the intermediate below Five not accessible on the former inspection, where Mr. Sizer had discerned a crack, and which he claimed if opened up would show the Black Fissure cutting off the Slocan Star vein. I am satisfied that this is a mere slip in the vein filling, and that it is only one of a number of such instances in the mine. I might add that ore occurs here and there in this level west of the shaft, the last occurrence being about 125 feet from the shaft and about 12 feet from the face.

This second inspection having been had, further evidence was heard in July last, and the only matter developed which calls for any comment was that Mr. Sizer seemed to be uncertain as to what width he would assign to the butt-end of his so-called No. 2 vein, and as to what portion of the ore found in the alleged Black Fissure he would call drag ore.

Lastly, it should not be overlooked that the fact that this so-called Black Fissure was followed up unerringly for a distance of over a thousand feet without cross-cutting into the adjoining rocks as far as point B., is a strong argument to show that the defendants were successfully following the Slocan Star vein in various turnings—an argument can only be better appreciated by one who has been underground and seen the locus in quo.

Much stress was laid upon the fact that the Black Fissure as seen on the 5th level was barren for over 1,100 feet, but in my opinion there is nothing in this to militate against the contention for continuity. Other instances of veins being barren for long distances were cited and there is nothing to guarantee that this portion of the 5th level may not improve with depth until a point is reached when the ascending solutions were less subject to the influence of the overhanging porphyry, and there is, however, the difficult fact to contend with that as already stated, assay ore was found in pit 19.

I was accordingly at the close of the evidence of the opinion that this so-called Black Fissure is a myth, and that the Slocan Star and Silversmith veins constitute one and the same vein. After the evidence was closed, Mr. Davis applied for an order that further work be done on the ground that not enough had been done to establish his theory, and that without fresh work it was useless for him to continue, and said that there was no object in arguing the case as it stood, and that unless more work was done, the case was practically settled. As I was satisfied that on what I had already seen and heard that his theory was false and could not be demonstrated to be true, I refused the application, but left the question open until after I had heard argument on the whole case. The argument was fixed for 6th November last, but on that day Mr. Macneill appeared for the plaintiffs and informed the court that he was instructed merely to formally renew the application, which being formally refused, he withdrew from the proceedings.

Nothing, then, having been urged by Mr. Macneill as to why I should change my opinion and order further work done, I remain of that opinion, and consider that it would be only imposing a serious burden on the defendants without any advantage to the plaintiffs if I were to order any more work to be done in support of a theory which did not keep its original form, but grew with the litigation and from time to time showed great elastic powers in accommodating itself to the facts.

There is, therefore, nothing left for me to do but to dismiss the action with costs.

Mr. Bodwell pressed for a declaration as to the nature and extent of the rights of his clients, but, as there is no counterclaim praying for such a declaration, it is not open to me to make one. Even if there were, it would not necessarily be incumbent on me to do so. As matters stand, the dismissal of the action determines all the issues in favor of the defendants.

Counsel engaged in the case are Messrs. Davis, K.C. and S. S. Taylor, K.C., for appellants; Messrs. Bodwell, K.C. and Lennie for respondents.

UPHOLDS ALCOHOL IN MODERATION

Rapid and Trustworthy Restorative in Disease—Beneficial as a Beverage

London, March 31.—Considerable controversy is already waging around the "expression of opinion," published in the Lancet, concerning alcohol and alcoholic beverages. Its publication is apparently meant as a counterblast to the agitation against even the medicinal use of alcohol, which from time to time recently has cropped up with considerable prominence. The statement runs: "In view of the statements frequently made as to present medical opinion regarding alcohol and alcoholic beverages, we, the undersigned, thing it desirable to issue the following short statement on the subject, a statement which we believe represents the opinions of leading clinical teachers as well as the great majority of medical practitioners:

"Recognizing that in prescribing alcohol the requirements of the individual must be the governing rule, we are convinced of the correctness of the opinion so long and generally held that, in disease, alcohol is a rapid and trustworthy restorative. In many cases it may truly be described as life preserving, owing to its power to sustain cardiac nervous energy, while protecting wasting nitrogenous tissue. As an article of diet we held that the universal belief of civilized mankind that the moderate use of alcoholic beverages is for adults usually beneficial as amply justified. We deplore the evils arising from the excessive use of alcoholic beverages, but it is nothing, however beneficial, which does not by excess become injurious."

Statistics of London hospitals for 1905 show that the quantities of stimulants used during the year were: Brandy 33¾ gallons; whiskey, 64 ¼ gallons, gin 2½ gallons; port, 228½ gallons; sherry, 89¼ gallons.

NOTICE

THE B. C. Hardware Co. will be found carrying on their business at the stand formerly occupied by The Nicholles & Renouf Co., Ltd., cor. Broad and Yates Streets, having placed in an entirely new stock in premises thoroughly renovated, and have added to the lines formerly found at this stand.

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VANCOUVER PAINTERS

The differences between the Association of Master Painters and the local union of the Brotherhood of Painters was brought to an amicable termination last evening at a joint meeting held in Elk's hall, when it was decided that the men would return to work on Monday morning, their demand for 50 cents per hour and the closed shop having been agreed to by the Association, says the Vancouver News-Advertiser of Sunday.

There is a complete understanding however, that certain rights which are due to the Association will be strictly maintained and carried out. In future both master and men will come in closer touch and work together in perfect harmony. The union will refrain from contracting any job work at all, that will be left entirely in the hands of the Master Painter's Association. For all the time to come, all disputes will be left to a conference committee, comprising five men from the Association and five men from the union, whose decision will be final in all cases, and from which there shall be no appeal. This arrangement will practically make it impossible for a strike to occur.

NANAIMO NOTES

Nanaimo, April 8.—The schooner North, captured some months ago by the steamer Kestrel, is to be converted into a steamer for the local fisheries office and will be operated by the Dominion government.

N. K. Wright, manager of the Royal Bank of Canada here, has been appointed relieving manager for the West, and assumes his new duties in about two weeks. L. M. Richardson of Ladner fills the vacancy created by the change.