

THURSDAY, October 12, 1899

HINCKLEY EXTRADITION CASE

JUDGE FORIN ARRIVES FROM NELSON TO HEAR IT.

An Adjournment Allowed Until 10 O'clock This Morning—Additional Incidents of the Case.

His Honor Judge Forin arrived in town from Nelson last evening for the express purpose of hearing an application for the extradition of Charles A. Hinckley alias Charles S. Morris, charged with stealing \$97,000 from the West Side Bank of New York city in May, 1884.

The learned judge immediately on his arrival at 7:40 p. m. proceeded to the city hall where the accused and all the other interested parties were awaiting him. Mr. A. H. MacNeill, Q. C., and Mr. Deacon appeared for the accused, Mr. W. J. Whitesides for the U. S. authorities and Mr. P. McNeil for the West Side Bank officials.

The order was directed against "Dennis," who calmly eyed the court, apparently secure of his position. His Honor was informed that "Dennis" was an honorary member of the Rossland bar, though not a wearer of the silk like his master, and the case began to be asked for the immediate discharge of his client, who had been illegally arrested.

Mr. MacNeill said he asked for the immediate discharge of his client, who had been illegally arrested. Consul was getting emphatic when Mr. Whitesides asked for an adjournment until this morning as he had been called upon at the last moment to take up the case, and he was not prepared to go on at present, whereupon Mr. MacNeill again pressed for an immediate hearing claiming that he had an immediate case, that the whole matter rested upon the construction of the treaty and was not one of evidence at all.

In stating his objections to an adjournment counsel outlined the defence to the application. It was that at the time the alleged crime was committed as charged there was no provision for extradition and that the treaty since ratified expressly states that its terms shall not include crimes not before extraditable.

His Honor finally allowed the application for an adjournment until 10 o'clock this morning, when the application will be peremptorily disposed of. There was quite a number of spectators in the court room during the proceedings, who appeared to take a lively interest in the case. The accused, who sat at the table with his counsel, did not seem at all anxious about his case and appeared to be one of the least concerned persons in the room.

He looks an man between 55 and 60 years of age, partially bald and neatly dressed. Concerning the early history of the alleged transaction and who it happened since, he has been stated that:

Hinckley was appointed to the office of paying teller in the West Side Bank, New York city, at the opening in 1868, and during the 16 years which he occupied that place earned a reputation throughout the city as a model bank officer.

He was very strict in his methods, but in all his business relations preserved an affability and open-handed fairness which made him friends. Up to May, 1884, he enjoyed the utmost confidence of all the officers and trustees of the bank.

On that day he disappeared, taking \$97,000 cash with him. He left his wife in New York city and she professed as deep an ignorance of his hiding place as the officers of the bank themselves.

Hinckley was a member of several benevolent organizations and for a period of six months after his departure his wife kept up the payment of his dues. These payments suddenly ceased, and Mrs. Hinckley disappeared.

It was supposed that she had been in communication with Hinckley and had gone to join him. After two years, all efforts to find him having proved fruitless, the bank gave up the search and charged the \$97,000 to profit and loss.

Two years ago a rumor reached the bank that Hinckley had been seen in New York, having gone there to bury his wife in Woodlawn cemetery. Two presidents of the West Side Bank had died in the meanwhile, but the clearing up of Hinckley's thefts had been handed down by each one to his successor as a sacred duty.

Christian T. Tietjen, who holds the office at present, determined to renew the search. He informed Frederick A. Camp, attorney for the bank of the rumor of Hinckley's presence in New York. Camp enlisted the services of his father, Anzi L. Camp, formerly a director of the bank, and the two went together to the office of the board of health and made a thorough search of the record of burials at Woodlawn cemetery.

They did not know even the name under which Hinckley's wife had been buried, but on the day upon which the informant was reported to have taken place they found the record of a Mrs. Macey whose body had been brought from Jersey City.

Hinckley's wife had been a widow at the time of their marriage and the elder Camp thought that he recognized the name as that of Mrs. Hinckley's former husband. From Jersey City they traced the body to Cleveland, where they learned that a woman had died in a hotel on the day before the body was shipped to Jersey City. They searched the register of the hotel and found that the woman had been registered with her husband as Mrs. Charles S. Morris. The clerk remembered Morris and the description he gave fitted Hinckley.

The Camps succeeded in tracing Morris to Toronto, Canada, where they learned that he had had business transacted with F. & Ross, a firm of mining brokers in that city.

At this point in their search they were thrown off the trail by a report that Morris had gone from Toronto to Florida to run an orange plantation. They learned that his many interests had been in Rat Portage, Ontario, but finally decided to follow the Florida trail.

Six months were spent in a fruitless search through Florida. In August of the present year the elder Camp went to Rat Portage and found fresh traces of Morris. It was reported to him that Morris had bought an interest in the Columbia Townsite company in British Columbia and had been elected its vice-president.

The population of Ottawa is shown by the assessor's returns to be 57,002, an increase of 1,616 over last year.

THE EXTRADITION CASE FAILS

HINCKLEY ALIAS MORRIS, GOES FREE—APPLICATION REFUSED.

The New Treaty Was Not in Force in 1884, and the Old Treaty Did Not Cover the Offence.

The application for the extradition of Charles A. Hinckley alias Charles S. Morris, charged with stealing \$97,000 from the West Side Bank of New York city on the 16th of May, 1884, came to an abrupt termination before His Honor Judge Forin, yesterday morning. The learned judge took his seat in the improvised court room at the city hall punctually at 10 a. m. The usual crowd of curious spectators were in evidence when the case was opened.

Mr. A. H. MacNeill Q. C., who appeared for the accused, stated that he had had a conference with counsel for the United States authorities and the West Side Bank officials, and that while they would not consent to the discharge of the prisoner, they had admitted that upon a perusal of the law applicable to the case, they were of the opinion that the application could not be successfully sustained.

Mr. MacNeill, at the request of the court, proceeded to give a short statement of the case and the grounds on which he resisted extradition proceedings.

It was charged in the information that the original embezzlement or theft of the \$97,000 took place in New York city on the 16th of May, 1884. At that time the only extradition treaty in force between Great Britain and the United States was the Ashburton, or Washington treaty, assented to by the high contracting parties in 1842, and which covered only the following crimes, viz: Murder, piracy, arson, robbery, forgery and the utterance of counterfeit money.

The crime alleged in the pending application clearly not coming under any of the above heads.

Article X of the Ashburton treaty was subsequently amended, and the list of crimes made extraditable was considerably extended, including embezzlement, larceny, receiving and frauds generally. This amendment and enlargement of the scope of the treaty was the result of a convention of 1888-1890, and the new terms came into force on the 4th of April, 1891.

By a special convention shall not apply to any of the crimes herein specified which shall have been committed prior to the date at which the convention shall come into force. That is, under the terms of the amended treaty the enlarged scope is specially made non-retroactive.

Chapter 142 of the Revised Statutes of Canada regulates extradition proceedings generally with all countries, and one clause of the act would appear to be retroactive, but this could only be the case when the particular treaty in review was also retroactive, and the act must be construed consistently with the treaty.

Mr. MacNeill then read extracts from judgments given, construing the treaty with the United States in extradition matters given by Chief Justice Lord Russell and Mr. Justice Hawkins.

Mr. Whitesides said that he agreed with the interpretation put upon the law by his learned friend, and would not press the matter further. Judge Forin said he thought the case a clear one as stated. It was not a case for extradition. The application would be dismissed and the prisoner discharged.

Mr. Frederick A. Camp, the New York attorney, who has been looking after the case, said that he did not know what would be done in the matter. The government could return the accused to the United States authorities if it saw fit to do so, outside of the extradition treaty, and steps in this direction may yet be undertaken. Probably the attorney had in view the case of Jabez Balfour, the absconding bank director from England, who, after successfully resisting extradition for two years, while residing in the Argentine Republic, for some other foreign country, beyond the pale of extradition laws, was finally handed over to the British government by the government of the country in which he had sought to hide himself.

Subsequently Balfour was tried, found guilty and sentenced to a long term of imprisonment. In his case the handing of him over to the British government was wholly a matter of international courtesy, and the attorney in question evidently hopes to attain his object in a similar manner in the present instance.

The case of Attorney Weeks is also in point. Weeks was a New York lawyer, and acting as trustee, handled large sums of money. Finally he embezzled something like two millions of dollars and fled to Venezuela. The extradition treaty then in force between the United States and Venezuela did not cover the crime committed by Weeks, and extradition could not be enforced. The Venezuelan government, however, handed over Weeks to the American authorities, and he is now doing a long term in Sing Sing.

TWO NEW ADDITIONS.

Lots Which Will Be Placed on the Market This Week.

Mr. J. B. Johnson has secured the agency of two additions to Rossland, Derby and Knob Hill additions, and expects to put the lots on the market about Thursday or Friday. This property adjoins the Montreal addition on the west, and extends down opposite the Black Bear tunnel. The ground lies nicely on a very gradual slope.

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PROVINCIAL GAZETTE NOTICES

APPOINTMENTS MADE IN ROSSLAND AND ELSEWHERE.

Mike Powers, Who Was Sandbagged at Victoria, Has Died From His Injuries. Other Coast News.

Victoria, Oct. 5.—Mike Powers, who was sandbagged at his own gate on Fort street last Sunday morning, died this afternoon at 3 o'clock in the Jubilee hospital, whence he had been removed this morning when his injuries seemed more serious than at first supposed. He did not anticipate death and an attempt to do on the part of the police to secure an ante-mortem statement failed on that account. Powers' two assailants fled at the appearance of a cabman, but they had inflicted severe kicks on his side, which are supposed to be the cause of death. Powers was for many years proprietor of the Brown Jug saloon here, but latterly he has had the Garricks Head.

Captain Lewis, shipping master, has examined Captain McKinley and the crew of the British ship Lady Isabella, in reference to the deaths of her second mate, J. W. Sullivan, and Seaman Anderson, and as a result of the enquiry he is satisfied that the published statements of ill-treatment, on the authority of Richard Evans and another of the crew, are untrue.

The Official Gazette today contains notice of the following provincial appointments: James D. Gordon of Tobacco Plains, East Kootenay, to be a coroner for the province; William Dodd of Yale, to be mining recorder and a collector of revenue tax for the Yale mining division, and a provincial police constable; Alexander Lochore of Foster's Bar, to be a license commissioner for the Ashcroft district, in place of F. W. Williams; Herbert Ridley Townsend of Rossland, to be a registrar of the "Marriage Act" and a deputy of the registrar of the Rossland registry of the supreme court; John Boutilbee of the city of Rossland, P. M., to hold small debts courts for the said city and within a radius of 10 miles thereof; John Kirkup, William P. Marshall, Edward Hunt of Stevenson; John C. Drewey of Moyie; Robert E. Kittson of Ladner; Neil McLeod Curran of Kimberley, East Kootenay; James Lockie Brown of Surrey; Rasmus Hanson of Cape Scott, Vancouver Island, and Daniel Bowen Stevens and Louis J. D. Berg of Trail.

Licenses have been issued to the following extra-provincial companies: The British Columbia Mercantile & Mining syndicate, limited, capital \$5,000, head office at Winchester House, London, Eng.; The Dewdney Canadian syndicate, limited, capital \$50,000 divided into 50,000 ordinary shares of one pound each, headquarters situated in High Holborn, county of London, Eng.; the Cobelsick Dredge No. 1 company, limited, capital \$20,000, headquarters in England; the Enterprise (B. C.) Mines, limited, capital \$150,000 divided into 150,000 shares of one pound each, headquarters at London, Eng.

The following companies have been incorporated: The Peterborough Townsite company, limited, capital \$50,000, headquarters at Rossland, B. C.; the Expansion Gold Mining company, limited, capital \$1,000,000, headquarters at Sydney, B. C.

Notice is given that Roy Clarke, mining engineer of Rossland, B. C., has been appointed the attorney for the Pacific Bullion Mining company in place of Fred H. Oliver of Rossland. Notice is given that the Pacific Coast Power company, limited, a special incorporated company, registered September 18th, 1899, has submitted its undertaking to the lieutenant-governor, in substance as follows: That a dam across Powell river in the New Westminster district, at a suitable point above the falls and to convey water thence to some place on the sea coast, to be used for the development of power. The capital of the company is \$50,000.

CONDUCTED ON PARTY LINES.

How the Conservatives Will Act in the Next Election.

Vancouver, B. C., Oct. 5.—(Special).—Conservatives from all over the province met today at New Westminster. Dr. D. H. Wilson, formerly of Mackenzie Bowell's cabinet, and Sir Mackenzie Bowell made the principal speech of the evening. The proceedings were secret, but it was given out that the next provincial election will be run on party lines in British Columbia so far as the Conservatives are concerned.

OUR BOYS AT WESTMINSTER.

They Won Two Out of the Three Firemen's Contests.

New Westminster, Oct. 5.—The Rossland hose team covered itself with glory here today, winning the hub-and-hub race and the dry test in the provincial competition. The time in the dry test was 22 1/2 seconds. This beats the best Pacific coast record and is only 2 1/2 of a second under the world's best time made by the Rossland team was 20 1/2 seconds. In the wet test the Rossland team made a start ahead of the competing teams and for this was debarred from competing by the umpire. The Rossland team and its friends won considerable money, and are well satisfied with the result of the day. The members feel a little disgruntled over the decision of the umpire in the wet test race.

In the lacrosse match at the fair today the New Westminster team won by 7 to 2. The Toronto team lost for the second time.

Hon. Mr. Fisher went down to Victoria today.

George Jackson, a clerk at the Stratford station bar, attempted to commit suicide by cutting his throat. He will probably recover.

Joseph Penouveau, a Montreal laborer, threw himself from a fifth-story window on St. Paul street, dashing his brains out on the pavement.

It is asserted that revelations seriously compromising General Mercier's honesty have been made in connection with the Madagascar expedition.

THE ROSSLAND BOARD OF TRADE

UNJUST DISCRIMINATION BY THE C. P. R. AGAINST ROSSLAND.

No Excursion to Spokane on the 10th—Nine New Members Elected—Other Business.

The regular monthly meeting of the Rossland board of trade was held Thursday in the city hall. President Fraser was in the chair and there was a fair attendance.

The following new members were proposed and accepted: Messrs. W. T. Nelson, Charles Parker, Dave Thomas, W. K. Esling, G. W. Richardson, John Y. Cole, Dave Morgan, A. H. MacNeill and J. C. Drewey, all of Rossland.

Secretary Jackson reported that the committee appointed had not been able to secure special terms for the trip to Spokane on the 10th, and the matter was allowed to drop unless the railway people make a special offer, when the board will be notified.

The secretary stated that a complaint had been made to the board that the C. P. R., in framing their tariff of freight rates between Nelson and Rossland to points in the Boundary country via Robson, had discriminated against Rossland. It was stated that the distance from Nelson to Robson the common point, was only three miles shorter than from Rossland to the same point, but in the latter instance it was not necessary to ferry the cars across the Columbia river at Robson, as has to be done with trains from Nelson. The complainant was not ready with full particulars of the rates complained of, and the meeting thought that these should be obtained before any definite action was taken. It was also stated that the C. P. R., in issuing their tariff over their main line during the past season, had unduly favored Nelson and had ignored Rossland altogether. Side trips from Revelstoke to Nelson were pressed on passengers at reduced fares, while an extra rate was charged from Robson to this city and return. It was further stated that while the railway company had advertised special rates from the east to many points in Kootenay, Rossland had not. The distance of 10 feet, He alighted on a log on his left breast and shoulder, inflicting severe bruises. Mr. Blochberger is confined to his bed from the effect of his injuries, but hopes to be out and about in a few days. It will be some time, however, before he will recover the full use of his right arm.

After some discussion the secretary was instructed to at once wire Mr. F. W. Peters, who is now in Winnipeg, stating that the complaint alleging discrimination in freight rates against Rossland, had been made, and asking for an explanation before proceeding further. Mr. Jackson was also instructed to write Mr. Tye regarding the delay at Robson, and also to make inquiries regarding the ignoring of Rossland by the railway in its arrangement for tourists. After passing sundry small accounts, the meeting adjourned.

A FATAL ACCIDENT.

James Mills and Charles Caine Killed in the Lake Shore Mine.

Mr. A. J. Drewey Thursday received a letter from Moyie city from his brother, Mr. J. C. Drewey, giving the details of an accident in the Lake Shore mine in which two miners lost their lives, on Tuesday night at 10 o'clock. It happened in the lower tunnel and James Mills and Charles Caine were the victims. No one will ever know exactly how it happened. Evidently the unfortunate men, who were operating a machine and were in the face of the tunnel for the purpose of firing the round, had spit the fuse and started out, for they were both found about 25 feet from the face of the tunnel, with the backs of their heads simply broken to bits. Caine lived all the following morning at 1:30, but never regained consciousness. Mills was killed outright.

OGILVIE COMPANY'S FLOUR.

Twelve Thousand Barrels Are Ground Every Twenty-four Hours.

Mr. D. F. Dickson, representing the Ogilvie Milling company, is in the city in the interest of his firm. He reports that the flour trade of his company is increasing in the Kootenays. The output of the flouring mills of the company at Winnipeg is 3,000 barrels per day and of all the mills of the company in Canada 12,000 barrels per day. The export business of the company is increasing and the flour is a standard brand in both Europe and Asia, as large shipments are being made to both continents. The standard of the flouring mill is the highest in the world and is the standard to which millers all over the continent endeavor to bring their flour to. It is no wonder, therefore, that there is an increasing demand for this brand of flour.

CUSTOMS RETURNS

Imports for September—Exports Not Yet Ready.

Through the courtesy of Mr. Macdonald of the Rossland customs office, the September imports for the port of Rossland are given hereunder. For reasons stated in another column, the statement of exports for the month of September is not yet completed.

Free goods.....	\$11,734.99
Dutiable goods.....	\$54,348.09
Duty collected.....	\$13,948.80
Other collections.....	\$7.80

A Tribute to Mr. Carlyle.

Mr. C. H. Mackintosh, ex-lieutenant-governor of the Northwest Territories, now at the head of what is known as the Mackintosh syndicate, when in Montreal, was asked if it were true that Mr. Carlyle was about to sever his connection with the British America corporation.

Mr. Mackintosh said: "Yes, and he will be greatly missed in mining circles as well as the whole Kootenay country. He is one of the safest mining men in America, devoted to his work, and thoroughly honest. He now has a cosmopolitan reputation, and it speaks well for Canada as well as for himself that such a powerful combination as the Rio Tinto Copper company should select him over scores of others to manage their works. Mr. Carlyle will leave about December for Spain."

NEW MASONIC LODGE.

Fidelity Lodge A. F. & A. M. Installed at Trail.

Some 20 members of Corinthian lodge of Rossland, drove down to Trail on Friday night to participate in the installation of a new Masonic lodge, the first of its kind in the smelter town.

The dispensation of Fidelity lodge, as the new organization is called, is granted to William Munter, W. M.; J. H. Schofield, S. W.; H. M. Flint, secretary; R. H. Coleman, treasurer; W. T. Hayes, S. D.; P. D. McDonald, J. D.; J. D. Berg, Tyler; D. H. Chapman, T. C. Gray, J. G. Dauber, D. S. Jelly, A. E. Campbell, W. Osborne and R. M. Perdue.

After the instituting ceremonies an elaborate banquet was spread in the Crown Point hotel. The tables were beautifully arranged, and on the wall was a design of the square and compass in evergreen. N. A. Burritt enlivened the program as toastmaster, and responses were made by several members and visitors.

THE DOCTOR'S CONSOLATION.

Told Mr. Hill He Was a Dying Man, But South American Nerve Cured When Hope Was Abandoned.

Mr. W. J. Hill, a well known man in Bracebridge, Ont., suffered for years from liver trouble, dyspepsia and nervous weakness. He says he tried nearly every remedy on the market when claimed to meet his case without success. He was told by a physician that he was a dying man. He began taking South American Nerve, and found almost immediate benefit from its use. He continued using it, and today says he would stake his life on this great remedy as a cure for all like sufferers to himself. Sold by Goodbye Bros.

A Painful Accident.

Professor F. R. Blochberger has returned from the Lardcan country, where he has been overseeing the development work on his mining properties. On the morning of the 3rd instant the professor met with rather a painful accident. It occurred at Compaix. He got up early in the morning for the purpose of catching the boat and was hurrying toward the landing when he fell off a platform in front of the Kootenay Lumber company's boarding house to the ground, a distance of 10 feet. He alighted on a log on his left breast and shoulder, inflicting severe bruises. Mr. Blochberger is confined to his bed from the effect of his injuries, but hopes to be out and about in a few days. It will be some time, however, before he will recover the full use of his right arm.

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