

SUPREME COURT OVER

SESSIONS CONCLUDED YESTERDAY—CHIEF JUSTICE GOES HOME. MATTERS DISPOSED OF AT YESTERDAY'S COURT AND CHAMBERS.

The sittings of the supreme court before Chief Justice Hunter were concluded yesterday, his lordship leaving at noon for the coast.

The only action remaining undisposed of when court opened yesterday was that of the Lion Brewing Company vs. Yale-Columbia Lumber Company to recover some \$800 alleged to be due the plaintiffs on account of an engine sold by them to the defendant company. The point at issue hinged on the question as to whether the engine was turned over to the defendants when Blue & Fisher transferred the lumber business, acquired by the Yale-Columbia people, or whether the engine deal was a separate transaction. Yesterday morning the litigants and their counsel came together and adjusted their differences by splitting the claim. This withdrew the matter from court. C. R. Hamilton appeared for the plaintiffs, J. L. G. Abbott for the defendants. The court then disposed of a series of interesting chamber matters. In Centre Star Co. vs. Rossland Miners' Union, application was made by the plaintiff finally to compel production by the defendant Miners' Union of certain entries in their minute book relating to the Western Federation of Miners' Rossland branch, and certain letters written by Edward Boyce, president of the W. F. of M., and by W. Haywood, secretary of the W. F. of M., to the officials of the Miners' Union. Secondly, to compel production by the defendant, the Carpenters' and Joiners' Union, of their minute book or extracts therefrom. And thirdly, to amend the statement of claim by adding the trustees of the union as parties defendant. A. C. Galt explained that this was the fourth application which had been found necessary in order to secure the discovery and production to which the plaintiffs were entitled. S. S. Taylor, K. C., opposed the application, and stated that the omission to fully comply with previous orders had occurred through inadvertence. The chief justice granted the order. Costs to be costs in the cause.

In War Eagle vs. Rossland Miners' Union, S. S. Taylor applied on behalf of the defendants to dismiss the action for want of prosecution, as no proceedings had been taken in it for several months. A. C. Galt, for the plaintiffs, showed that their action was in all respects similar to the other action in which the Centre Star were plaintiffs, and contended that it would be a great saving of expense to all parties concerned to allow the decision in the Centre Star case to govern this one also.

The chief justice held that unless the defendants consented to this course being adopted the two actions must be regarded as distinct, and the action must therefore proceed in the usual way unless the defendants consented to adopt the course suggested by the plaintiffs. He therefore dismissed the application, but gave leave to the defendants to renew it after 30 days in case the plaintiffs did not proceed. Costs to be costs to the defendants in the cause. S. S. Taylor made similar application to dismiss the actions brought by the Le Roi No. 2 and Rossland Great Western against the Rossland Miners' Union et al. The court made an order similar to that in the above cases, as to the commencement of proceedings within 30 days.

CITY SUES FOR \$800

AFTER LARGE DELINQUENT TAX-PAYER FOR SPEEDY JUDGMENT.

WRIT OUT SOME DAYS AGO—THE FIRST MOVE IN COURT.

His Honor Judge Forin was in the city yesterday for the purpose of holding supreme and county court chamber sittings. The most interesting matter before his honor was an application for speedy judgment in the case of the City of Rossland vs. Rossland Real Estate & Investment Company. The action is to recover some \$800 unpaid taxes due to the corporation from last year's levy. J. L. G. Abbott, city solicitor, appeared for the application, W. S. Deacon contra. The latter raised some legal points in opposition to the proposed order, his objections turning on the corporation's right to sue for unpaid taxes within the period of two years. His honor decided to leave the whole matter over until the trial of the case. The long-drawn out case of Northport State Bank vs. Baur was practically concluded yesterday when the affidavit of C. S. Stosson, a bank official, was introduced to establish a point that had not been entirely cleared up in the previous hearing. Objection was taken to the introduction of the affidavit on the ground that it was drawn by the bank's solicitor. An order was made for judgment for plaintiffs on production of properly sworn affidavit. In Becker vs. Jenkins application was made for permission to use certain affidavits with the alternative of a commission to examine witnesses out of the jurisdiction. Leave was given to file further affidavits, costs in the cause. C. R. Hamilton appeared for the plaintiffs, W. J. Nelson for the defence.

AN EAST KOOTENAY LUMBER COMBINE

Combination Includes Mills Having a Capacity of Over One Hundred Thousand Feet of Timber Daily.

Much interest has been created in East Kootenay and among the lumbermen of the Kootenays generally as the result of the announcement that the lumber mill combination under discussion for some months has been completed and that the combine is now an accomplished fact. This marks the commencement of an epoch in the history of East Kootenay's great lumber industry.

Table with 3 columns: Owner, Location, Capacity. Lists mills like Archibald Leitch, Cranbrook, etc.

No announcement has been made as to the corporate name under which the combination will operate or its capitalization. Eastern capitalists, it is understood, put considerable money into the proposition.

Great interest centers about the combination's movements because of the important concessions they have secured from the Canadian Pacific railroad. One of these is a contract whereby the road undertakes to purchase annually from the combination no less than \$8,000,000 ft. of lumber and, furthermore, to buy its entire supply of ties from the new company. The latter is in itself a big order, for the Canadian Pacific annually consumes a tremendous number of ties in its thousand miles of road and more to be supplied from East Kootenay.

The combination has another and even more important contract with the

Canadian Pacific in the shape of arrangements to cut timber on the railroad reserves. The big road owns the greater of the magnificent timber limits in East Kootenay, and it is only a matter of a few years until the limits controlled by the independent mills will be practically exhausted and the mills left high and dry for lack of logs. This situation is recognized, and it is expected that other mills will join the combine in the course of the next few months.

The effect of the combination will undoubtedly be to raise prices, but the local market is not likely to be affected thereby, as the entire consumption of lumber in the Kootenays is a mere bagatelle alongside of the production in East Kootenay. The market for the combination's product will be found in the Northwest Territories, where the remarkable influx of settlers has created a demand for building material that keeps the mills running almost day and night to supply.

If enhanced prices result from the combination it is the settlers who will have to pay the piper, but for various reasons it is improbable that any advances made will be sufficiently serious to embarrass individuals to any extent. With the production of the combine mills a slight advance per thousand feet of lumber means a large increase in aggregate profits, while the desire of the Canadian Pacific to encourage the settlement of lands throughout the territories will naturally induce them to put the quietus on any effort by the lumber people to practice extortion.

Last winter's cut in East Kootenay was by far the largest in the history of the country, and there is every indication that the industry will continue to flourish and that it will eventually become the paramount interest of the entire district.

tors expect him to be about soon. James Peardon came out of the accident with a sprained ankle and a rupture of the muscles of the back. He will probably be laid up for some time, but the physicians do not regard his case as serious.

R. M. Croft was thrown in a heap by the sudden stoppage of the cage, sustaining fractures of the arm and leg. The arm was injured above the elbow and the leg slightly above the ankle. Frank Amantea came out of the accident with a broken bone in the leg and a few minor injuries. He is resting easily at the hospital and should be about in a few weeks unless he was injured internally, which the doctors think unlikely.

Stanley Sibley had an almost miraculous escape from serious injury, due probably to the fact that he was thrown on top of his companions in the cage when it came to a sudden stop at the 800 foot level. He was only slightly bruised and had but a slight sprain of the ankle. He was considerably shaken up, but managed to walk to his rooms in the Watson Hotel.

WEEKLY CLEARINGS. Compiled by Bradstreet's For the Week Ending May 31.

Table of weekly clearings for various cities: Toronto, Winnipeg, Halifax, Vancouver, Hamilton, St. John, N. B., Victoria, Quebec, Ottawa.

ATHLETIC MEET. Harvard Defeated Yale by a Total of 34 Points to 30.

NEW YORK, May 31.—Harvard defeated Yale in the contest for the championship honors at the intercollegiate athletic meet which began yesterday and was concluded today at Berkeley by a total score of 34 points to 30. Princeton came up surprisingly close to the leaders, her representatives scoring 27 points.

MRS. J. A. McARTHUR. Died on Steamer Lucania—Had Been Ill a Long Time.

NEW YORK, May 31.—The steamer Lucania of the Cunard line arrived today from Liverpool and Queenstown with a large number of passengers. On Wednesday, May 28, Mrs. J. A. McArthur, a cabin passenger, who had been ill a long time, died. Her body was brought to port and will be taken by her husband, Dr. J. A. McArthur, who was with her, to their home in Canada.

TORONTO VS. BROOKLYN. NEW YORK, May 30.—The Toronto Lacrosse team defeated the Crescent A. C. of Brooklyn today, by a score of 7 goals to 6.

A LOSS IN STARCH. BRANTFORD, Ont., May 30.—A fire yesterday destroyed the Brantford Starch Works. The loss is \$50,000.

RAISE A PARTY HERE

ENGINEER O'HARA WILL RECRUIT GOVERNMENT SURVEY IN ROSSLAND.

HE IS TO CONTINUE SURVEY OF INTERNATIONAL BOUNDARY LINE.

Mr. W. F. O'Hara, engineer connected with the Topographical Surveys branch of the department of the Interior, arrived in the city last night for the purpose of recruiting a surveying party to continue the work along the international boundary line commenced in May last. Considerable advances were made with the work in 1901 and during the winter months Mr. O'Hara was at the headquarters of his department developing the copious field notes taken during the active season. He is now on his way to the Boundary to resume field operations. The department has gone a step further in connection with the matter by attaching to Mr. O'Hara's party a naturalist, Mr. McCuen, and a geologist, Mr. Daly. These gentlemen will devote their entire attention to securing data coming under the head of their respective professions. The addition is of an interesting nature.

Mr. O'Hara remains in Rossland for a few days to pick up a survey party. His entourage will be larger this year than last, from fourteen to sixteen men being included. He has not been advised of the intentions of the United States geological survey which participated in the work last year.

It will be remembered that the governments of both countries have had trouble in the past in connection with the issuance of titles to lands adjacent to the international boundary line, the difficulty encountered being that of determining exactly the proper location of the line of demarcation between the two countries. When the location of the forty-ninth parallel of latitude, which separates the two countries, was determined upon many years ago it was done by means of astronomical surveys, but by reason of the variation of the plumb line due to differences in the density of the earth, this astronomical latitude is not the actual geographical latitude.

Hence has arisen the necessity of determining the latter, which work was commenced last summer and is to be resumed under Mr. O'Hara's direction. The difference between the astronomical and geographical latitudes is not, of course, a known quantity, otherwise the work of determining the proper line would be a simple proposition. The difference is not great, a matter of a few hundred feet one way or the other, and the land in issue is of no special value to either government, particularly as the averages are likely to coincide closely when the work is completed, but the demand locally for a definite demarcation became so great that the government considers it advisable to carry the work ahead with expedition, this sentiment leading to the resumption of the work this early in the season.

In his various visits to Rossland Mr. O'Hara has won a number of friends, all of whom will be pleased to welcome him back.

St. Andrew's Presbyterian church will be the scene of an unusually interesting matrimonial event on Monday morning. At 11 o'clock Dr. Robinson, the pastor, will celebrate the nuptials of Miss Minnie Hare and Andrew J. Drevery of the Sunset mine. The contracting parties are well and favorably known in the Golden City, and a host of friends will join The Miner in extending felicitations.

Harold M. Daly, son of Hon. T. Mayne Daly, will be a member of the Canadian Coronation corps and in the coronation parade will wear the medal won by him as a trooper in Strathcona Horse.

C. St. L. Mackintosh and wife have returned from an extended visit to Halcyon Hot Springs and are occupying their handsome residence on Thompson avenue. Mrs. Mackintosh is accompanied by her sister, Miss Whyte, of Quebec, who will be in the city for some weeks.

Directors Dickinson and Haggard of the Le Roi No. 2, Limited, who have spent the past fortnight in the city, leave this morning for New York. The Canadian Pacific, taking in the Arrow Lakes and the scenic route over the Great Divide.

Mrs. Herbert R. Townsend left last evening for her former home in Toronto, where she will spend several months visiting relatives.

John Trichita left yesterday via the Spokane Falls & Northern for New York, whence he sails on the 8th inst. per the Hamburg-American liner "Columbia" for Trieste, Austria.

The Misses Shumel and Walker of the public school teaching staff left last week for Victoria.

Hon. T. Mayne Daly returned last night from a trip to the coast.

Mrs. G. W. McBride left on Friday for the coast, where she will spend some weeks.

Mrs. Dr. Kerr is visiting relatives at

the coast, and will be absent for a month or six weeks. Dr. Kerr will leave for the coast shortly on his annual vacation.

W. J. Wilson of Knoxville, Tenn., former manager of the Standard smelter at Boundary Falls, is in Rossland today.

Alfred C. Garde, manager of the Payne mine at Sandon, will be in the city today. Mr. Garde came as far as Trail yesterday.

CORONATION DAY. Is Likely to Attract Large Crowds—Sceptre Is Favorite.

LONDON, May 31.—The coronation Derby on Wednesday, June 4th, is likely to attract unusually large crowds. R. S. Slevier's Sceptre is now the favorite at 6 to 4 against. Probably four American jockeys will ride in the race, J. H. Martin on Ard Patrick; Jenkins on Fowling Piece; Spencer, who will wear the Keene colors, on Keenarge, and J. R. Reiff, who will carry William C. Whitney's colors, on Intruder. Reiff is retained by M. Callaule, the French racing magnate, who has permitted Mr. Whitney to have Reiff's services for Wednesday next.

FRIENDLY ARABS. Punished a Raiding Party and Were in Turn Attacked.

ALGIERS, Algeria, May 31.—A small detachment of friendly Arabs, commanded by a French lieutenant, while returning to Ain Salah (an oasis in the Sahara east of Tuat) after punishing a raiding band of Turages in the neighborhood of Dileas, the Turages were routed and left seventy-one dead on the field. The French had three men killed and ten wounded.

WRESTLING MATCH. CINCINNATI, May 30.—The wrestling match between Tom Jenkins of Cleveland and Charlie Wittmer of this city, at the Cincinnati National League Baseball park here today, resulted in a victory for Jenkins. The contest was at mixed styles. Wittmer won the Graco-Roman in 23 minutes. The second bout at catch-as-catch-can was won by Jenkins in 13 minutes and the third at the same style in 19 minutes.

MOREY O'RORAGIN. "I must be blown er I'll bust," said the boiler. A zephyr caressing, with sweet perfumed lips, wooing wild flowers that nest on the hills—That zephyr eke slips and playfully rips Things way up the back fit to kill. It toys with O'Roragin's whiskers, and he Smiles aloud as his thoughts feel the jar: "The wind is quite free with whiskers and me, But it's one of the few things that are. Path an' I'll take it, it's comin' my way. They sure must have let it escape: No duty to pay, no tax to defray, An' no tangle of legal red tape. Talk about laws, they'd turn jack frost to hoar, Balloon juice, hot air an' the like; They make me feel sore, an' that's why I roar, If I wasn't dead broke here I'd hike. Just look at a few of 'em, see where they roll; I ain't next to 'em all, you know, But he with the roll, the man who lays toll, He posts me, then turns down my show. That Biler Inspections would make a Boer trek, To think such a burden he'd miss. 'Twould take a whole week to locate a freak Of dampboilishness worse than this. An' as to the cost of this pet, of course, which The mines are expected to bear, Tho' it seems but a stitch in the sides of the rich, Fresh capital's goin' elsewhere. While the fee is a grafter an' almost a crime, An' makes a town bodder turn green, It's the loss when th' mine must close, cash an' time, That works on a mine owner's spleen. For a proper inspectin', done by the Act, Takes several days at the best; An' this simple fact puts a mine in contact With a loss that brings profits to rest. It's buyin' dead horses when mines have to close, An' that's where this Act is au fait; A mine must repose an' gasp in the throes Of innocuous idle delay, While huntin' inspectors to whom they must speak When their boilers may chance to go wrong, Waitin' more'n a week to patch up a leak Which could easily be done in a song. Tho' I have no boiler I'd render due thanks If someone would rivet the flaw, In th' steam-heatin' tanks of law-makin'-cranks Who would regulate all things by law. A boiler o'er loaded, as I am, with roof, Would bust like me o'er and o'er agin, Such laws make me sore (as I've said before), An' me name it is Morey O'Roragin." —SEAVEY JAY.

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MOREY O'RORAGIN.

"It costs money to work the Government's code of mine signals. It's cheaper to work the press and roar."

A moonbeam careening, as moonbeams will do When held at the moon's candle light, Let her shafts sinking through the curtain blue, And drifting athwart the calm night.

They fell on O'Roragin there on his dump, In lone and concerned cogitation; It made his heart thump and his brain-pan bump; As he sized up the whole situation.

"Water, they say, when it freezes each time Turns th' slippy side up to th' rains; This accounts for the crime, perhaps water an' slime Must have froze on the Government's brains. They surely did jab a hole deep in the ribs Of gold minin' here with their axe; Makin' laws like young kids, or old finicky ribs, What don't know a mine from brass tacks.

Wers I the one honeysuckle left on th' vine, I'd think that my head had gone daft. But a big payin' mine cuts just the same shine, We're afloat on the same sinking raft.

If rust has attacked all the gears in my head, Or rats in my pate take abode; If screws slip their thread, it will may be said 'Twas the work of our mine signal code. Of all the mad mixture of hyssop an' greens, This certainly takes the whole bake. 'Gainst this as a means of makin' mad bel's Swiss bell-ringin' jingling's a fake. I've done lots o' minin' in all kinds of ways, An' learned minin' signals by heart, But my brain fairly ramps an' buckles with cramps When I tries to take this code apart.

It's a nice lot o' readin' for long haired camps, An' chaps well in theory an' print, But it comes a collapse against practical raps, Like a leg broke an' done in a splint. The blamed thing's unworkable, costly as well, An' never its purpose will serve; The pause 'twixt each 'bell, which the law doth compel, Wastes money an' time an' men's nerve.

You pulls an' you pause, then you pause a long pause, Searchin' the law through for a small clause; You pause without laws, you hems an' you haws, Wastin' good time for th' good of th' cause. May bells always ringin' be th' torment in store, For all men who let this code free. Gee whiz, I could bore a diamond drill core Through the place where their brains ought to be. No wonder I howl at these burdens galore, An' chew the rag o'er an' o'er agin, It makes me feel sore, an' I'll keep up my roar, For my name it is Morey O'Roragin." —SEAVEY JAY.

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