

STEEL

For Definite Results in All Kinds of Mining

and Dies WORKS,

St., Victoria, B. C.

Open

DELAY TRAINS.

Alberta-Criminal Libel

Adjournd.

July 7.—A heavy rain ext-

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continues. The Bow river

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Adjournd.

July 7.—The criminal libel

W. Dufon, editor of the

JUDGE OBJECTED TO DELAYING CASE

HIS LORDSHIP'S DECISION SURPRISED COUNSEL

E. V. Bodwell in Consequence Seriously Considering Whether to Put in the Evidence or Not.

The trial of the will case brought by Edna Wallace Hopper against James Dunsmuir for the purpose of setting aside the will of the late Alex. Dunsmuir opened on Tuesday before Mr. Justice Irving. Previous to the formal opening of the proceedings the examination of James Dunsmuir for discovery was continued before the registrar. Mr. Dunsmuir refused to answer any questions as to the amount of stock held by his brother, as to whether witness now possessed documents which would reveal this. Further examination was, therefore, deferred by Mr. Duff.

An application respecting the case was then taken before Mr. Justice Drake for the purpose of compelling Mr. Dunsmuir to produce documents dealing with the payment of \$5,000 to the firm of Wilson & Wilson, of San Francisco, which it was urged was done for the purpose of probating the will, but for the purpose of inducing Mrs. Alex. Dunsmuir to answer inquiries as to the amount of stock held by his brother, as to whether witness now possessed documents which would reveal this. Further examination was, therefore, deferred by Mr. Duff.

Mr. Duff also urged that Mr. Dunsmuir should produce the documents relating to various visits to San Francisco, which it was contended had relation to this agreement. Yesterday the witness had refused to answer questions dealing with the profits which he had been ordered to do by Mr. Justice Drake. He said there was no intention to keep back anything relevant to the matter. The only use which Mr. Dunsmuir could make of the telegrams referring to his visits to San Francisco was to refresh his memory. They had no relation to the issues in the action.

His Lordship held that these telegrams were unnecessary. He, however, thought the cheque for the \$5,000 paid to Wilson & Wilson should be produced. When the case called in the Assize court room there were present, Miss Hopper and her New York counsel, Judge E. P. Coyne, H. D. Helmecken, K. C., E. V. Bodwell, K. C., and L. P. Duff, K. C., appeared for the plaintiff, and A. P. Luxton, and E. P. Davis, K. C., appeared for the defendant.

In opening E. V. Bodwell said that it would be necessary to ask the indulgence of the court in order to make the contents of a vast number of papers. Another matter which he wished to refer to was the difficulty in the examination for discovery. The defendant had refused to answer many questions. In this refusal on the part of the defendant was in a large measure responsible for the delay. Mr. Duff had made applications in order to compel his answering these questions. Mr. Duff said that over half the questions asked the defendant had been refused an answer when his examination first began on Friday. An application was made to have the defendant compelled to answer. Mr. Justice Drake directed that some of the questions should be answered. Yesterday his examination was continued, and the defendant also refused to answer questions which the court had directed should be answered.

A very important matter was the means of the testator compared with the legacy left his wife. Mr. Dunsmuir refused to give any definite information as to the value of the stock held by the testator in the different concerns, or the value of the estate held by him. Mr. Justice Drake had directed that these questions should be answered.

Mr. Duff contended that these questions were all relevant inasmuch as they dealt with the means of the testator, James Dunsmuir refused to answer whether he was not joint manager with his brother in all these concerns, and how he was a partner in the value of the stock. Another matter was the carrying out of the agreement with Mrs. Alex. Dunsmuir. James Dunsmuir was left trustee in part as to the estate for Mrs. Alex. Dunsmuir. It was contended that James Dunsmuir took advantage of Mrs. Alex. Dunsmuir, who was afflicted with an incurable disease, to make this agreement. It was also urged that he took advantage of his position in another way in getting this agreement. The sum of \$5,000 was paid to a firm in San Francisco ostensibly for the probate of the will, but really for the purpose of getting this firm to persuade Mrs. Alex. Dunsmuir. It was contended that James Dunsmuir had been induced to agree to all the facts bearing upon this. Mrs. Dunsmuir by the agreement was entitled only to \$25,000 a year, but to half of the profits from any business interests which her late husband had in the state of California.

Mr. Dunsmuir refused to answer questions as to the profits. He did state in reply to one question that there were no

profits, but every attempt to get any idea of the profits was refused. This Mr. Dunsmuir finally refused to answer any questions as to that company. Mr. Luxton objected that this was not what Mr. Dunsmuir said. Mr. Duff replied that it would be unsafe to appeal to any one else who was present at the time. He asked, therefore, for a little time in order to get this information.

His Lordship called attention to the fact that the action was entered in October, 1902, and that a long series of delays had ensued. Mr. Duff held that if the defendant had not refused to answer these questions that the trial would not have been delayed. His Lordship thought that the examination should not have been delayed until just on the eve of the trial. His Lordship refused the application on the ground that there had been unnecessary delay in examination for discovery. He held that the prosecution alone had been to blame for delaying it, and that the responsibility rested with that side. Mr. Duff contended that it would be impossible to go on at once. They had not expected that their application would be refused as it was, and asked for half an hour's adjournment.

His Lordship thought this was a reasonable delay. Sir Chas. Hibbert Tupper rising, Mr. Duff wanted to know for whom he appeared. The former asked the indulgence of the court to state his position. He said he represented Mrs. Joan Dunsmuir and James Dunsmuir's sisters. As they were perhaps closely interested in the case he might later be asked to be made a party in the case. He realized that he had no standing in the present action.

Mr. Davis rising to speak, His Lordship said that he did not consider it necessary for him to do so. While he wished to treat Sir Chas. Hibbert Tupper and his clients with the greatest courtesy, yet they had no place in this present action. Mr. Davis said that had the opposing counsel been willing a short time ago to consent to an adjournment for a few days, the case would have been quite prepared to meet them. They were there, however, in a hurry to proceed with it. He was prepared, however, even without consent to a delay until to-morrow provided one of his witnesses was quite prepared to meet them. It was necessary for that witness to leave the city this evening.

An adjournment was then taken for half an hour. Upon resuming after the adjournment Mr. Bodwell said that the situation was a surprising one, and that he had not been able to satisfy himself what should be done. He asked for a little longer time in order that they might consider the situation more fully. Mr. Davis could not see what there was to consider in the matter. He would consent to no adjournment except upon the conditions which he had proposed previous to adjournment.

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SEALERS OFF THE FALKLAND ISLANDS

HAVE JUST FINISHED THEIR SECOND SEASON

Skins Have Been Forwarded to London and Schooners Will Probably Go to Halifax.

A cable message has been received from Lamposon, London, reporting the schooners Florence M. Smith and E. B. Marvin with catches of 908 and 1371 skins, respectively. The skins were carried to London from Monkterville on one of the Pacific mail liners, and the schooners, it is believed, have gone to winter quarters either at Port Stanley or Montevideo. The catches referred to are the result of their second season spent on the southern grounds, and give the Florence M. Smith, Captain Ryan, a total of 2,100 skins, and the E. B. Marvin, Captain Anderson, 3,571 skins for the year they have now been off the Falkland islands. There are probably twice as many vessels well secured in northern Pacific waters for the same time, and, although the fur obtained in southern latitudes does not bring the same market value as those taken in the north, yet the experiment of sending the two schooners to Falkland islands has been very successful, and will lead to others being dispatched to the same waters next year. An effort is now being made in this city to form a small company for the purpose.

Asked this morning if the E. B. Marvin and Florence M. Smith would return to Victoria, Captain Grant, manager of the Victoria Sealers' Company, stated that he was yet unable to say whether the sealers will come back to this port or go to Halifax. There is every likelihood, however, that the vessels will make their headquarters at that Nova Scotia capital, as it is claimed by some that they can there be outfitted more cheaply than here.

EXCURSIONS TO FRISCO.

There will be a couple of round trip excursions to San Francisco in August, the fare for which will be \$25 a ticket. They have been arranged for the National Encampment of the Grand Army of the Republic, which meets at San Francisco from the 17th to 22nd inst. Tickets will be good for 60 days, and will call for passage on the Umattila, which sails from Victoria on the 7th, and the City of Puebla, which sails five days later. The last named ship arrived from the land, and the passengers for Victoria and the cities of the Sound.

TO VIEW BATTLESHIP.

It is thought that when her machinery gets running smoothly the new steamer excursion to San Francisco, and the fare for which will be \$25 a ticket. They have been arranged for the National Encampment of the Grand Army of the Republic, which meets at San Francisco from the 17th to 22nd inst. Tickets will be good for 60 days, and will call for passage on the Umattila, which sails from Victoria on the 7th, and the City of Puebla, which sails five days later. The last named ship arrived from the land, and the passengers for Victoria and the cities of the Sound.

THE TERMINAL RAILWAY.

To the Editor:—Is the city council playing fair with the Terminal Railway Company? The company is giving the service contracted for, and I cannot understand why there should be any quibbling over the fact that the ferry steamer does not wholly built, expressly for the purpose, provided she is fit for it, and is able to comply with the intention of the contract. I am not able to discuss the legal question involved, and can only look at it what seems to me to be a common sense way, and it does not seem to me that a fair-minded man would do what a majority of the council seem disposed to do. I feel quite sure that neither the Mayor nor any of the aldermen would act in a private matter as they are acting in this affair. They would have more regard for their reputation. Now if it would be creditable in a private individual to quibble as the city is quibbling in this matter, why is it not just as creditable for the city?

A MODERN FREIGHTER.

In the blue funnel liner Telemachus, now at the outer wharf discharging, can be seen one of the most modern designed freighters now hidden from the eyes of the Telemachus to Victoria, although she has made a couple of trips in service prior to her present voyage around the world. She is a monster carrier, probably even larger than the great ship, the Ning Chow, the largest ship which ever came to this port. Both are new steamers, but their plan of construction is entirely different. While the one has been built on the old principle, the other depends for stability on innumerable struts, which it is claimed does not give her the same degree of rigidity, and which furthermore, in the way of cargo. The hold of the Telemachus is practically free from these obstructions, and her stanchions are few and far apart. Her heavy beams lend support to the upper part of the hull. The Ning Chow on the same plan as a long span on a bridge is built. In this connection Capt. Goodwin claims that he has a ship more powerful and of greater capacity than any other of her class. The Telemachus differs in other respects with the Ning Chow. She has only a single screw, while the other freighter has twin screws, having the advantage

PROVINCIAL NEWS.

NEW WESTMINSTER.

At the residence of the bride's parents Rev. Father O'Neill on Tuesday tied the knot which united Miss Della Agnes Burke, daughter of Deputy Warden Burke, of the B. C. Penitentiary, and Mr. William Ellis Morrison, of the staff of the Penitentiary.

The vital statistics for the half year ending June 30th were: Births, 493; marriages, 29; deaths, 97. For the last three months the returns were: Births, 56; marriages, 16; deaths, 41. The death rate in the city for June was the lowest for years.

Thursday's express freight bound, ran into and killed an unknown man just west of Aldridge station. The man had apparently fallen asleep on the track, and as the train was rounding a sharp curve at the time, the engine did not see him until too late to pull up. The whistle was sounded and the locomotive promptly reversed, but as the train was moving at a high rate of speed it was impossible to stop it in time. The whole train passed over the man. The man was alive when taken up, but died some time later. He was about 40 years of age, roughly dressed. Nothing was found on his person to identify him.

"R. W. Brock, of the Dominion geological survey department, who, with W. H. Boyd, a son of the chancellor of Ontario, is now camped in the Lardero country for his season's work, dropped a valuable suggestion while passing through the city on his way north. Mr. Brock says that it is at least possible that diamonds may be found in some of the formations of the Kootenays, and he insists that this is sufficiently probable to warrant prospectors first testing how to look for diamonds and then keeping an exceedingly dry eye for them whilst searching the hills. Mr. Brock's suggestion is not a new one. It has been proposed on several occasions, and once or twice there have been reported finds, but so far they have never been proved. Diamond fields in other countries have been found quite accidentally, and the country has been long prospected before the discovery was made. It would require no great stress of imagination to picture the immediate result of a bona fide discovery of diamonds in the Kootenay districts would hardly hold the crowd of fortune seekers that would rush here. As Mr. Brock is an authority on the subject, it is certainly worth while for prospectors to look very carefully into his suggestion."—Prospector.

MORRISSEY MINES.

Young Wilson died on Tuesday evening from the injuries he received in an accident in the afternoon. The body was shipped to Winnipeg for burial, accompanied by Dr. Wilson, brother of the deceased. Wilson was 17 years old and was a second year student at the Manitoba College.

Two men were seriously injured here on Tuesday evening at the Morrissey colliery. They were riding up a steep, narrow gauge incline railway on some heavy mine timbers, when the logs loosened from the car and rolled over on the unfortunate fellows. One of them is the young son of Capt. Harper Wilson of Winnipeg. Their recovery is doubtful.

The plans for the Morrissey Mines branch of the Canadian Bank of Commerce have arrived from Toronto. The structure will cover a ground space of 40 by 150 feet, and will be two stories in height, with basement. The upper story will be used for living apartments by the bank employees.

Over 50 men are at work digging a ditch for the water main to be laid to the town. The pipe will have a drop of 500 feet in three miles, which will give ample pressure for fire protection, and an abundant supply of pure water for all purposes.

Subject to revision the city's assessment shows a decrease of \$20,000 in land values, and a gain of \$80,000 in improvement value. It is probable that after revision the aggregate valuation of land and improvements will be slightly, but very slightly, above that of last year.

W. Redmond, one of the C.P.R. bridge gang, was brought in on Thursday for surgical treatment for a broken leg sustained that day by falling from a trestle. He is now at the Kootenay Lake General hospital.

"Miss A. Watson, of Winlaw, was drowned in the Slovan river on the evening before Dominion Day. She and her younger brother, Walter, who had been berry picking, together with a boy named Jameson, and a man, got into a small boat to cross the river, but when close to the eastern shore the boat got caught in the heavy current and was sucked under, where the body is now supposed to be, all efforts to grapple with it being unsuccessful, owing to the high water and swift current. Deceased was about 20 years of age and was well known being highly esteemed and popular among her acquaintances."—News.

Fire on Wednesday morning destroyed the home of Fred Wilson, formerly of the city fire department and now employed at the War Eagle mine. The house was wiped out, and diamonds, jewelry and clothing to the value of several hundred dollars were lost. It is estimated that \$800 will barely cover the loss, the jewels and silver being worth \$350, the house \$100, and furniture and clothing making up the balance. Mrs. Wilson was singularly white, endeavoring to save some of the contents

THE COTTAGE CITY.

With only twenty passengers from Saseaway the steamer Cottage City arrived from Alaska ports on Monday. Ten passengers in all were landed, the steamer having a total of 70 aboard. Capt. Wallace states that there are very few sailing from Dawson. As usual the Cottage City made the round trip of Alaska ports. At the salmon canneries operations had commenced. It was stated that 20,000 sockeyes were taken from curbs at Haines.

News comes from Dawson that fires have been raging along the Dominion telegraph line south of Telegraph creek, as well as in the Yukon basin proper. In the Buckley country a section of the line followed and burned the poles and side blocks, a distance of seven miles. Between cabins Nos. 5 and 6, south of Atlin, poles were burned five miles. Temporary repairs have been made by the patrolmen, assisted by the operators, and the service is restored.

MIOWERA ARRIVES.

The R. M. S. Miowera arrived from the Antipodes Wednesday, bringing a large number of passengers and 70 tons of freight for this city. The voyage from Honolulu was uneventful, but somewhat disagreeable owing to the presence of head winds. In the local freight of the steamer there is an interesting shipment consisting of cartridges which has come from England by the round way route via Australia, other shipments of the same kind, the officers of the Miowera state, have recently been forwarded to Honolulu and Suva. What advantages are to be derived in patronizing such a circuitous route, however, cannot now be stated. The Miowera had among her passengers some eight or ten people who have come all the way from Sydney to visit Banff Hot Spring.

The steamer reached port at an early hour and proceeded to Vancouver at 8 o'clock. On her return to Australia the ship will be laid up for an overhauling, and her next trip will be cancelled.

TO SAVE BEAVER'S REMAINS.

The Vancouver Ledger says: "An agitation is on foot to petition the city council or the provincial government, to save the venerable timbers of the steamer Beaver, patch them up and place them on permanent exhibition in the courthouse grounds or some other suitable place. When the Beaver was stranded on the rocks before she fell to pieces, the city was urged time and again to have the ship carried bodily to some safe place on the land, and the project was even made by a Victoria man to raise capital to have the boat shipped to the Centennial exhibition."

COLLIERS IN SERVICE.

R. Dunsmuir & Sons have already under engagement three big colliers for the coal trade. They have fitted out the steamer Hero, which has been lying idle at San Francisco for a couple of months; the British steamer Yeddo, which has been at the Bay City for a month, and the sailing schooner, another of the disengaged fleet, which was formerly in the business. The Hero was to leave for the Island colliery on Sunday, and the other two steamers were to sail yesterday. Other ships are also likely to enter the trade in the near future.

AMUR IN PORT.

Of the 44 passengers who came south on the steamer Amur Wednesday all but four were landed at the Terminal City. The steamer reached Vancouver at 3 o'clock this morning, and arrived here at noon to-day. Among them, another one on to this city was Mrs. T. C. Wilson. Very little gold was brought south by the steamer, most of the wealth carried by the ship being in drafts.

MARINE NOTES.

The German steamship Fibra, 2,624 tons, is loading sugar at Sourabaya for the Vancouver sugar refinery.

On board the Australian liner Telemachus, now discharging at the outer wharf, is a 30-ton chain for the Esquimalt marine railway at Vancouver. The new chain's linkers are two and a half inches in diameter, and the whole was given an admiralty test of 90 tons' working strain.

"THE NEW CHURCH."

Another house to God erected, somewhere else His praise to sing. Still another temple builded for the honor of our King; He, who reigns o'er earth and heaven, is most merciful and kind. Then when we His temple enter let us leave the world behind. Well we know no mortal building can contain the Lord of might; Who pervades both earth and heaven though we cannot see His sight. Yet we feel His presence nearer when we raise the prayer and hymn, While He seems to bless His children and remove their every sin. So let us inspire His blessing on the house we call His own. Though His footstool is the planets and the heavens are His throne, Let us ask a Father's blessing and an inheritance of His grace. Till within His heavenly temple we behold Him face to face. CONGREGATIONAL.

THE ROSLAND.

The following resolution has been forwarded to Smith Curtis by M. P. Villeneuve, secretary of the Rosland Miners' Union: "Whereas the Rosland Miners' Union, in meeting duly assembled this 30th day of June, 1903, felt themselves satisfied with the way their interests, in common with the remainder of the community, have been represented by Smith Curtis, the late member for this legislative riding, and whereas they feel that the honorable course which he has pursued has been in every way a distinction possessed by few in the legislative assembly at Victoria, and has been a labor in general and to organized labor in particular, be it resolved, that the thanks of the Rosland Miners' Union, W. E. of Mr. No. 38, be hereby tendered to him for his services in the past, and that our regrets are hereby expressed that he has publicly declared his intention of not being a candidate for the Rosland riding, as we are convinced that through his able and untiring services he has been a true friend to labor, one that has not hesitated to declare his opinions on matters of public import affecting the whole community and at the same time has impressed us, in common with most people in this province, with his absolute uprightness and his statesmanlike qualifications."

THE EXECUTIVE OF THE VANCOUVER FLORICULTURAL SOCIETY has decided that owing to the backward season, which has militated against outdoor floral culture, very considerably, the dates of the annual flower show be changed from July 18th and 19th to three weeks later.

Four lots of California apples and pears arrived on Monday night and were carefully inspected by Inspector Cunningham on Tuesday. The apples were found to be infected with the dreaded San Jose scale and were accordingly also condemned. The entire shipment will be either cremated or reshipped to the United States.

So far the sockeyes have not made their appearance in the Fraser," says Wednesday's News-Advertiser. "A few boats have been out prospecting, but three fish have been the highest catches." Rev. Goro Kaburagi, secretary of the Japanese Benevolent Society, stated yesterday that he had handed to the Fraser River Cannery's Association a letter in which the Japanese would not fish for less than 10 cents per fish during July and 15 cents during August. Mr. Kaburagi, who left for Stevenson on the afternoon train, said that he had just received a reply from the Cannery's Association, which had refused to agree to the demands of the Japanese. The letter pointed out that the white fishermen had agreed to work for 15 cents straight, and it was thus absurd to ask them to grant the Japanese a higher rate. It was further stated that in the event of the Japanese causing a strike, the Cannery's Association might withdraw their present offer, viz., 15 cents during July and 14 cents during August, and only pay what the state of the European market would warrant. A leading canneryman yesterday informed the News-Advertiser that, despite the decision reached at Sunday's meeting, he expected they would have plenty of both white and Japanese fishermen as soon as the fish began to run."

A meeting of the Westminister Presbyterian society was held at 8 o'clock on Monday night when Rev. John Gilliam was inducted into the pastorate. Rev. R. J. Wilson, M. A., pastor of St. Andrew's church, in this city, preached the sermon to the congregation.

At the meeting of the board of school trustees on Monday evening the tender of Messrs. Dowse & Carver, of \$14,000, for the erection of the new High school, under the plans of Messrs. Blackmore & Son & Guenther, was accepted, subject to the usual conditions as to bonds, etc. Mrs. McDonald, wife of D. McDougall, carpenter and contractor, of 290 Prior street, passed away, after a very brief illness on Monday.

The funeral of the late Mr. A. M. McDougall took place on Monday afternoon from the family residence on Myrtle street. At the house the Anglican service was conducted by Rev. H. J. Underhill, rector of St. Paul's church, while at the grave the members of the I. O. O. F. performed the last sad rites. Pallbearers being chosen from members of that order.

The death occurred on Monday afternoon of Wm. Bowman, a well-known resident of this city, the cause of death being pneumonia.

A PURELY VEGETABLE CORN CURE.

Putnam's Corn Extract contains no acids, but is entirely vegetable in composition. Putnam's never stings or causes discomfort. It cures quickly, painlessly, permanently.

Wm. Sloan, of Nanaimo, is at the Strand.

To Cure a Cold in One Day Cures Grip in Two Days. Take Laxative Bromo Quinine Tablets, on every box 25c. Seven Million boxes sold in past 12 months. This signature, E. W. Lane