

CONFESSING FAILURE

Incapable Ministers at Victoria Make a Poor Showing.

Efforts at Legislation Riddled by Opposition Members.

VICTORIA, Dec. 8.—In spite of the declaration of the premier that night sittings would be held all this week, the house was released from its labors at six o'clock tonight until tomorrow.

The bill is now regarded as a monument to the incapacity of the ministers, who themselves are quite unable to give a lucid explanation of its provisions, much less undertake to outline any general principle upon which it is framed.

Brown, of Greenwood, made another attempt today to obtain a reduction of the coal prospector's license fee to \$50, and made a strong plea for this course, urging that the effect of the bill was discriminatory in favor of the mineral prospector and the fee itself disproportionate to the rental which the coal prospector had to pay.

Argument was lost on the ministry, however, although the premier winced when Houston, who sided with the opposition, said prospectors were a benefit to all classes in the province, excepting the fishermen on the Fraser, who in turn were a benefit to no one in the province excepting themselves.

Brown's motion was defeated, the Socialist and Labor members supporting the government and Houston voting as he always does now, when in the house, with the opposition.

NICE POINTS OF LAW

DECISION IN CENTRE STAR VS. THE ROSSLAND-KOOTENAY MAKES PRECEDENTS.

MATTER COMMENCED YESTERDAY—NUMBER OF WITNESSES EXAMINED.

The legal aspect of underground trespass and the possible liability of one mining company to another in event of the second permitting workings adjacent to those of the first concern to fill with water, are the points now being threshed out in Centre Star vs. Rossland-Kootenay at the supreme court sittings before Mr. Justice Martin.

The case was commenced yesterday morning, when A. C. Galt opened for the plaintiff company, Charles B. Hamilton appearing for the defendants. A legal point was raised on the start, to the effect that as successors to the Rossland Great Western company the Rossland-Kootenay company had not assumed the former company's liabilities and were not, therefore, entitled to be defendants in any ac-

tion hinging on the omissions or commissions for the company in possession of the Nickel Plate mine at the time of the alleged trespass. Documents of various descriptions were filed in court for the purpose of establishing that prior to the formation of the Rossland-Kootenay company an agreement was entered into between a trustee representing the new company and the Rossland Great Western company, whereby the company to be formed and afterwards formed as the Rossland-Kootenay company, was to assume the assets and liabilities of the Rossland Great Western, owning the Nickel Plate mine. This agreement, it was sought to be shown, was adopted by resolution of the company, and incorporated in the articles of incorporation of the Rossland-Kootenay company as published in the British Columbia Gazette.

The plaintiffs then proceeded with their case. Depositions were submitted from E. W. Strout, mining engineer formerly of the Centre Star company, who swore that he had examined the alleged trespass workings of the Nickel Plate mine and found that a cubic quantity of ore equal to 750 tons of ore had been extracted therefrom. He identified the stope as an ore body and gave other evidence relating to the operations of the Rossland Great Western company in Nickel Plate ground alleged to have taken place in 1901.

Carl R. Davis, general superintendent of the Centre Star mine, went on the stand with a plan of the Centre Star workings, which he described. His evidence as to the influx of water into the fourth level of the mine was that the flow was exceptionally heavy after the Nickel Plate mine had suspended operations and permitted its workings to fill.

Edmund E. Kirby, manager of the Centre Star following on the witness stand. He stated that up to January last he had no suspicion that the Rossland Great Western company had operated in Centre Star ground, and the first intimation he had was from the manager of the Rossland-Kootenay company, who remarked casually that a crosscut from the Nickel Plate mine into Centre Star ground and that a plan would be furnished to the Centre Star company showing this crosscut. Witness left for the east almost immediately, and on his return a month later found the plan in question at his office. It then developed that the Nickel Plate company had mined on Centre Star ground. Witness had personal knowledge of the heavy flow of water into the Centre Star mine, and stated that this might arise from two reasons, either the seepage through fissures or the flow from the alleged trespass workings.

Charles V. Jenkins, chief of the Centre Star accounting and purchasing department, was called to give expert evidence as to the costs of pumping the water from the Centre Star mine from the Nickel Plate workings through the trespass workings or otherwise. His evidence was that from February 1st last to September 30th last the item totalled up \$4284.70. During the period when the Nickel Plate workings were filled with water the Centre Star mine's pumping costs were enhanced \$700 per month, but the increase was only \$300 per month after the unwarranted operations at the Nickel Plate.

The last witness examined yesterday was Augustus B. Emery, mining engineer in the employ of the plaintiff company. He deposed that he had sampled the dump at the Nickel Plate headworks alleged by defendants to comprise the total tonnage of ore extracted by the Nickel Plate from Centre Star ground. His report as to the contents of the dump placed the amount at 2000 tons, or slightly less, making a discrepancy of some 5000 tons between the report of one engineer as to the tonnage extracted by the trespass workings and the amount on the dump claimed to represent the total tonnage thus stoned. The value of the ore now on the dump was placed at \$3 to \$4 per ton.

All the witnesses were critically examined by Mr. Hamilton for the defendants. Today the case for the claimant will be concluded, and the defence commenced. It is probable the matter will be closed before the conclusion of the afternoon session, after which the Tanghe case will be opened.

J. B. M'ARTHUR DEAD

FORMER ROSSLAND MAN PASSED AWAY MONDAY AT TORONTO.

WELL KNOWN AND HIGHLY ESTEEMED IN GOLDEN CITY—OUTLINE OF LIFE.

A wide circle of Rossland friends will learn with keen regret of the death in Toronto on Monday of J. B. McArthur, formerly a prominent resident of Rossland and an active mining operator throughout the Kootenays. It is more than two years since Mr. McArthur visited the Golden City, but everyone resident in the community prior to that time remembers the deceased gentleman with respect and in many instances with admiration.

Mr. McArthur was 54 years of age. He studied law with the firm of Crother & Tilt, afterwards Mulock, Tilt & McArthur. He retired from the firm in 1882 in order to go to Winnipeg, where he was one of the pioneers, and built up a very large practice which he carried on for several years in partnership with Hugh John Macdonald and Stuart Tupper. For the past ten years Mr. McArthur has been prominently connected with the mining interests in the Kootenays, British Columbia. When he first came to the British Columbia he became a resident of Kaslo, where he practiced law. When the Rossland boom started he left Kaslo and came to the Golden City, where he had considerable to do with the mining interests of that place. For a time he was the attorney for F. Aug. Helme, pri-

ncipally, however, in the capacity of legal adviser. It was said by his friends in Toronto that he suffered severe financial reverses by the collapse of the British Columbia mining boom in 1897, which has taken him ever since to recover from. The late Mr. McArthur was largely interested in the Rambler-Cariboo mine at one time, and was practically the owner of the Columbia townsite at another juncture. One of his last ideas was the enhancement of prosperity in mining throughout the Kootenays, the formation of the Mining Exchange, which was to have operated on a comprehensive scale.

AROUND THE CITY

Piet Simonetti, a well known Rossland miner, has returned to the city from the Mount Sticker district, where he spent some months.

The school board holds its regular monthly meeting tomorrow afternoon at the city hall. The only business on the docket at the present time is of routine nature.

A pleasant hop took place at Union hall last night under the auspices of Mackinnon & Schramm's dancing academy. The attendance was large and the program most enjoyable.

The high school is to have the books from the defunct city library. Many of these volumes are exceptionally valuable to students and will be put to excellent use by the high school pupils, who are really diligent and ambitious students. The transfer is approved by the city council on the condition that the volumes shall be returned should the library be revived at any time in the next few years.

The White Bear Consolidated Mining company is making application for water rights on the overflow stream from the Le Roi Two mill. This will help to make up the quota of water required by the company to warrant the construction of its concentrator in the immediate vicinity of the new headworks.

The city council has voted \$50 to the board of trade to assist in defraying the expense of entertaining Associated Boards of Trades delegates. The council draws salaries partly from the duties of civic hosts were undertaken by business men the council voted \$50 of the citizens' funds to help the cause. Last month the mayor and aldermen were remunerated for services to the city in the sum of \$438.

Mayor Dean was unexpectedly called away to Nelson last night on pressing business and left on the evening train. He expects to return tomorrow. Ald. Embleton was named to fill the vacancy, and the council confirmed the appointment in recognition of Alderman Embleton's eminent fitness for the position. The mayor also left a letter of instructions for Alderman Embleton, which the latter very judiciously ignored in favor of his own judgment on the various points arising at last night's council meeting.

The community is not as yet aroused to the exigencies of the situation in connection with the forthcoming municipal elections. To date only twenty-five voters have registered under the declarations provided for in the Municipal Elections Act. Several hundred are certain to register before the list closes at the end of the month, but the question is not sufficiently pressing as yet, although more than a week has elapsed since the list opened and barely twenty-one days remain in which to file names.

No action was taken in respect to the proposed repairs to the fire tower at the fire of the 18th st. It was expected that at the regular meeting of council last night the aldermen would permit the building to remain where it stands now until spring without prejudice to any interests. The aldermen are a unit on the question, but at the request of Mayor Dean, who opposes the indulgence, the question is laid over till next week.

Charles Blise, charged at yesterday's police court with aggravated assault by Mrs. Sullivan, was convicted of the offence and fined \$20, with costs added. The defence was that Blise had looked too intently on the wine cup and was not responsible for his actions. The only other case before the court was that of a drunk who had been incarcerated twice previously for the same offence, and who was fined a dollar and costs.

The opening of the skating season is still indefinite, although a night or two of good frost would put matters shipshape. On the curling sides of the rink the ice is in excellent order, and scratch games among the members of the club are of daily and nightly occurrence. The "Winnipeg Four," headed by Harry H. Smith, is open to challenges from any quartette of club members that desires to court defeat. The statement that the members of the club as a whole are greatly exercised over the annual rental is minimized in some quarters to a small section of the members.

Opportunities are rarely wanting for the aspiring pugilist. The Miner is in receipt of a communication from Fred Wright, of New Westminster, offering to match Fred Wyatt, champion lightweight of the Pacific coast, against any man weighing 135 to 138 pounds resident in Rossland or vicinity. He proposes a twenty round contest for a decision under the auspices of a club or parties offering the most attractive financial inducements for a mill in Rossland or Nelson. Wyatt would prefer bringing the fight off on the night of the 25th inst., and suggests that replies be forwarded to him, care of the Queen's hotel, Vancouver.

W. A. Macdonald, K. C., of Nelson,

The Sunlight way of washing requires little or no rubbing. You should try Sunlight Soap. Will not injure dainty fabrics.



will appear as counsel, with Robert Hodge, of Ferguson, for the defendants, in the action of Tanghe vs. Morgan et al. As already stated, the case involves the rights of the Lucky Jack lode location as against the placer claim located by Tanghe. The points at issue have never been thoroughly threshed out in any of the provincial courts, and the decision ultimately reached in the present suit is likely to stand as a precedent on several vital points. A few years ago the question of placer rights adjacent to lode claims became somewhat of an issue in Rossland, the I. X. L. mine, owning the lode rights, and a placer claim, strangely enough located by Tanghe also, being so close as to give rise to the questions now actually raised in Tanghe vs. Morgan.

Business was dull at the auction sale of lands seized for non-payment of taxes and put up for sale by Gold Commissioner Kirkup at the court house yesterday. Mr. Kirkup offered the entire list of 300 parcels to the little gathering of four people, but only succeeded in selling nine parcels. The total amount realized under the sale was something under \$100. The sales were as follows: Lot 8, block 5, lots 11 and 12, block 33, Cascade, to George K. Stockton at \$2.90, \$2.90 and \$3.10 respectively; lots 1 and 2, block 15, Elmot, to E. D. Onda at \$2.90 and \$3.10 respectively; lot 8, block 10, lot 2, block 14, lot 2, block 12, all in subdivision of Grand Forks, to L. Clement at \$2.65, \$2.90 and \$2.65 respectively; the property known as Barney's Ranch, lot 4664, group 1, West Kootenay, to A. H. MacNeill, K. C., for \$30.50. All lands not disposed of by 5 o'clock last night when the office closed will revert to the crown, with the customary redemption clause.

PERSONAL

W. J. Harmer, Canadian Pacific agent at Maple Creek, Alta., spent yesterday in the city. He was looked after by Oscar W. Dey, local Canadian Pacific agent.

T. D. Pickard, assayer, of Fairview, is in the city. He is accompanied by Mrs. Pickard.

RUSSIA AND JAPAN.

Another Report That Negotiations Will Be Successful.

LONDON, Dec. 8.—The dispatch received from St. Petersburg by the Associated Press, confirming its Paris advices, that peace between Russia and Japan is now believed to be assured, was taken to the Japanese legation tonight, where it was read with much interest. In the absence of Baron Hayashi, the Japanese minister, Secretary Nabishimada said: "We have not been kept informed by our government at Tokyo as to the successive steps in the negotiations. Of course we cannot pretend to say how Russia's reply will be received by the Japanese government. It is another step in the negotiations, but from my knowledge of Japanese public opinion I feel safe in saying that the final settlement of the great questions at issue between Russia and Japan will be difficult to reach. Concerning Manchuria the question is left in abeyance."

THE KAISER'S HEALTH.

Ambassador Von Sternberg Says It Was Good When He Left.

NEW YORK, Dec. 8.—Baron Speck Von Sternberg, who arrived today on the Kaiser Wilhelm II, said, speaking of the health of the German emperor: "He was in excellent health when I left, and in good spirits too. He, however, speaks in a low tone so as not to complicate his throat trouble. Those who are in a position to know all about him feel no concern whatever over his condition."

The baron denied the report that he was bringing a personal communication from Emperor William to President Roosevelt. "I am charged, however," he said, "with a communication from the emperor to the New York Yacht club. It relates to the proposed ocean yacht race, and explains why the postponement of the race was made."

FURNISHED BONDS.

Habeas Corpus Proceedings at Telluride Ineffectual.

TELLURIDE, Colo., Dec. 8.—Secretary Carpenter of the miners' union, having failed to secure his release from jail by means of a habeas corpus writ, furnished a bond for \$750 for his appearance in the district court to answer charges of conspiracy and intimidation of non-union miners. He has arranged to furnish bonds for other union men who are held on the same charges.

MACEDONIAN REFORMS.

Officers Are Appointed by Russia and Austria.

CONSTANTINOPLE, Dec. 8.—M. Zonkheff, the Russian ambassador, has informed the ports that Russia and Austria have definitely decided to appoint respectively M. Demerika, the consular general of Russia at Beirut, and Herr Von Hulle, of the Austrian foreign office, to supervise the carrying out of the reform scheme of the powers for Macedonia.

U. S. MARINES LANDED.

Further Precautions Against Movements by Colombia.

COLON, Dec. 8.—A company of marines from the U. S. auxiliary cruiser Dixie, under command of Captain McCreary, were landed here this morning and took a train for Empire, a town on the railroad near Panama, where a camp was established in the canal company's buildings. Another company of marines, to the number of 50, from the Dixie, left on the afternoon train for Empire City. It is probable that the remainder of the marines on board the Dixie will be transferred to this camp.

The stated official purpose of this movement is to give the marines practice in the building of camps, and to relieve them from their long confinement on the vessel. The actual purpose of the United States government in landing the marines is, however, believed to be connected with the precautionary measures now being carried out on both sides of the isthmus, and perhaps also for the moral effect which the landing of marines may have on the native garrison at Panama.

It is considered significant that the point selected for the encampment, while it is the most sanitary on the line of the Panama railway, is also on the trail most frequented by troops going overland to the Chiriqui district. If a body of Colombian troops should succeed in obtaining a foothold in the Chiriqui district it is conceded that after preliminary raids on the country, from which it would be most difficult to dislodge them.

The report of the movement of 3,000 soldiers from Cartagena for the purpose of invading the isthmus cannot be confirmed. Rumors of such movements may be looked for frequently, particularly as the people of the isthmus are more or less excited by the precautionary measures adopted by the United States.

General Huertas is about to establish a garrison for the troops of the new republic at Yaviza, a town at the head of San Miguel Bay, on the Pacific side of the isthmus.

PANAMA CELEBRATED.

Special Commissioners to Washington Were Welcomed Home.

PANAMA, Dec. 8.—Dr. Manuel Amador and Frederico Boyd, the special commissioners from the republic of Panama, returned from their visit to Washington today. There will be a big demonstration tonight.

The railway station and streets adjoining it were packed with thousands of enthusiastic people. Battalions of militia in full uniform lined the streets, which were decorated with flags. Several arches, bearing such inscriptions as "To Panama's Saviour" and "To Panama's First President," were erected on the streets. When the commissioners stepped from the train bands of music played national airs, crowds cheered and several orators made speeches, to which Dr. Amador replied.

Then entering carriages the commissioners were driven through lines of soldiers to Dr. Amador's residence. As Dr. Amador passed his carriage was pelted with flowers.

Panama is celebrating the day with the utmost enthusiasm.

LONDON PRESS COMMENT.

Views Expressed in Regard to President's Message.

LONDON, Dec. 8.—While President Roosevelt's message to congress is acknowledged to be of universal interest to the outside world, it evokes no very striking comment from the London press. Both sides in the face controversy seize points in it which they extend to favor their particular claims. Perhaps the part attracting the most serious attention is the president's reference to the necessity for creating a great merchant marine.

The Standard refers to the entry upon a career of colonial domination, so that henceforth the problem for the government will likely be not how to get rid of its automatic surplus, but how to maintain its financial equilibrium.

A MANCHURIAN BATTLE.

Russian Troops Kill and Wound Many Chinese Robbers.

ST. PETERSBURG, Dec. 8.—The Russian troops have defeated a band of Chinese robbers on the Liao river, Manchuria, killing 200 of them and wounding many more. After the conflict reported on Nov. 28th between the force of Russian soldiers and a body of Chinese robbers at Tachicahao, in which five Russians were killed and nine were severely wounded, the Russians pursued the fleeing tribesmen and finally hemmed them in at the Liao river. The great loss of the robbers is attributed to a Port Arthur dispatch to a "panic among the Chinese."

Advertisement for Baking Powder: Fifty Years the Standard. Baking Powder. Improves the flavor and adds to the healthfulness of the food.

A CONSUL'S TROUBLE. American Representative Insulted by Turkish Police. CONSTANTINOPLE, Dec. 8.—The United States flag over the consulate at Alexandretta, Asiatic Turkey, has been hauled down, and Consul Davies has left his post for Beirut, in consequence of a serious diplomatic incident during which Mr. Davies was insulted and assaulted by the local police. The affair grew out of the arrest of an Armenian, Ohannes Attarian, a naturalized American citizen.

Advertisement for The Razor Steel, Secret Temper Cross-Cut Saw. We take pleasure in offering to the public a saw manufactured of the finest quality of steel, and a temper which toughens and refines the steel, gives a keener cutting edge and holds it longer than any process known. A saw to cut first "must hold a keen cutting edge."

Advertisement for Mining Investments: More money is being made at present than at any time in past history by investments in stocks of the better class. We can furnish all western stocks at the lowest price obtainable for cash or on monthly payments. We also have valuable mining properties for sale.

Advertisement for J. L. Whitney & Co. Mining Investments. More money is being made at present than at any time in past history by investments in stocks of the better class. We can furnish all western stocks at the lowest price obtainable for cash or on monthly payments. We also have valuable mining properties for sale.

Advertisement for Thomas S. Gilmour, Accountant, Mining Agent and Stock Broker. Member Rossland Stock Exchange. Shares Bought and Sold Strictly on Commission.

Advertisement for Wallace Building, Rossland, B. C. Personal Attention to interests of clients living out of City. Cable Address "WHITEHALL," Rossland. Office: Bedford Hotel, Clough.

Large vertical advertisement on the right edge of the page, partially cut off, containing text like "Per Year", "ONCENT", "IS", "The Roi Two", "Consign", "Nort", "Last Week", "of the M", "Very", "Among the ever", "in the Rossland", "ment of the first", "from the Le Roi", "cess mill. The", "ed sixty tons", "weeks run, and", "Northport smelter", "The outcome of", "run on this class", "is awaited with", "it will probably", "connection with", "pect of the new", "ly planned with", "Half the", "was produced on", "the Le Roi Two", "fore, barren of", "came from the", "works and contain", "age of oil. The", "concentrates may", "ment charges. It", "trifling quantity", "the product is a", "bricquetting stage", "tem, while further", "crue when the bri", "naces. These poi", "worked out in the", "port smelter.", "Appropos of the", "White Bear, con", "teresting point", "the product is a", "bricquetting stage", "tem, while further", "crue when the bri", "naces. These poi", "worked out in the", "port smelter.", "Appropos of the", "White Bear, con", "teresting point", "the product is a", "bricquetting stage", "tem, while further", "crue when the bri", "naces. These poi", "worked out in the", "port smelter."