NOTICE is hereby given that 60 days after date I intend to apply to the Hon, the date I infend to apply to the Hond and date I infend to apply to the Hond Chief Commissioner of Lands and Works for permission to purchase the following described lands: Commencing at Post marked "Norman Fraser's N.W. corner," said post being on the south boundary of Lot 7890 and 20 chains east of S.W. corner of said lot, nearly opposite Burton City on the Columbia river, West Kootenay district, thence south 40 chains, thence east 40 chains, thence west 40 chains to the place of commencement, containing 160 acres more or less.

NORMAN FRASER, by his Agent KENNETH L. BURNET, P.L.S. Dated, May 19, 1906.

NOTICE is hereby given that 60 days after date I intend to apply to the Honthe Chief Commissioner of Lands and Works for permission to purchase the following described lands in West Kootenay district: Commencing at a post marked "Mary Tireman's N.E. corner post." on the southeasterly bank of the Commission river, one mile east of Joseph Gennelie's purchase claim, thence south 57 chains and 46 links; thence west 40 chains; thence north 13 chains and 21 links more or less purchase claim, thence south 57 chains and 46 links; thence west 40 chains; thence north 13 chains and 21 links more or less to the bank of the Columbia river; thence northeasterly fo lowing said bank 60 chains more or less to the place of Leginning, containing 130 acres more or less.

Dated this 29th day of March, 1906.

MARY TIREMAN

KENNETH L. BURNETT, Agent

NOTICE is hereby given, that 60 days atter date, I intend to apply to the Honthe Chief Commissioner of Lands and Works for permission to purchase the Iollowing described lands, situated on the south side of the West Arm of Kootenay Lake, about 10 chains east of pre-emption 606, commencing at a post marked "M. M. Winter's S.W. corner post," thence east 40 chains, more or less; thence morth 10 chains, more or less; thence west 40 chains, to point of commencement.

Dated this 23rd day of April, 1806.

Dated this 23rd day of April, 1906.

M. M. WINTER. M. M. WINTER.

Sixty days from date I intend to apply to the Hon. the Chief tommissioner of Lands and Works for permission to purchase the following described lands: Starting from W. BZ. Pollard's S.W. corner post, situate on the north side of to No. 1078, on the north side of the West Arm of Kootenay lake, about two miles from Procter, thence 20 chains sast more or less to the N.E. post of L. 1973, thence 20 chains more or less to N.W. post of L. 6488, thence east 20 chains more or less to A. Clark's S.W. post, thence north 30 chains more or less, thence west 20 chains more or less, thence south 20 chains more or less, thence south 20 chains more or less, the of the commencement.

ommencement.

Dated this 31st day of March, 1906.

W. B. POLLARD.

J. E. TAYLOR, Agent.

Sixty days after date I intend to apply to the Chief Commissioner of Lands and Works, Victoria, to purchase 160 acres of land, commencing at a post planted on the south shore of Lower Arrow lake, marked "J.A.C., N.E. corner," at the west boundary of lot 459 and running south 40 chains, more or less, to Columbia & Western railway; thence west along said railern railway; thence west along said rai-way 40 chains; thence north 40 chains more or less to the lake shore; thence east along the lake shore to place of beginning. April 26, 1906.

J. A. CRYDERMAN.
J. E. ANNABLE, Agent.

J. E. ANNABLE, Agent.

NOTICE is hereby given that 60 days after
date I intend to apply to the Hon, the
Chief Commissioner of Lands and Works at
Victoria, for permission to purchase the
following described lands, situate in West
Kootenay district, commenoing at a post
marked by name "Gerald Rees N.E. corner post," at northwest corner of the purchase claim staked by E. A. Boyd and
F. J. Sammons, thence 20 chains west along
the C.P.R. right of way; thence 10 chains
south; thence 20 chains east; thence 10
chains north to post of commencement,
containing 20 acres, more or less.

GERALD S. REES.

Nelson, April 24, 1906.

NOTICE is hereby given that 60 days from date I intend to apply to the honorable the Chief Commissioner of Lands and Works for permission to purchase the following described lands situate in West Works for permission following described lands situate in West Kootenay district: Commencing at a post planted at the southwest corner of Lot 4024, marked "J.M.'s N.W. corner post." thence 80 chains east, thence 40 chains south, thence 80 chains west, thence 40 chains north to place of commencement, containing 220 acres, more or less.

JAMES MALONE.

April, 5th, 1906. NOTICE is hereby given that 60 days from date the undersigned intends to apply to the honorable the Chief Commissioner of Lands and Works for permission to purchase the following described lands. On the West Arm of Kootenay lake, starting from location post west 35 chains, running along J. Harris' north survey line, north 40 chains more or less, thence east 35 chains, then south to policy of commencement. then south to point of commencement.

Dated this 21st day of March, 1906.

JOHN E. TAVIJOR. Locator

M. R. McQUARRIE, Agent

NOTICE is hereby given that sixty days after date I intend to apply to the Chief Commissioner of Lands and Works at Victoria for permission to purchase the following described lands in West Kootenay: Commencing at a post marked "V. Dynes, northwest corner," about six miles west of Columbia river, and three miles south of Mosquito creek, thence south 80 chains; thence east 80 chains; thence north 80 chains; thence west 80 old with the place of commencement, Concarred the Same more of the Columbia of the Same more of the Columbia of the C

NOTICE is hereby given that sixty days

after date I intend to apply to the Chief Commissioner of Lands and Works at Victoria to purchase 80 acres of land commencing at a post planted on the east bank of the lower Arrow lake, at a point known as Rock Slide, and marked "J.B.A. S.W. corner," running south 40 chains; hence east 20 chains; thence north 40 hains; thence west 20 chains to place of

commencement.
J. B. ANNABLE.
A. A. BURTON, Agent.
Located May 19th, 1906.

NOTICE is hereby given that sixty days after date I intend to apply to the Chief Commissioner of Lands and Works at Victoria to purchase 160 acres of land described as follows: Commencing at a post planted on the east bank of lower Arrow lake, at James Bates' northwest corner, and merked "J.I.C., S.W. corner" and running nonth 80 chains; thence east 40 chains; thence south 80 chains; thence west 40 chains; to point of commemcement. do chains to point of commencement.
J. I. CHRISTIE.
A. A. BURTON, Agent.
Located May 19th, 1906.

NOTICE is hereby given that sixty days after date I intend to apply to the Chief Commissioner of Lands and Works at Victoria to purchase 80 acres of land, described as follows: Commencing at a post planted on the west bank of the lower Arrow lake, about two miles above W. J. Lassell's northeast corner post, and marked (K.T.C. S.E. corner" and running north Lassell's northeast corner post, and running nor 'K.T.C. S.E. corner," and running nor 20 chains; thence west 40 chains; then south 20 chains; thence east 40 chains

place of beginning.

K. T. CRYDERMAN.

A. A. BURTON, Agent.

Located May 19, 1906.

## JURY MAY **NOT AGREE**

### Trial of Train Robbers at Kamloops Likely to **Prove Abortive**

At Late Hour Last Night Jury Stood Seven to Five for Conviction and Agreement Seemed Hopeless

Kamloops, May 31.—3 a.m.—The jury returned at 12.45 a.m. and could not agree, were discharged. New trial opens at 10 this a. m.

\*\*\*\*\*\*\*\*\*\* Kamloops, May 30.—At 10 o'clock tonight the jury in the train robbery case were unable to reach an agreement, standing seven for conviction and five for for information as to what became of the black hat. Edwards hold-up. No evidence was given on this point. They also wished way the men were supposed to • formation as to imprints of hob-nailed shoes was also asked. The difference in the published desdently caused confusion in the minds of the jury. A disagree-ment is probable and if such happens the case will probably be put over until next session, and Dunn will be immediately tried • under an indictment charging him with "shooting with intent to • kill." at Douglas Lake, May 14.

(Special to The Daily News) Kamloops, May 30.-The trial of the C. P. R. train robbers was continued all day yesterday and the case for the crown was concluded just before adjournment for lunch today.

On the reassembling of court this morning A. D. MacIntyre, counsel for the defense again applied for presented.

the defense, again applied for postpone-ment of trial until the fall assizes and the discharge of the present jury on the grounds contained in an affidavit made jury witnessed the manner in which he was greeted by warden Kelley, of San Quentin: "Hello Bill, old pal, how are you?" which could not but prejudice them against him. Counsel also put in a copy of the Vancouver Province containing an interview with Kelly, in which he declares Edwards is Bill Miner.

Mr. justice Irving said it would be rather an unusual thing to postpone the trial at this time. The injury, if any, had been done. The course for MacIntyre to take was to have Kelly up for interfering with the administration of justice. He would not say at that time whether he had interfered or not, but that would be the way to have the mat-

for postponement.

Mail clerk McQuarrie, recalled by the crown, said that acting on instructions the had gone to Vernon to see if he could identify the men arrested there on suspicion of connection with the rob-bery, but he did not identify them. Deputy attorney general McLean, addressing the court, said he had called McQuarrie again to permit the defence to examine him further. In his cross-examination, MacIntyre had elicited the fact that McQuarrie had reported the rebbery and description of men to superintendent McLeod. He had brought McLeod's stenographer, who took down that report, and who was now present in court, and had the report taken down by her. He was prepared to put in th and the stenographe

is learned friend every opportunity o atyre jected to the report go ing 1... and the incident closed.

MacIntyre then further cross examined MacQuarrie, who repeated that the coat worn by one of the robber's fitted tight over his chest.

... box. He did this to give

report as evidenc

Prisoner Edwards was made to stand down in view of the jury and witness.
"Now close your coat," said MacIntyre, and Edwards folded his coat over his chest. It overlapped several inches "That will do," said counsel, and wit ss stepped down and Edwards was again placed in the prisoner's box Mounted police corporal Stewart was next witness and recited the event of the capture of the prisoners, des ing how they were disposed about camp when after having been notified by provincial constable Fernie of their in the vicinity. Witness repeated the nation with but little variation, ide and a black handkerchief as similar to

Cross-examination showed that witss had no warrant and that the mount police were not wearing regulation orms, Stetson cowboy hats, service boots and pistol equipment excepted, counsel endeavoring to show that the

those found among the prisoners' ef-

view of a man ploughing a mile away, and in full view of the trail and about a mile from a ranch house. He was straightened out by the witness, however, who stated that the trail near the camp was an old, disused one, the main trail being a mile away. Setwart and another mounted police

witness who were both examined yes-terday today were closely cross-exam-ined as to the actual words used at the time of the arrest, the word arrest ap-parently not having been given; also as to what Dunn said, both agreeing that he shouted "Its all up, boys," or some-thing to that effect.

Superintendent of provincial police

Superintendent of provincial police Hussey was a new witness. He was at the jail when the prisoners arrived from Douglas Lake. He had the shoes, produced in court, removed from the feet of the prisoners in his presence and had also received the red and black hand-kerchiefs from the mounted police. Had heard Dunn speak on several occasions. He (Dunn) had a good clear voice, with He (Dunn) had a good clear voice, with a slight English accent, might be mistaken for a cockney by some people, but witness would not have drawn that in-

Cross-examined witness said he was

MacIntyre subjected this witness to sharp questioning throughout and plainly endeavored to show collusion of the provincial police with the C. P. R. He asked witness whether he and C. P. R. detective McLean had not rehearsed this little diaclogue about Dunn's voice and hinted that the prosecution was directed by the C. P. R.

Witness said he had come to Kamloons at the request of the deputy attorney general and had employed assistance. He had not asked for the mounted police nor the American detectives. The local police had acted without waiting for instructions. He had sent out instruc and had little to say to him. Did not know who brought him in and had no conversation in private with him. Did not know why he was here. He knew Seavey had gone in the direction of Quilchena but did not know that he was there. Witness had met the mounted police with the prisoners at Rockford. The mounted police had refused to give him charge of the prisoners on the road but had delivered them over at the jail He had them photographed at the jall. Counsel asked if this was usual and whether witness had the negatives. Witness had sent for a photographer

Witness had sent for a photographer and the negatives were in the latter's hands. The photos were in witness' possession. He thought it was the proper thing to have them taken. He learned afterwards that the photographer had been previously engaged by a news-paper. He did not tell the photographer he could not use the negatives. When he found that the photos were on sale he stopped it. He had met warden Kelly, from San Quentin. Did not know he was

rom san quenth. Du not not when we coming and did not send for him. He had not the handling of the case.
"Then nobody is managing it, it runs itself," suggested MacIntyre.
"It is in the hands of the crown prosecutor, said witness. "He makes up his own case."

Witness had heard in the streets that

Kelly was coming and naturally sup-posed his object was to identify Ed-wards. He had let Kelly in the government office. He did not go out with him.
Witness knew McLaws who was a member of the C. P. R. secret service. So far as witness knew McLaws did not go to Quilchena. If he did, witness did not know it. Witness knew Brown, of Thiel's Detective agency, Seattle. He had had the prisoners measured at the jail but had not the measurements with him, and though counsel had Colquhoun and Edwards stand up, witness would not hazard a guess at their height. Witnot azzard a guess at their no instructions.
He did what he thought necessary and followed the usual rule. The warden of the jail was under his instructions.

"Is it usual to keep prisoners in separations."

arate cells under close surveiliance "When I think necessary."

"When I think necessary."
"You took precautions that were never taken here before even in a case of a murdered," suggested MacIntyre.
"I did what I thought was necessary," rumors of intended rescue of the pris "Then you agree with me that there

vas considerable excitement in the town over the arrest?' asked counsel.
Witness denied there was any excite ment. There was some little curiosity declared witness. He had given consen-that counsel should see prisoners when ever he wished, but separately. He had permitted others to see them for the purcoses of identification. Had allowed de ectives to see them. When they wer at the jail they were assisting him.

"Was the machinery of justice under the control of the C. P. R.?" demanded

"No, the C. P. R. have no control ove t whatever," was the reply.
Witness had seen the reward bill but had not issued it. He was at the jail rith McLaws and Brown, but was not sure about Seavey. McLaws spoke to the prisoners. He had sent a man up to see Colquhoun and permitted him to converse with him. He was present, but did not attempt to hear what they

said. "The man represented he was an old school fellows, and asked by permission and I gave it. There was no attempt made to get a confession," said the wit-

"Why do you say that," snapped coun

Witness did not know what the m ad said and he had made no attempt to learn. It was a matter of indifferent to him. The man had told the witne he thought of employing counsel for Colquhoun. Witness had not consulted conversed with MacNeal That closed the case for the crown.

That closed the case for the crown.

When court resumed at 2 o'clock
Macintyre announced that the defense
would not call any witnesses.

McLean, therefore, immediately ad-

received from them," said counsel for the defense. He reminded the jury they were trying three men for a robbery committed in Canada, and were not there to do scavenger work for the United States counsel endeavoring to show that the party looked like ordinary cowboys and not persons in authority.

Counsel also tried to show by witness that the prisoners' camp was in full

evidence of MacQuarrie was fiercely attacked, the attorney saying it could not possibly be true. The difference in the size, age and general appearance of the accused and of the description given in the placards offering the rewards was commented on in closing.

Mr. justice Irving, in his charge to the jury, made it very plain that in his con-Colquhoun by engineer Callan and mail clerk McQuarrie, and carefully connect-ing the links in the chain of evidence. "Was the act of Dunn in firing at the was the act of Junn in nring at the mounted police when teld he was under arrest, that of an innocent man?" asked McLean.

The chain of evidence from the borrowing of a horse from McFadden by Dunn on March 29th, their appearance

Mr. justice irving, in his charge to the jury, made it very plain that in his opinion Edwards, Dunn and Colquhoun were guilty, and had the sheriff place out for the jury's inspection the circumstantial evidence produced by the prosecution. This consisted of the boots that made the peculiar tracks, masks worn, revolvers and bottles of patent medicine stolen from the car and found on Edwards and Colquhoun. near the scene of the robbery a month later, the finding of the same horse near Campbell's Meadow on the line of re-Campbell's Meadow on the line of retreat of the robbers, was strongly emphasized. Two bottle of patent medicine found on one of the prisoners, were shown to the jury and counsel dramatiacily exposed for the first time the contents of a package found by constable Pearce, at the scene of the robbery, an identically similar bottle of medicine.

McLean's presentation of the facts was masterly. Every point was marshalled with deliberation and precision.

J. D. Swanson, on behalf of Column

### CLOSE OF THE ASSIZES

ELK LUMBER COMPANY'S CASE IS DISMISSED.

APPLICATIONS MADE IN LAST CHANCE PROCEEDINGS.

J. D. Swanson, on behalf of Colqu-houn, followed, making a special sep-arate plea, pointing out the danger of relying upon circumstantial evidence. He referred to the prisoner's good character

and the respectable appearance of his client. Swanson's address was forceful

and at times impassioned. He spoke for

half an hour.

MacIntyre, on behalf of all the pris

oners, made an eloquent and spirited defence. He discredited the evidence of MacQuarrie. He plainly designated it

as untrue and actuated by discreditable

motives and especially with respect to the identification of Edwards. Counsel

rode rough shod over this witness, but dealt more gently with engineer Callan whose identification of Colquboun, he

alleged, was incomplete and uncertain. He ridiculed the tracks' theory and alleged that though Indian Ignace was a

good hunter, he was doubtless a liar,

nevertheless.
"All Indians are phenomenal liars,"

shouted counsel, "not because they de-sire to tell untruths but because they are ignorant of what truth is." Counsel re-

garded Dunn as an excitable humorist, and his action in shooting was due to

excitability. He enlarged upon the ac-

Mr. justice Irving carefully summed up the evidence pro and con and dis-abused the jury's mind of statements made by counsel. He made a fair state-

ment of facts according to the evidence and in a most painstaking manner point-

ed out to the jury their duty and upon what rules to base their judgment. From his remarks it was clear that his lord-ship relied on the integrity of MacQuarrie and Callan. He spoke in complimentary terms of the manner in

plimentary terms of the manner in which constable Pearse had acted and traced the main events respecting the movements of the accused men. Even

and collected, Edwards; another was impulsive, and a humorist, and had fir-ed at the police, Dunn; the third man

ed at the police, Dunn; the third man made half an attempt to draw a revolver, but stopped when covered by the police. At the robbery one man, the leader, was cool and collected, a second was impul-sive and a humorist, and the third was very subordinate in every way. The case went to the jury at 6 o'clock.

(Associated Press)

Kamloops, May 30.—The third and last day of the hold-up trial was attended by all who had crowded into the court

room at both previous sessions. Lad-les were out in great force as usual, many of them bringing along their

fancy work and sewing, and remained during the lunch hour to ensure getting

seats for the afternoon.

Edwards and Colquhoun took more in-

came into the prisoner's eye

Edwards kept his eyes constantly on the jury when his counsel addressed them, as if he were trying to read his fate

Deputy attorney general McLean, whi

addressed the jury on behalf of the pros-ecution, commenced his speech of one hour by complimenting the R. N. W. M.\*., who he claimed were constables with authority in any province in Can-ada. He referred to the Calgary detch-

ment as that "gallant little band who so nobly made the arrest." Step by step, Mr. McLean showed the prisoners in the vicinity of Ducks station for a

week or ten days previous to the hold up. He spoke especially of the positive identification of Colquhoun by engineer

Callan and of Edwards by mail cler MacQuarrie. They were further ident

mail car and found on them at the tim

of their arrest. Special attention was paid to the tracking of the men by con

stable Fernie and the Indians, Ignac and Michaels. The peculiar marks found

in the boots of the prisoners, enabled

Fernie and his assistants to track then

for three days.

At the conclusion of Mr. MacLean'

address, J. D. Swanson spoke on behalf of his client, Colquhoun, claiming that

evidence had been produced involv

A. D. MacIntyre, in beginning his ad

dress, complimented the Calgary polic for the fair evidence given by them.

police and we have nothing to say, except as to the many kindnesses we have

"The prisoners and myself have every eason to feel grateful to the mounted

fied by articles taken from the

Intyre.

evening shortly after 5 o'clock, the flag over the court house was hauled down and there will not be a session of the supreme court here again until after the long vacation in October next, when

the supreme court here again until after the long vacation in October next, when the fall assizes will be held.

The action of the Elk Lumber Co, against the C. N. P. C. Co. was dismissed with costs on Saturday. Ball bonds were estreated in connection with some Fernie criminal cases and two applications were disposed of in the winding-up proceedings in connection with the Last Chance mine. The last case on the list, that of Marks vs. Marks was not reached, the papers from Michigan which have been expected for some days not reaching here until after the court had adjourned finally on Saturday afternoon. The trial of the case has been post-poned until October.

When court opened at 10 o'clock Saturday, S. S. Taylor, K. C., proceeded to open for the plaintiffs the case of the Elk Lumber company vs. the Crow's Nest Pass Cleative Light & Power company. J. A. Macdonald, K. C., and H. W. Herchmer appearing for the defendanta W. R. Ross, of Fernie, was associated with Mr. Taylor for the plaintiffs.

The Elk Lumber company claimed to

excitability. He enlarged upon the activity of the detectives and the provincial police weaving meshes around the prisoners in their anxiety to attach blame to some one. The fact of the prisoners being together was in their favor, as guilty men would separate, as "the guilty parties did," alleged Mac-

plaintiffs.

The Elk Lumber company claimed to be in possession of a certain block of 100 acres of land near Horner station 100 acres of land near Horner station a few miles east of Fernie, under an agreement to sell and convey signed by Wm. Fernie, for the Crow's Nest Pass Coal company, and assigned to the plaintiff company, and a declaration of ownership was asked as well as an order compelling the C. N. P. C. Co. to convey the lands in question to the Elk Lumber Co.

Mr. Taylor's path was carefully filled with thorny technicalities by opposing counsel as the case proceeded and he was obliged to amend his pleadings in order to make progress

D. V. Mott, of Fernie, lumberman and editor of the Ledger, was the first wit-

if the evidence against Dunn was not direct, yet he was with the others before the robbery and afterwards and answered the description of the third man. One of the men arrested was cool D. V. Mott, of Fernie, lumberman and editor of the Ledger, was the first witness called by Mr. Taylor, and then the plaintiffs called G. G. S. Lindsey, K. C., general manager of the C. N. P. C. Co. The witness spoke with all the exactness of a lawyer, and Mr. Taylor's progress was not rapid. During the afternoon the plaintiffs also called J. G. Cunmings, Fred Walters, E. Stubbs and W. Bolvan, and then closed their case. Counsel having addressed the court at some length, has lordship dismissed the action with costs, holding that the plaintiffs had failed to show Fernie's authority to bind the company to the agreement to and also that the verbal underst that the purchasers were to erect a saw-mill on the property had not been lived up to. No other case being ready for

Edwards and Colquboun took more interest in the trial and even Shorty Dunn was noticed to pay some attention to the remarks of counsel during argument.

When Mr. Swanson was addressing the jury on behalf of Colquboun, and refering to his boyhood days in Ontario, tears came into the prisoner's eyes.

During the noon interval, W. A. Macdonald, K. C., on behalf of Dr. W. A. Hendry, former president of the Last Chance Mining company, made an application to dispose of an objection raised by one, W. H. Stimson, to the doctor's claim filed in the winding-up proceedings now in progress with the affairs of the Last Chance Mining company. Dr. Willed a claim for Statistics of the Last Chance Mining company. Dr. Willed a claim for Statistics of the Last Chance Mining company. Dr. Willed a claim for Statistics of the Last Chance Mining company. Dr. Willed a claim for Statistics of the Last Chance Mining company. Dr. Willed a claim for Statistics of the Last Chance Mining company. Dr. Willed a claim for Statistics of the Last Chance Mining company. Dr. Willed a claim for Statistics of the Chance Mining company. Dr. Willed a claim for Statistics of the Last Chance Mining company. Dr. W. A. Macdonald Research of the Last Chance Mining company and an application to dispose of an objection raised by one, W. H. Stimson, to the doctor's claim filed in the winding-up proceed in the compressor of the cyanide mill the compressor of the cyanide mill the cyanide mill the compressor of the cyanide mill Hendryx filed a claim for \$4521.25 and Mr. Stimson as a creditor objected \$1550 of this amount, charged for main taining an office at Los Angeles, while the doctor was looking after the affair of the company as its president. A. M. Johnson appeared for the official liquidator, Louis Pratt. Mr. justice Morrison after hearing the affidavits filed by Mr. Stimson and Dr. Hendryx reduced the \$1550 asked to \$600.

On behalf of the liquidator, A. M. Johnson, obtained an order appointing

On behalf of the Equinator, A. M., Johnson obtained an order appointing M. L. Grimmett of Sandon, solicitor for the liquidator, appointing the Canadian Bank of Commerce, as the bank in which the funds were to be deposited, approving the security for the liquidator and confirming the ampointment of Mr. ent of M onfirming the appointment of Mr
Pratt. The liquidator will subsequently
pass his accounts before the local reg
istrar of the supreme court.

R. M. Macdonald obtained an order
estreating the ball of the Fernie mer
changed with consulring to defraud the

estreating the ball of the Fernie men charged with conspiring to defraud the C. N. P. C. Co. against whom the last grand jury returned true bills, and who failed to appear for trial when called, except in the case of Sisco for whose bondsmen W. A. Macdonald, K. C., ap-peared and took the objection that the document was void as drawn and taken Judgment on the point taken by Mr. Macdonald was reserved by the court,

TEACHERS' CONVENTION

eakers and Subjects on Program for Annual Institute Meeting

The annual convention of the provincia eachers' institute is to be held this yes in Victoria during the last week of the school year. The time is an innovation Since the institute was organized in 183 the annual meeting has been held regu larly during the week following Easter.
No reason has been given by the education department for the change, the effect of which seems likely to decrease the

an important feature, and has colored sub-sequent discussions.

The convention is divided into six sec-tions, one devoted to high schools, three to the senior, intermediate and primary grades of the public schools, one to man-ual training, and, another innovation, one to domestic science.

James Leamy of New Westminster, do-minion timber inspector, on the property of

minion timber inspector for the province is to deliver an address on Forestery, dealing with the question of preserving the timber resources of the country, which is now a live question throughout the dominion

The staff of the provincial normal school will be prominent in the discussions. Principal Burns is to speak on the "Culture Alm in Education," and J. D. Buchanan on "The School as an Agency in Training for Citizenship."

The discussions in the public school sessions are on the familiar, almost trite, but still important problems of what and how to teach. In the high school section a question will be discussed which has an important bearing on the question of the establishment of a provincial university—With What Limitations May College Work be Profitably Undertaken by British Columbia High Schools.

## STAMP MILL TO START

BUSY TIMES AHEAD AT YMIR GOLD

GOOD ORE EXPOSED IN SINKING ON GOODENOUGH GROUP

(Special to The Dally News)
Ymir, May 28.—This afternoon E. M.
Hand, manager of the Ymir Gold Mines, limited, informed your correspondent that the company's stamp mill will commence operating on the 2nd June.

As will be remembered, Mr. Hand closed down the mill some two months ago owing to development work on the mine not being sufficiently ahead; now this development work has been caught up and the ore bins are overflowing with ore. A start of 40 stamps will be made ore. A start of 40 stamps will be ma and will probably be run on water pow for at least 6 weeks, when 30 stamps w tor at least to weeks, when 30 stamps will be operated continuously. Alex Mc-Vicar will be in charge of the mill and with a new crew it is expected the milling operations of the company will run along smoothly.

R. Gilman Brown, consulting engineer of the company visited the recovery.

R. Gilman Brown, visited the propert last week and is greatly pleased at the He congratulated manage last week and is greatly pleased at the outlook. He congratulated manager Hand upon the successful termination of the company's development work, which has revealed large quantities of ore. This ore will run better than \$10 and when it is remembered that the dividends paid the shareholders was taken out of \$9 ore, it will be seen that the former prosperous days of the Ymir

plant. This will cost in the neighbor hood of between \$4000 and \$5000, but the cyanide mill the compressor cabe operated with water power as there is some 150 h. p. available and this cost will be very smalt. This should have been done years ago, and ever since manager Hand took hold, he has been endeavoring to get his directors' consent to the change. This he now has. The cyanide plant will not be operated for the present. A dam is being built and the tailings will be impounded and the tailings will be impounded and to treated whenever it is the wish of the company.

Mr. Hand is handicapped at present owing to the scarcity of labor. The

Mr. Hand is handicapped at present owing to the scarcity of labor. The ymir mine pays the highest wages of any mine in British Columbia; still it is difficult to get sufficient machine men to successfully operate The company are going to put in a reading and billiard room for the use of the men employed on the plant.

On the Goodenough group the sinking is exposing a strong ledge of ore that promises to open into a large body, similar to what the Ymir company had on the surface of their property when

on the surface of their property whe

James Johnstone and J. J. Campbell of the Hunter V. mine, paid the property a visit today. perty a visit today.

AT THE ST. EUGENE

Grub Troubles all over-Good Food an Comfortable Quarters Assured

(Special to The Dally News)
Moyle, May 28—Your corresponden moye, may select the top of the hill, the scene of the recent grub strike, and found things progressing there very smoothly. He had two meals there and can certify He had two meals there and can certify that the quality of the food and the cooking are beyond reproach. Mrs. Whitehead, who has an excellent local reputation as a boarding house keeper, is in charge of the dining room and is assisted by her daughters, Mrs. Foote and Miss Bella, and also by a first class cook and a kitchen man. There is also a man to look after the bunkhouse.

Your correspondent went through every room in the bunkhouse and examined every part of the dining room, kitchen, cellar,

attendance.
The public school teachers, unless they have chosen Victoria as the destination of their vacation trips, are not likely to alter.

The public school teachers, unless they have chosen Victoria as the destination of their vacation trips, are not likely to alter.

The ground around the dining room is to

be thoroughly cleaned also, and all refuse is to be carted away. As the present bunkhouse is becoming rather crowded, an additional one is to be opened in a day or

their plans to attend the convention. The high school teachers are still less likely to take a week off at the most critical period of the year for their pupils, with the department's examinations to be held during the following week, the first week in July.

Nelson, as usual, will probably be well represented. It is very doubtful if any of the high school staff will attend but five of the public school teachers are arranging to go.

The programs of the convention are to hand. The subject matter for addresses and discussions is sufficiently detailed and varied to give opportunity for thorough examination of nearly all school problems.

James L. Hughes of Toronto, a veteran school inspector, noted for breadth of mind and originality—he is a brother of Col. Sam Hughes, M.P.—will be the principal speaker. He is to discuss "Modern Tendencies in Education" and "Dickens as an Educator."

A notable omission from the program is the president's address The president is F. H. Eaton, superintendent of Victoria's schools. In past years the opening address by the presiding officer has frequently beet an important feature, and has colored subsequent discussions.

The convention is divided into six sec-

### INCREASED SHIPMENTS

BES OF HUNTER V. MAKING GOOD PROGRESS

WILL SEND OUT ABOUT EIGHTY TONS DAILY.

As is very well known locally the

As is very well known locally the Hunter V. property near Ymir has been leased to the Hall Mining and Smelting company, pending the necessary changes in the reorganization of the company in the following the mine. The development at the Hunter V. and the Double Standard, has now reached a stage where the week ly shipments of ore can and will be materially increased. A little later, say in a month or so, the present increase will be still further improved upon.

Shipments have been made this year to the Hall Mining and Smelting company's plant in this city and to the Canadian Consolidated smelter at Trail. In all some 2000 tons have been shipped out the local smelter and the balance to Trail. It is now intended to increase the output to about 40 tons daily and in a month hence to double this and send out some 80 tons every day. The work in progress on the Hunter V. is driving in to the hill on an inclined tunnel and the ore taken out is what has been shipped. As the work proceeds the character of the ore has improved and today the mine is in finer shape than at any previous time. Down lower on the hill at the Double Standard the work of taking out the arch between the two glory holes has been completed, leaving a workable face of 50 feet from which future shipments will now be made. As much of the work done lately has been preparatory to shipping, and is now concluded, the company will be able to reduce their operative expenses and at the same time increase the ore shipments, naturally a highly desirable and satisfactory state of affairs.

### W. F. M. IN CONVENTION

IMPRISONED OFFICIALS LIKELY TO RE RE-ELECTED.

TELEGRAM OF SYMPATHY AND CONFIDENCE DESPATCHED.

and seventy-five delegates attended the opening session here today of the annual convention of the Western Feder-

ation of Miners.

It is tacitly agreed among the men bers that Charles H. Moyer, presiden and William D. Haywood, secretary an treasurer, who are in prison in Idah awaiting trial on the charge of complete the charge of c

(Special to The Dally News)
Denver, Colo., May 28.—The annual
convention of the Western Federation of
Miners opened here today with 175 delegates in attendance, representing fifty

"The convention of W. F. M. extend we are in sympathy with you and are confident of your innocence."

The address of welcome was made by Frank Pulver, president of the Denver trades and labor assembly.

Chas. S. Sherman, president of the S. W. W., will address the convention to-

CHANGE OF TIME

pokane Falls and Northern Start Doub On Sunday next the new timetable will come into effect on the Spokane Falls & Northern branch of the Great Northern Northern branch of the Great Northern system. In future the morning train from Spokahe for this city will leave at 9:50 a.m. in place of 9:45 as at present, arriving here at 6:50 p.m., the present running time, the only difference being that five minutes faster time is made on the trip. The train for the south from here will start out as at present and reach Spokane at 5:50 p.m... A new train service has been put on between Spokane and Marcus. put on between Spokane and Marcus, leaving the former city at 4.25 p.m. and reaching Marcus at 8:40 p.m., The southbound train will leave Marcus daily at 5:15 a.m., reaching Spokane at 9:30 a.m. It was hoped that when a double service morth over the S. F. & N. Was inauxu-north over the S. F. & N. Was inaux It was hoped that when a double service north over the S. F. & N. Was inaugurated that the trains would run to and from Nelson, but the double service which commences Sunday only comes north as far as Marcus, just 101 miles. When the Great Northern some years ago started a day and night service between thossiand and Spokane, it was much appreciated and

CALDWELL COURT ADJOURNED (Special to The Daily News)
Boise, Idaho, May 30—Court did not sit at Caldwell today on account of its being Decoration day. Hearing of applications in the case of the W.F.M. officials ad-

# RETURNED

### Trial of Train Robbers Commenced Yesterday at Kamloops

Deputy Attorney-General McLean Adduces New Evidence That Tends to Strengthen Case Against Prisoners

Kamloops, May 28.—The grand jury this morning found a true bill against Edwards, Dunn and Colquhoun, for rob-bing the mail, also a separate bill against Dunn for shooting with intent to mur-der.

A. D. McIntyre assisted by James Mur-phy, M.P.P., appeared for the prisoners, J. D. Swanson is watching the case in

J. D. Swanson is watching the case in the interests of Colquboun, at the request of the latter's friends.

MacIntyre made a strong plea for postponement to the fall assizes, alleging that the Vancouver Province's sensational articles, headings and pictures had influenced the opinion of jurors. This, with the local excitement, rendered the trial now a farce and a fair jury uttenly impossible. Affidavits of prisoners and counsel alleging that time was required to secure material witnesses to prove allbi were presented.

Deputy attorney general McLean objected to a postponement, ridiculing McIntyre's arguments.

Mr. justice Irving refused the application and an adjournment was taken un-

introduced a new term, designating the train robbers as "land pirates."

The prosecution introduced new evidenced by several settlers and others residing along the road between Campbell's creek and Grand Prairie.

Albert Duck had seen them in the

Albert Duck had seen them in the cour house yard.

In Duck also saw Edwards at the same time and also saw another man leading a pack horse past her house.

Tate, another settler two miles west of Ducks, saw all three prisoners on the afternoon of April 29. Edwards was on a road horse with white face and legs. Dunn was leading a pack horse and Colquhoun was walking behind. Edwards asked how far it was to Kamloops and where the nearest good camping ground was to be found.

Miss Dupuls saw Colquhoun on May 4th on horseback trying to catch another horse. Witness also identified the horses in the yeard. Joe Graves, son of J. B. Graves, of the Douglas Lake Cattle

ses in the yeard. Joe Graves, son of J. B. Graves, of the Douglas Lake Cattle Co., a cowboy, described the same horses in the yard and identified them as two horses he found hobbled four miles south of his place at Campbell's Meadows, the day after the robbery.

William Phillips, merchant, Kamloops, identified a gunny sack bearing the firm's name and wrappers of soap and tea as the same as he supplied to Dunn tea as the same as he sur on May 5th. The same on May 5th. The same day that Colquhoun tried to catch the horses, as described by Miss Dupuis, and on the same
day as Edwards went to Ducks. The
sack and soap and tea were identified
as those found in the camp visited by
Edwards on the morning of April 29,
who wanted supplies. Edwards rode a
roan horse with white face and legs.
Edwards said he and his comrades had
been six weeks in the mountains and
professed learning for the first time then
of the San Francisco disaster
Duck identified the horse brought in
by the police under constable Pearse,

by the police under constable Pearse, from the mountains south of the scene of the robbery in common with other

of the robbery in common with other things.

The crown seems to have its case well prepared and the chain of evidence appears very strong.

Engineer Callan also gave evidence, the same as at the preliminary hearing. A panel of 30 jurors was called before a jury was selected.

The cross examination of the settlers was directed to show that the prisoners used the public highway freely, without any attempt to disguise their actions.

When the dynamite found on the track was brought into the court room, Mr. justice Irving evinced anxiety to get rid of it quickly.

COAL MINERS AGREE TO TERMS

Collieries of Kansas, Arkansas and Indian Territory May Rsume June 10, dian Territory May Rsume June 10,
Kansas City, May 30—The soft coal miners of Kansas, Arkansas and Indian Territory in conference here today agreed to accept a proposition submitted by the southwestern coal operators' association yesterday. The agreement must now be ratified by a referendum vote by the miners, but it is believed today's action will result in reopening the mines in the states mentioned by June 10.

The Missouri miners, representing district number 25 still stood out for the 1903 scale verbatim, which means a higher

operators. The conference was resumed later in the hope of persuading Missour; to come into the agreement.