NOTICE.

tice is hereby given that 30 days after I intend to make application to the orable the Chief Commissioner of ds and Works for a special license to and carry away timber from the follow- described lands:

t I. Commencing at a stake planted t half a mile south from the entrance Warner Bay, Seymour Inlet, thence h 160 chains, thence west 40 chains, ce north to shore line, thence following e line to place of commencement, con- ing in all about 640 acres.

WILLIAM M'NEILL.

t II. Commencing at a stake planted at northwest corner of Lot I., thence h 160 chains, thence west 40 chains, ce north 160 chains more or less to e, thence following shore line to place ommencement.

WILLIAM M'NEILL.

t III. Commencing at the northeast er of Lot I., thence east 60 chains, ce north 80 chains, thence west 80 ns more or less to shore of Warner thence following shore line to place ommencement.

WILLIAM M'NEILL.

t IV. Commencing at a stake planted t one-half mile south of the head of ner Bay on the west side, thence south hains, thence west 80 chains, thence 80 chains, thence east 80 chains to of commencement.

WILLIAM M'NEILL.

ted June 14th, 1904.

t V. Commencing at a stake planted t one and one-half miles west of ner Bay, on the south side of Seymour , thence south 80 chains, thence west hains, thence north 80 chains, thence following shore line to place of com- cement.

WILLIAM M'NEILL.

ted June 16th, 1904.

t I. Commencing at a stake planted on right bank of Weewattle River, about mile from its mouth, at the head of mour Inlet, thence north 160 chains, ce east 40 chains, thence south 160 ns, thence west 40 chains to place of nencement.

WILLIAM M'NEILL.

t H. Commencing at a stake planted at southwest corner of Lot I., thence h 40 chains, thence east 80 chains, ce north 120 chains, thence west 40 ns, thence south 80 chains, thence 40 chains to place of commencement.

WILLIAM M'NEILL.

t III. Commencing at a stake planted he northeast corner of Lot I., thence h 80 chains, thence east 80 chains, ce north 80 chains, thence west 80 ns, to place of commencement.

WILLIAM M'NEILL.

ted June 15th, 1904.



# VERDICT GIVEN AGAINST UNION

## CENTRE STAR WINS SUIT FOR DAMAGES

### Jury Assesses It at $12,500, Finding There Was Malicious Conspiracy at Rossland.

(From Friday's Daily.)

Upon the conclusion of the plaintiff's case in Centre Star vs. Rossland Miners' Union, before Mr. Justice Duff and a jury yesterday afternoon, S. S. Taylor, K. C., acting for the defendants, said that no witnesses would be called for the defence.

This morning Sir Charles Hibbert Tupper, K. C., began his address to the jury on behalf of the plaintiff company. In the course of it he remarked that the law allowed men the right to strike. The important feature in the case, he said, was whether or not the cause of this strike was a palpably sham excuse foisted upon a union by leaders to carry out the work of the Western Federation of Miners of the United States. It was to aggrandize the Western Federation of Miners by showing its power and its importance. It would have to be considered whether this strike was not due to this rather than for the benefit of those concerned.

The position of those concerned was to hide the facts. They felt ashamed of the means adopted, and the excesses engaged in. It was not like the case of the English Trades Unions, which came into court with their books and showed everything above board.

The attitude of the defendants and their counsel was to keep back everything which they could. President Boyce advised them early in that course. President Boyce in his letter described it as outrageous that all these records and papers should be produced in court for the benefit of a corporation. It was not, Sir Hibbert said, for the benefit of a corporation, but in the interests of justice.

Referring to the disappearance of the minute book of the Carpenters' and Joiners' Union, he said it was unsatisfactory. It clearly prompted the belief that the book had been spirited away, and representatives did not dare to go into the witness box and contradict it.

The books of the Rossland Miners' Union had been obtained. Quoting from the affidavit of S. S. Taylor as to what the books contained, Sir Hibbert said that a perusal of the books proved that the affidavit was intended to conceal the facts. The books showed that the union was organized in 1895. They became incorporated and changed their seal. From that time down the Rossland Miners' Union was synonymous with the Western Federation of Miners, although they used the old name in the minutes, etc., for purpose of concealing. There was very good reason for Mr. Woodside, one of the defendants, to keep out of the box after having told direct falsehoods to his attorney.

He read from the affidavit of the secretary of the union, given before the books were produced, denying that there was any attempt to surround the affairs with mystery, and stated that he believed the Rossland Miners' Union, No. 38, was an unincorporated body. But all the books were not produced.

Referring to the books produced, he pointed out the dilapidated condition of the minute book. No officer of the union dare go in the box and explain the mutilation of the book. The pages from 400 to 403 were gone under date of April 26th, 1899, when information was required as to incorporation. Further mutilations existed. He referred to scratching out words and inserting others which might be harmless, but which might have a bearing.

Mr. Woodside, the secretary, had not kept the books as he should. Documents had been destroyed. In the face of all these difficulties the case had been established against the defendants, not by the evidence of so-called capitalists, but by men of their own class. The leaders of this strike, when no litigation was on, in spite of the obligation of membership, published to the world in their magazine all that took place in the union meeting which suited them. But when the matter was in the courts they proposed to exaggerate the force of this obligation, which was really not regarded as binding.

The Western Federation of Miners, which was able to contribute $20,000 to the strike, had an immense power either for good or evil. Nothing was urged against trade unions. But the Western Federation of Miners showed that it existed not for the good of the members, but for the benefit of those who controlled it. The fight was not against trades unions, whether organized or not, but against an organization which had shown its influence to be evil.

Sir Hibbert went on to quote from the minutes, showing that the purchase of lots and erection of the hall followed incorporation, which had been proved by the registrar-general.

The examination of officers of union in which they stated that there was a duplicate set of officers and books, the incorporated and the unincorporated bodies, was, Sir Hibbert said, palpably untrue, and that they were one and the same organization.

The strike at Rossland was engineered by the Western Federation of Miners and by Wilkes. It was even according to the minutes done principally in the benefit of the Northport workers, and not the muckers of Rossland.

The address was not completed when the court adjourned at 1 o'clock.

(From Saturday's Daily.)

Continuing his argument to the jury yesterday afternoon for the plaintiff company in Centre Star vs. Rossland Miners' Union, Sir Chas. Hibbert Tupper said that the strike was an illegal one. It was a wantonly and malicious strike. It was not brought about by the men themselves, but out of sympathy for trouble in another place. Wilkes felt very proud of the strike. It was intended to be and was "a general campaign" against the mines in Rossland. Bulwer, Boyce and Wilkes in testimony and letters showed that it was a strike in sympathy with Northport strike. The purpose was not to abstain from work until the pay of their fellow workers was increased. It was for the purpose of closing the mines.

There was, Sir Hibbert said, a discrepancy of between $4,000 and $10,000 in the accounts produced between the strike money received and the disbursements. This perhaps was a reason why some of these leaders did not go into the box and make clear everything.

Describing the system of picketing and terrorizing from the standpoint of his contention, Sir Hibbert held that by the Beamish-Collistro incident it was proved that British justice would not permit of the extravagances which might be allowed in parts of the United States. It was then the back of the strike was broken, and it was little wonder that property would be unmolested. He urged the jury not to forget the responsibility they had in deciding whether or not this Western Federation of Miners or the agitators in it should conspire against the interests of Rossland and the country. The claim of the plaintiffs was not confined to Rossland. It applied to the whole of British Columbia.

Sir Hibbert said it was seriously stated as a defence that these men allowed the mines to reopen before Rossland was mined, although the companies were losing about $30,000 a month.

The amount of damages was not the point which was sought. A verdict with damages would, however, result in preventing a repetition of such an affair as had happened at Rossland. This was not a vindictive action. It was not attempted to harass or embarrass anyone.

S. S. Taylor, K. C., for the defendants, then addressed the jury. He said that up to the time of the address of Sir Hibbert he had believed he was acting for honest men, men who earned their living by the sweat of their brows, and who were an honor to Canada. But if Sir Hibbert was correct he represented perjurers, murderers, house burners and other criminals. It had even been urged that he (Mr. Taylor) was a perjurer. He attributed this to the exuberance of Sir Hibbert. The latter had not treated him fairly in doing so, as he probably was better known to them than he (Mr. Taylor) was.

Mr. Taylor explained that when he made the affidavit as to the references the issues were in no wise the same as they were at present. The action of Sir Hibbert was cowardly in this matter. He had disclosed all that was asked for according to the issues then at stake.

Mr. Taylor wanted to know where the documents from the side of the mining company were. Where were the accounts and the letters written in connection with the men who really began the strike. Why was E. B. Kirby, the mine manager, not here to give evidence, as he knew all that took place. The excuse was offered that an amalgamation was in progress between the Le Roi and the War Eagle and Centre Star. That was but an excuse. Were the head offices of the companies concerned in London and Toronto intrusting it all to Mr. Kirby?

The issues in this action were simple. A strike is unpopular. The workmen is "up against it" in any attempt to bring the wages up to those prevailing in other parts. A strike is justifiable.

There were only two things in the case. Was the strike justifiable, and was any legal right of the Centre Star violated? No matter what the conspiracy, if the men had the legal right to go out on the morning of the strike then there was no claim. If the Centre Star could discharge them or they could leave, then there could not be any damage.

The matter of fights in the city, etc., had nothing to do with this case. No matter what malice there was against the Centre Star company, that had nothing to do with the case. Out of the contract system alone could any claim come. But this applied to the shaft only. The breaking off of that did not interfere with the Centre Star, for the company could resume the work again whenever they chose.

It was the absolute right of men to strike. It was the right thing that such should be allowed. Combines existed in all lines in business, in railways, etc. The labor man but did the same.

He held that any combination of men was legal according to law, whether registered or not.

The strike was declared in a proper manner, namely, by a three-quarters vote. But the way by which a strike was declared had no concern for the Centre Star. That was a question of inferior arrangements in the union. The three-quarters vote was interpreted by Wilkes and other leaders, and uncontradicted, that this applied to those present at the meeting. The strike was endorsed July 3rd, the vote taken July 4th, and approved of July 11th.

But apart from that, the Centre Star had nothing to say as to the correctness of the vote.

Coming to the contention that the strike was due to the Northport trouble, Mr. Taylor said it likewise had nothing to do with this. He traced the history of the proposed increase in the muckers' wages from $2.50 to $3.00, which began in April. Both issues likely entered into the strike, but sympathy for Northport workers was a side issue compared with the other. What benefit would come from a strike at the Centre Star in sympathy with Northport, between which there was no connection? The same was true of the Iron Mask and the Velvet mines, but work was kept up at these, the management agreeing to pay the increased rate.

There was no actual damage proved against the Centre Star. The ore could be mined as well one time as another. The employees were cut down to a very low number. If a mine shuts down in connection with a strike the shut down is but an incident of the strike. If the men have the right to strike, whether they had a meeting or not, then no damage could follow.

The mining company never attempted to open from July 12th till December. Applicants for work were refused work. Pickets, even if they existed, could not interfere with the Centre Star when it did not want workers. The Centre Star could not collect for damages done to the Le Roi. The interference with the Le Roi in bringing in men to work was wrong. The men who were mixed up in the Beamish incident did wrong. These matters were all settled, and they should not be called upon to settle a second time.

On July 13th, right after the strike, Manager Kirby asked leave to allow the diamond drill men to continue prospecting work. This was conceded by the strikers, who showed they struck for a definite purpose, the increase in wages.

Against the charge of a definite plan of terrorism, Mr. Taylor contended that in six months there was evidence of only two police court cases. In spite of all this system of terrorism there was little uproar. It spoke well for these men on strike that there was little trouble. It should not be thrown against the union that there had been acts of lawlessness done under the Western Federation of Miners in the United States. That was the fault of the laws of the United States, which allowed of this, rather than the organization. It could not be allowed on this side of the line, and the union men in British Columbia regretted it as much as any one else.

With respect to picketing, there was no evidence that there was any against the Centre Star. Men were placed to inform miners as to the decision of the union for the Le Roi. The union had a right to take every advantage of the laws of the land to aid them in the way of preventing aliens coming into the country.

In reply to the charge that the defendants feared to put in any witnesses, Mr. Taylor said that this was answered by the vast amount of evidence taken on discovery which had been put in.

This was sufficient, he considered. This included the testimony of Woodside, Bulmer, McLaren, W. L. McDonald, Preston, Wilkes and others.

But the concern which Sir Hibbert had as to these witnesses not going into the box was that by not calling them he (Mr. Taylor) was given the latest opportunity of addressing the jury, which Sir Hibbert had wished to be his privilege.

In reply to the boycotting charge, Mr. Taylor held that the books put in by the plaintiffs showed that the trade for supplies was well distributed throughout the city.

When a company was as well treated by the strikers as the plaintiff company was there was some ulterior purpose for this suit. The mines were working along with union and non-union men alongside of one another for years. What would be the result of awarding damages? It would stir up trouble again. If possible no industrial warfare should be stirred up in Rossland again.

The question as to whether the Rossland Miners' Union, No. 38, Western Federation of Miners, was the same as the Western Federation of Miners, Rossland Branch, had nothing to do with the case until a judgment was obtained. The counsel for the company was looking to the sale of the hall. There was no attempt to keep the two associations separate. On the contrary the evidence of the registrar-general showed that the union attempted to incorporate under the Benevolent Societies Act.

He asked them to distinguish among the defendants. There was little evidence against the Carpenters' and Joiners' Union. P. R. McDonald comes in with this union. Against others there was no case established.

His Lordship, addressing the jury, said that there was little chance of finishing the case even with a night session. The legislature at the last session had imposed an additional duty on the judge of preparing his case without the assistance of counsel by a clause allowing that an appeal might be taken on the ground of the charge being improper even if exception were not taken at the time it was delivered. He said he wished to look into a few legal points in connection with the matter.

His Lordship addressing himself to the jury asked whether they wished to sit the following day or to adjourn until Monday. After deliberating the jury decided to sit this morning.

His Lordship decided that the court should sit at 10 o'clock this morning.

Court resumed at 10 o'clock this morning in the Centre Star vs. Rossland Miners' Union trial before Mr. Justice Duff and the following jury: Luke Pither (foreman), A. Brenchley, Henry McCandless, A. R. Langley, L. H. Hardie, R. Sangster, Chris. Spencer and G. F. Mathews.

Sir Charles Hibber Tupper, for the plaintiffs, moved to strike from the action as defendants the Blacksmiths' and Helpers' Union, which did not exist, and Rossland Co-operative Company.

In reply to His Lordship, Sir Hibbert said personal charges were confined to F. R. McDonald, Beamish and McLaren. He then addressed himself to His Lordship on points of law. He contended that there was no difference between contracts prevented and contracts broken. Besetting or picketing for the purposes of peaceful persuasion was held to be unlawful, he said. Further, Sir Hibbert held that acts directed against other mines which were joined with the plaintiffs in connection with this strike should be considered as proving what would have been done against the plaintiff company directly had the occasion arisen. Respecting damages, he said they only asked substantial damages.

His Lordship pointed out that he did not know how to direct the jury with respect to the amount of damages.

Sir Hibbert pointed out that according to the evidence as to the shipments of ore this amount of $50,000 was well within the mark. However, $15,000 or $20,000 would give them the protection required.

S. S. Taylor, K. C., for the defendants, held that the authorities required that there must be direct pecuniary loss caused to the plaintiffs by the acts of the defendants.

A conspiracy in a civil action was nothing without overt acts, in that way different from a criminal action. In contending that a strike might be lawful, Mr. Taylor held that a sympathetic strike in its broadest terms was lawful.

His Lordship said that while the right of men to quit work might be clear, yet the question of whether or not they were justified in inducing others to quit work was a question for the jury to decide and not a question of law.

On the question of damages, Mr. Taylor held there must be direct evidence as to what was done in consequence of what might be found to have been unlawful acts as distinguished from the lawful acts.

His Lordship in charging the jury said that the law protected every man in the disposition according to his own best judgment of his capital, his skill and his labor. The right to dispose of them constituted a legal duty. Every man's right to do as he would with his own was limited in conjunction with the rights of others. As long as a man did not use unlawful means he might, within restriction, interfere with other men doing the same in competition. This was but due to competition. The question was whether the interference was within lawful limits. He read from the judgment of Royal Steamship Company vs. McGregor to show this. In this case he explained shippers combined to lower rates in order to control the tea carrying trade. Action was brought against them but it was held to be lawful to combine in such for the advancement of their own interests.

Mining companies had the right to carry on their work, employing whom they would, without molestation, subject to the restriction that other persons have carried on their business within the limit of the law.

The jury was not to regard a strike in itself as an unlawful thing. Our law did not prevent workmen from agreeing to quit work. There was nothing to prevent them from agreeing to do so in the event of a ballot deciding so, etc. This was subject to the restriction that no contract was broken. Although the motive might be ill-will even, he did not believe it would render the persons so concerned civilly responsible.

The jury might agree that if the union decided upon the strike and to carry on the strike by unlawful means, and these were employed, then not only the persons who did these acts, but also those connected with the combination, would be liable for these acts.

In establishing a conspiracy, it was practically impossible to get direct evidence that the parties got together and agreed upon a definite course. But a conspiracy might be proved by inferential evidence. All the mining companies were the parties against which the strike was to be directed. They might find that it was proposed to take a different line of action against the Centre Star than from the other companies, but he did not see anything in the evidence to establish this.

The question of unlawful means involved things which were declared by our law to be criminal. If these were done then the action could be maintained. These unlawful things presupposed that they did so in order to prevent others from doing what they lawfully were allowed to do. These offences were persistently following a person from place to place, following with others any person along a street or road and besetting and watching a person.

In the Horne case, where a miner was brought in by the Le Roi Company, they had very direct evidence that this man was followed about from place to place. There was no difficulty in coming to the conclusion that things were done with respect to the men coming from Winnipeg which would be unlawful under the act. If they concluded that these things were done pursuant to the original arrangement, then they could not separate those directly concerned from the union which would have to bear the responsibility. They did not require direct resolutions, etc., in such a matter.

Another feature which would make the acts contrary to law was the constituting of what would be called a nuisance. This was an actionable wrong apart from conspiracy altogether. Under nuisance a boycott which became a terror might be included. The congregating of large bodies so as to impede trade from whatever cause might also constitute a nuisance. A thing which one man might do and be perfectly within the law, which if done by a large number, and because it was done by a large number became a legal wrong. This entered into this action. The Rossland Miners' Union there was evidence to show was affiliated with the Western Federation of Miners. From the evidence they might draw conclusions as to the methods used by the Western Federation of Miners. This included the use of the "black list" and the sending of photographs to identify persons so placed. There was evidence as to the way the men who showed a disposition to go to work were treated.

The jury would have to decide whether or not a state of things was established which constituted a boycott towards the Centre Star with respect to getting labor.

The jury would have to decide whether they thought when the strike was planned that these things were contemplated. If they decided it was then they could decide if an unlawful act.

If the plaintiffs agreed to do, and did unlawful acts then they were liable. There was, he thought, likely considerable misunderstanding as to what constituted lawful acts in connection with these troubles. It made no difference, however, whether they intentionally did the unlawful things or unintentionally did them.

It was urged that the defendants induced men to quit plaintiffs' employ, and induced others from going to work for the purpose of injuring the plaintiffs. The justification set up by the defendants was that the strike was for the purpose of increased pay for the miners and shorter hours for the carpenters, that it was in the interests of the defendants alone, and not directed towards injuring the plaintiffs.

Much would depend, therefore, under the head of justification and excuse, as to whether the real design was to get better terms, and not for the injury of the employer. If the former, and no unlawful acts were done, then the men were within their rights. There was evidence to show that in connection with the carpenters' strike there was no grievance. The evidence would have to be considered very carefully on this question, and whether the carpenters went out to assist the Miners' Union only in order to bring pressure on the employers to grant the demands of the miners.

Mr. Justice Duff had not concluded his charge when the Times went to press.

(From Monday's Daily.)

The trial of Centre Star vs. Rossland Miners' Union, et al, was concluded late Saturday afternoon. The defendants were found guilty of maliciously conspiring together to molest and injure the plaintiffs and other mine owners of Rossland in their business by unlawful means. The special jury in the case assessed the damages due the plaintiff company at $12,500.

The details of the judgment will be decided later by Mr. Justice Duff, the trial judge in the case. Written arguments on each side being submitted. The defendants held guilty under the finding of the jury are the Rossland Miners' Union, No. 38, Western Federation of Miners, the Western Federation of Miners, Rossland Branch, the Carpenters' and Joiners' Union, No. 1, of Rossland, and individually the following officers of these: Ruper Bulmer, W. L. McDonald, Frank Woodside, W. G. Preston, Peter R. McDonld, John McLaren, T. M. Beamish and James Wilkes.

An appeal, it is fully expected, will be taken against the decision. The jury found that nothing had been done to induce men who had entered into contracts with the plaintiffs to break such contracts. On this point the defendants think they have good ground when it comes before the Full court.

On Saturday in his charge to the jury, Mr. Justice Duff, after the hour when the Times went to press, referred to the cause of the miners' strike.

His Lordship referred to the claim of the plaintiffs that the strike was undertaken to assist the Northport workers in trouble which they had. On the other hand the defendants claimed that it was undertaken in order to assist the muckers at Rossland mines. Going into the matter fully he pointed out that it was a peculiar thing that the muckers' trouble should come up only on July 3rd. He also alluded to the fact that July 4th, a holiday, was selected as the day for taking the vote. In view of the fact that it was a holiday and a large number of men were out of the city, this might be considered somewhat peculiar. Then there was the question as to notice of the vote and the decision of what constituted a three-fourths vote.

He alluded to the fact that though these men were charged with such serious matters as that of committing illegal acts, etc., yet they did not think it worth while to go in the box and face the jury by giving evidence in their own behalf. The fact that they had given evidence some years before under the conditions under which evidence for discovery was taken was not a very strong reason for not going into the box and explaining matters.

If the vote was not properly taken then the construction was open that coercion might have been employed, and that the strike being declared in this illegal way was for the aggrandizement of the Denver organization.

This was a very important feature of the case. There was evidence to show that about 300 men voted on this strike, and that about 1,000 men went out on strike. Why did these men who were not members of the union go out? Did they do so in order that the muckers should get increased pay or that these men brought about a condition of affairs such as to impel them to abstain from work for fear of the consequences which such an organization might enforce? The exact language used did not alone constitute the offence.

Before finding the defendants liable to damages they must find that there was pecuniary loss. The stoppage of such works for a continued period must result in a substantial loss he thought.

Vindictive damages or damages for the full amount was not asked. The plaintiffs only asked for such substantial damages as would mark that there had been wrong done.

He asked the jury to find whether or not the business of the Western Federation of Miners, the corporation, was carried on under the name of the Rossland Miners' Union. This point it might be well to decide.

He reminded the jury to decide the question upon the law without considering the suggestion of Mr. Taylor as to the consequences of giving judgment against the defendants, by which they lost their property or of Sir Hibbert that British justice should be administered in Rossland as in other parts of the British Empire.

In taking objection to points in the charge to the jury Mr. Taylor instanced that respecting the defendants not giving evidence. He contended that the right to follow Sir Hibbert in his address was a sufficient reason for this.

His Lordship said the jury could come to what conclusion they saw fit on the point. He had not exceeded the rule in directing on this point.

After submitting the series of questions for the guidance of the jury the court adjourned until 3.30.

It was not until about half past six that the jury returned with a verdict.

This consisted in the answers to the questions submitted to them, which were as follows:

1. Did the principal defendants—or any one of them—namely, the Rossland Miners' Union, No. 38, Western Federation of Miners; the Western Federation of Miners, Rossland Branch; Rupert Bulmer, William L. McDonald, Frank Woodside, W. G. Preston, the Carpenters' and Joiners' Union, No. 1, of Rossland, Peter R. McDonald, John McLaren, T. M. Beamish and James Wilks, maliciously conspire together to molest and injure the plaintiffs and other mine owners of Rossland, in their business by unlawful means?

Answer—Yes; and all of them.

(a) And did the said defendants, or any of them, by acts done pursuant to the said conspiracy, cause the plaintiffs pecuniary loss?

Answer—Yes.

2. Has the Western Federation of Miners, Rossland Branch, been carrying on its business in the name of, and has it been usually known as, "The Rossland Miners' Union, No. 38, Western Federation of Miners," since the date of its incorporation?

Answer—Yes.

3. If you answer question 2 in the affirmative, did the defendants, the Western Federation of Miners, Rossland Branch, otherwise known as the Rossland Miners' Union, No. 38, Western Federation of Miners, unlawfully and maliciously procure employees of the plaintiffs to cease working for the plaintiffs on, from and after the 12th day of July, 1901, by calling out the said employees and compelling them to go on strike?

Answer—Yes.

(a) And did the plaintiffs suffer pecuniary loss by reason thereof?

Answer—Yes.

4. Did the defendants, the Rossland Miners' Union, the Western Federation of Miners, Rossland Branch, and the Carpenters' Union, and their officers and members, or any of them, maintain or assist in maintaining the strike by unlawful means, that is to say:

(a) By molestation or intimidating men who were working for the plaintiffs or for other mine owners of Rossland, with a view to inducing them to cease from so working?

Answer—Yes.

(b) By inducing men who had entered into contracts with the plaintiffs to break such contracts?

Answer—No.

(c) By inducing, or attempting to induce, men who were willing to enter into contracts of service with the plaintiffs or other mine owners of Rossland, or to work for them, to refrain from so working?

Answer—Yes.

(d) By furnishing strike pay or other relief or assistance?

Answer—Yes.

(e) By unlawfully watching and besetting the premises of the plaintiffs and other mine owners of Rossland, and the roads and approaches leading to the said mines, and the railway stations in Rossland?

Answer—Yes.

5. Did the defendants, Rupert Bulmer, William L. McDonald, Frank Woodside, W. C. Preston, Peter R. McDonald, John McLaren, T. M. Beamish and James Wilks, or any and which of them, maintain, or assist in maintaining, the strike by unlawful means; that is to say: By any and which of the means referred to in question No. 4?

Answer—Yes; all of them, by means of A, C, D and E.

6. Did the said principal defendants, and the members of the Rossland Miners' Union, or any and which of them, conspire with each other to do any and which of the things mentioned in said question No. 4?

Answer—Yes; all of them except section B.

7. Did the defendants and the members of the Rossland Miners' Union, or any and which of them, unlawfully and maliciously conspire together to molest and intimidate the plaintiffs in the carrying on of their business, and were the plaintiffs so molested and injured?

Answer—Yes.

8. Did the plaintiffs sustain any substantial damages?

Answer—Yes.

9. The amount?

Answer—$12,500.

Mr. Justice Duff in dismissing the jury took occasion to thank them for the attention they had given the case. It was an important public duty they had performed. While it might be the question of the protection of the property of A or B to-day it might to-morrow be the protection of their own property. It was, therefore, an important position they had been called upon to fill. He would recommend, he said, that they all be exempted for four years from duty as special jurors.

The jury was then dismissed.

It was then agreed with counsel that argument as to judgment should be submitted by counsel. A. C. Galt, for the plaintiffs, was to submit his argument to S. S. Taylor, K. C., for the defendants by July 28th. Mr. Taylor's reply is to be in Mr. Galt's hands August 7th, and August 11th Mr. Galt's reply is to be submitted.

## THE LATE PAUL KRUGER.

### Gen. Botha Selects July 17th as a Day of Mourning.

Pretoria, Transvaal, July 16.—General Louis Botha, former commander-in-chief of the Boer forces, has publicly requested all officers, officials and burghers of the late South African republic, to observe July 17th as a day of mourning for the late former President Kruger. He also expressed the hope that all the old inhabitants would don mourning for a month.

Gen. Botha pays tribute to the ex-president for his energy and his sacrifices to make the African people a nation, and concludes: "His death is the sadder because he was not permitted to spend his last days in his own country. We shall always feel this deeply, but will keep silent."

## VICTIM OF THUGS.

### Telegraph Superintendent Dies From Injuries Received Last November.

Chicago, July 16.—Edward D. Bangs, superintendent of the city lines of the Western Union Telegraph Company, who is supposed to have been beaten by thugs on the morning of November 28th of last year, is dead at his home of concussion of the brain. Death was a direct result of the injury suffered in November. Mr. Bangs was found unconscious on the street early on the morning of the supposed attack, and the police, thinking him to be intoxicated, placed him in a cell, where he remained for several hours without medical attendance. No clue was ever found to the identity of the assailants.

## BOUNDARY ORE SHIPMENTS.

Phoenix, B. C., July 16.—The Granby company's mines have shipped over 300,000 tons of ore this year, although the Boundary tonnage for the week is not up to its normal level, as the Granby smelter is operating but four furnaces. Shipments for the past week were as follows: Granby mines, to Granby smelter, 8,400 tons; Mother Lode, to Greenwood smelter, 2,560 tons; Emma, to Trail and Nelson smelters, 776 tons; Oro Denoro, to Granby smelter, 100 tons; total for week, 11,836 tons; total for year to date, 431,673 tons. During the last week the Granby smelter treated 8,210 tons, making a total of 322,621 tons for the year.