

JUMPERS COMMITTED.

Morrison and Cummings, Who Relocated the "Homestake" Committed to Stand for Trial.

Justice Newton Denounces Their Action—An Important Judgment Delivered.

[From the Roseland Miner.] By one short, quick, decisive stroke, the illegal jumping of mineral claims in this camp has probably been brought to an end. When Morrison and Cummings were placing their stakes on the Homestake and covering other neighboring claims in such a manner as to yield the richest returns for the smallest amount of labor, they little dreamed that they were spreading a net to catch themselves. They presumed too much on the forbearance of the community and too little upon the severity of the law. Their punishment came as swift and sure as a thunderbolt out of heaven, and with pain and humiliating enough, even if it should go no further.

It was fortunate the issue was made as it was. Both Morrison and Cummings are men of more than ordinary intelligence. They have been, and are, associated with persons of influence and good standing. They knew better than to enter into the conspiracy charged. They were fully aware of the wrong they were doing, honest, hard-working fellow miners, if anybody is to be punished it should be just such men as these. The law should love a shining mark. We are not surprised that the ignorant should go astray, for often they do not know any better. It is the birds of fine feather and the most reprehensible of breakers of the law. In the committal of these men for trial before a higher court, justices Newton and Topping have done the community a great and lasting service.

It is another illustration of the majesty of the law, as is known and recognized in British Columbia, and another illustration of the security which is afforded property by the civil policy of this country. We do not believe we are going too far in saying that the opinion given by Justice Newton embodying so much good sound law and common sense, has seldom been delivered by a justice of the peace. It is a humble office, but in this instance the man who held it elevated his position to one of great importance, an honored himself and the sturdy system of fair dealing between man and man which England has given as a noble heritage to all her children.

In the course of his judgment Justice Newton said: I suppose it will be admitted on all sides that the act charged against the defendants would not have been criminal if done by each or either for himself.

The criminality is said to consist in the conspiracy or agreement of the two defendants, (1) to commit an unlawful act, namely to extort money, (2) by the false pretense that the claims held by the plaintiffs, the Homestake and the Atlantic, were not legally valid.

This at once raises the question as to whether the plaintiffs' interests in these claims is valid or not, because if they are not legal, then no offence either civil or criminal has been committed.

From the evidence before me I am of the opinion that the Homestake and the Atlantic are legally held by the plaintiffs, though I think that further evidence of an independent kind would have to be forthcoming before any higher court would pronounce the title to be perfectly sound in real estate law.

That being my judgment, it is clear to me that a very great civil wrong, at all events, has been committed by the defendants.

That a conspiracy consists in the agreement of two or more persons by unlawful means, to do either a lawful or an unlawful act; if the gist of the offence of conspiracy is the unlawful agreement; the fraudulent combination of two persons is criminal, even when nothing but a civil wrong is intended; then no doubt the graver charge is raised against the defendants.

Defendant Morrison states that he acted under the mineral acts, and if so, he must, in my judgment, have been aware that this was a question of legal claim; the same evidence was open to him which has sufficed to convince me of the fact; indeed if the evidence of the witnesses Burke and Stevenson is truthful, and I see no reason for doubting in the defendant had even a better reason for knowing that the Atlantic also is a valid location, as he has seen the stakes and the court has not.

It follows, in my judgment, that an unlawful act was committed by these defendants in locating the Pacific claim; but whether they had the unlawful intention to defraud the plaintiffs is not so clear to me, though I incline to think they have. Any man in my position, as he has seen the stakes and the court has not.

I think that this is a case in which, even if this court had jurisdiction to settle it, it would be advisable to decline that jurisdiction and refer the matter to a higher tribunal. But when, as in this case, it becomes a question of dismissing the defendants, or of committing them for trial, I think the preponderance of evidence submitted to the court makes it the duty of this court to say that a prima facie case has been made out for further investigation.

The question of conspiracy, which is the whole gist of the matter, is one of the most difficult in judicial practice, and I do not feel called upon to decide whether such a conspiracy actually existed or not. But enough evidence has been adduced to give color to the information which has been laid, and the order of the court, therefore, is that the defendants be committed to take their trial at the next court of competent jurisdiction.

A Significant Departure. With the departure of another year when a review is made of the old year of affairs, it is only right that some thought be given to the physical body and the energy which it contains with life's problem and figure for these years the profit or loss on the trial balance sheet. Though the bank account may be large and each one's material gain be great, it would not be surprising if it were found that many that good health has been greatly impoverished by the low condition of the blood. It is in this state that the blood-making vital fluid attacks the fibrous tissues, particularly the joints, making known the local manifestations of rheumatism. Thousands of people have found in Ho's Sarsaparilla, the great blood purifier, a positive and permanent cure for rheumatism.

SINGLE TAX CLUB.

The Single Tax Club held their usual public meeting in the Temperance hall last night, Mr. James Mallett presiding. Mr. B. H. West, in the course of his address on the Coming Battle, said many had erroneous views as to the aims of the single taxers, affirming that they wished to violently overturn existing institutions; such was misrepresentation, for all injustices can be peacefully abolished by the ballot, and the single tax aim was to educate the people in true economic principles, confident that when they understood them they would soon enact them into law.

Society was, he said, rapidly being divided into two classes—the plutocratic and democratic; the former standing for the vested interests of a few as against the general interest, while the latter represented the truest form of liberty and equality which spring from the freedom of access to natural opportunities such as would result from the application of single tax principles. What fraternity was there between one man who received \$20,000 per year and another who only secured by the hardest toil \$500 per year? Selfishness was at the root of these great inequalities and the single tax would very soon bring about a better condition, making it impossible for idlers to amass millions and making everyone to easily obtain by industry a comfortable competency.

Mr. W. Berridge followed Mr. West with a few remarks upon the utility of all effort to reform the individual without giving him a just and harmless environment. The respective speakers were warmly cheered during their addresses.

THE PEOPLE'S RAILROAD.

(From the Kaslo Claim.)

The Kaslo & Slokan Railway is proving a real and great benefit to the country, the truthfulness of which statement is attested by the rapidly increasing volume of business, which not only the road but merchants all over the country are doing. As the result of a quick, easy and cheap mode of travel, faces that in other days were rarely seen in town are now seen frequently. A general movement among mining men, prospectors, business men, etc., indicates a life which before was only apparently at long intervals or at certain seasons. The people, because of this opportunity to intermingle, are becoming acquainted, and the effect is that of a general stimulant. Then, too, a trip into the various camps now no longer has for the business man or the prospective investor that terror which it carried in the days of staging.

Perhaps the greatest benefit comes in the way of cheapened freight rates. Where before it cost \$40 to place Slokan ores on Kootenay lake, the same service is now performed for \$10. Because of this great reduction, mines which it was impossible to work at a profit can now be made to pay handsomely.

But, aside from all this, this new benefactor is certain to be popular. To a man its officials and operatives are obliging and accommodating to the public, something said public is never slow to appreciate. The K. & S. should be dubbed "The People's Railroad." Long may it prosper.

CIVIC ASSESSMENTS.

TO THE EDITOR:—Your article in today's (Dec. 10) issue is timely and deserves general consideration. Attention, in addition, should be directed to the preparation of the assessment roll, notwithstanding the decided depreciation of city lots, the assessment roll keeps them at a fictitious estimate, far exceeding their market value. This is plain enough to those who have watched the sales of real estate lately—a man is not at all likely to be improved for some time to come at all.

The official assessor must be well aware of this. Why, then, does he know the fact, continue to assess property at, at least, 30 per cent more than its value? No one but the mayor and aldermen has any control over this official—he is answerable to them alone, and not being an elected officer the mayor and aldermen can retain him in office as long as he pleases them, and bring them in enough money to suit their purpose. The ratepayers seem not to be taken into consideration at all. It may be said that an appeal lies from him to the civic authorities; but it is well known that this is only appealing from Caesar to Caesar.

It is true that anyone, if he pleases to bear the costs as well of money as of time, may appeal to the "Court." If the "Court" diminishes the assessment, it applies to the individual contestant alone, and not to even his neighbors' assessment. Surely this ought not to be so; yet it is. It seems as though, the corporation wanting money, all it has to do is to direct its servants to make his valuation of property accordingly!! How do those who have to pay like the picture? The assessor has to choose between the public, who have no control over him, and the civic authorities, who have no control over him, and what is encouraging to the patient the results of its use are made manifest almost immediately. As a matter of fact this medicine will relieve distressing kidney and bladder disease in six hours. Sold by Dean & Hiscocks and Hall & Co.

DANGEROUS RESULTS SURE TO FOLLOW.

Neglect of Kidney Trouble—South American Kidney Cure. Beware that Quickly Eradicates Kidney Trouble in Any of its Stages.

It is an unfortunate blunder to allow disease of the kidneys to obtain a hold in the system. The disease is of that character that tends to manifest serious complications which too often end fatally. The strong point of South American Kidney Cure is that it drives this disease out of the system, whether taken in its incipient stages or after it has more nearly approached a chronic condition. The medicine is a radical one, easy to take, without any objection, and what is encouraging to the patient the results of its use are made manifest almost immediately. As a matter of fact this medicine will relieve distressing kidney and bladder disease in six hours. Sold by Dean & Hiscocks and Hall & Co.

Yellow Oil used internally cures or relieves croup, asthma, sore throat, bronchitis and similar ailments. It is especially useful in cases of colds, influenza, whooping cough, measles, gall, chilblains, frost bites, lumbago, lame back, etc. Sold by Dean & Hiscocks.

PASSAGE OF DARDANELLES.

The Sultan Grants the Long Delayed Firmans Allowing Guardships to Enter.

Further Horrible Butcheries in Order to Diminish Armenian Influence in Certain Villages.

CONSTANTINOPLE, Dec. 9, via Sofia, Bulgaria, Dec. 10.—The long drawn out controversy between the ambassadors of the powers and the Sultan over the guardship question for the protection of the embassies was settled at 8:10 this evening by the issuance of an irade granting the necessary firmans to permit guardships to pass the Dardanelles. The demand was first made upon the Sultan on November 19, and scarcely a day has passed since then without its being renewed in a more or less peremptory manner. The ingenuity displayed by the Turkish government in evading a direct answer to the demand, and wading through several of the effective pleadings put forth for delay, had almost brought the mind of Europe to the conviction that the demand would never be complied with. Meantime days and weeks passed by without any activity on the part of things in Constantinople that brought out the demand has almost passed.

The following account has just been received of the massacre at Bitlis on October 25: Armed at several other places, dressed as Armenians, and fired pistols in the courtyard of the Mosque of Oudjani near the market place in order to afford excuse for a massacre. The Turks then raised cries of "The Gidregime are attacking the mosque!" They then combined in an attack upon the market. The Armenian traders were massacred and their shops looted, while the mob pillaged the Armenian quarters, killing women and children. The riotous mob attacked the mosque of Modjan and Khouti. The disturbances in the villages around exceeded in ferocity those in the town itself. Five villages were completely demolished.

A report received here from Van states that forty villages in that vicinity have been devastated and plundered, and that the entire population, consisting of 14,000 persons, has been dispersed to the hills. Everywhere, it is added, massacre, pillage, famine and fire are at work exterminating the Armenians.

Where before it cost \$40 to place Slokan ores on Kootenay lake, the same service is now performed for \$10. Because of this great reduction, mines which it was impossible to work at a profit can now be made to pay handsomely. But, aside from all this, this new benefactor is certain to be popular. To a man its officials and operatives are obliging and accommodating to the public, something said public is never slow to appreciate. The K. & S. should be dubbed "The People's Railroad." Long may it prosper.

Fresh placards signed by the Ottoman committee of Progress and Union of Reform have been posted throughout the capital to-day. These placards contain a manifesto, denouncing the present regime for its oppression, its intolerance and call upon all, without distinction of religion, to unite in demanding justice, liberty and reform. If the demands are refused, the manifesto appeals to the Osmanli to remove in another manner the yoke of the present regime.

LONDON, Dec. 10.—The Chronicle publishes a despatch from Constantinople, quoting a letter which was written by an educated Turk, who cannot be suspected of partiality towards the Armenians. "On the way from Husseye Mansour to Malatal, in company with three gendarmes and an officer, we overtook a band of two hundred Armenians. The refugees were travelling on Adana to Kharpool. They begged our protection against the Kurds. As we traversed the valley the Kurds appeared by hundreds on the hills on either side and charged down into the valley, firing as they came. The Armenian women and children clung to our legs for protection, but we were powerless against the hordes, who cut them down even while they were clinging to us. I lost my horse and had several narrow escapes. When the Kurds decamped with their booty, only six Armenians were left alive."

The letter proceeds to describe the arrival at Malatal where they found that seven hundred people had been killed, and at Kharpool, where it was still worse. At least sixty villages were wiped of the face of the earth. The letter concludes by saying: "There are no Armenians left at Kharpool and it is hopeless to try and do business."

A Constantinople despatch to the Times says that the Armenian patriarch there has informed the Italian ambassador that he estimates the number of homeless Armenians in the six northeastern vilayets of Asia Minor at nearly half a million.

The Daily News to-morrow will publish the Cure of the Bessy that quickly eradicates kidney trouble in any of its stages.

The Constantinople correspondent of the Daily News complains that Lord Salisbury is withholding the British consular reports from publicity, and he alleges that 30,000 Armenians have been massacred and hundreds deprived of their subsistence. A witness of the Moslem attack on Camargue on Nov. 9, says this correspondent "describes how the Armenian church service was stolen, the pictures destroyed, the bell taken from the tower, while the museum was ascending to the summit of the church, and praying as if the church had become a mosque. The Armenians were then given the alternative of death or conversion. The Armenians at Aghai paid the Kurds \$1,350 to avert an attack."

DURRANT'S DEATH WARRANT.

SAN FRANCISCO, Dec. 11.—Durrant's death warrant is fixed for Dec. 21, as the date of the execution was issued to-day.

TURKISH SITUATION.

CONSTANTINOPLE, Dec. 10, via Sofia Dec. 11.—The two incidents which have constituted the centre of sensational interest, namely the refuge of Kutchuk Said Pasha, ex-grand vizier, in the British embassy, and the refusal of the Sultan to grant firmans for the passage through the Dardanelles of the additional guardships demanded by the powers have been settled by the return of Said Pasha to his own residence, and the final granting of the firmans by the Sultan.

The tense condition of the public mind is not, however, abated by their closing, and the watchful game of diplomacy goes on much as before. The intimate connection of the peace of Europe with the fate of the Turkish empire is not to be lost sight of, nor is it to be forgotten that this peace is dependent, as it has been for the past eighteen years upon the accord of the great powers.

The visit of M. Nelidoff to the Sultan on Sunday and his prolonged audience with him seems to have settled in his mind at last, that on the question of the guardships at least, the powers were in accord.

Said's return to his own house was made in the carriage of Sir Philip Currie, the British ambassador, accompanied by the chief dragoman of the embassy. On the same evening that he returned the secret police who had been watching the embassy were withdrawn.

WINNIPEG WIRINGS.

WINNIPEG, Dec. 10.—(Special)—Civic nominations were held in Winnipeg to-day as follows: Mayor—R. W. Jamieson, D. W. Bole and C. R. Wilkes. Aldermen, Ward 1—F. C. N. Kennedy, elected by acclamation. Ward 2—A. J. Andrews, elected by acclamation. Ward 3—E. E. Chaffey, J. S. Mandie, J. O. Donahue, Ward 4—J. Callaway, John Thompson, Charles Hislop. Ward 5—John Hamilton, Louis Wertheim, Alexander Black, D. J. McDonald. Ward 6—Alex. Dunlop and H. Wilson.

John James Smith was elected Mayor of Brandon to-day by acclamation.

Lieut.-Col. Boswell has resigned the command of the 90th Winnipeg rifles. The Colonel has been 33 years in military service in Canada, having been formerly connected with the 40th Battalion, Colborne. He was with the 90th at Fish Creek and Batoche. Major Rutlan will probably succeed Col. Boswell.

W. W. Ogilvie the Montreal miller, is here.

PRESIDENT VAN HORNE.

MONTREAL, Dec. 10.—(Special)—None of the papers have anything to say regarding the reports of Sir William Van Horne's intended retirement, beyond repeating an interview with him, in which he simply denies that the statement was authorized. To your correspondent he said he might resign in six months or it might be longer. He had not thought of the question of his successor.

A DELIBERATE FALSEHOOD.

TO THE EDITOR:—In the Spokane Review, of Spokane, Wash., of the 7th instant, I see the report of an interview had with a Mr. D. M. Linnard in regard to the case of two men named Morrison and Cummings who were arrested for alleged claim jumping or conspiracy in connection with the Homestake claim at Roseland. Mr. Linnard is reported as having said: "Both of the men said they were doing no wrong, and that the claim was their own account, and that no one was backing them. Before sentence was pronounced the counsel for the defence wished it to be postponed in order to communicate with friends of the prisoners in Victoria, and it transpired that Messrs. Earl and Prior, both members of the House at Victoria, were in some way mixed up in the matter." Now, sir, I wish to say that neither directly nor indirectly have I ever been interested with either Morrison or Cummings in any business or speculation whatever. The former was in the sawmill business here and I thus knew him. The latter is a total stranger to me.

It is rather odd that Mr. Linnard should pitch on the names of Mr. Earl and myself, when as a matter of fact the prisoner's counsel mentioned some eight or ten gentlemen in Victoria that he wished to appeal to on behalf of his clients in order to try and get bail. It certainly looks as if there was a little political animus in it. I am also informed that the judge before whom the prisoners were tried made use of some extraordinary language as against Victorians in general, which language I trust he will be specially called to account for.

I must apologize for this letter, but I am charged with complicity in such a dreadful crime as claim jumping I trust that you will insert it in your paper. I have no interest in the actions of the prisoners in any way whatever, nor was it ever asserted by the prisoners or any one else in Roseland that either Mr. Earl, or I, or any of the gentlemen, whose names were mentioned, had any interest in the claims. There is a deliberate falsehood. E. G. PAIOR.

Advertisement for "WORLD OVER" and "WINDWAY PINE SYRUP" with a circular logo and text describing its benefits for various ailments like coughs, colds, and asthma.

A FARMER'S WEALTH

Does Not Simply Consist of Broad Acres and Ready Cash.

Health Is His Fortune.

PAIN'S CELERY COMPOUND RESTORES IT WHEN LOST.

Broad acres and a good bank account, do not constitute a farmer's true wealth. There are hundreds of farmers around us who possess wealth in lands and gold, but who lack that true fortune and coveted possession known as good health. True manhood, vigorous health and strong nerves are Heaven's best gifts for all classes and conditions of men.

It is a melancholy fact that men and women in the country breathing the purest air, drinking from God's bubbling fountains and springs uncontaminated by germs of disease, are liable to the same dread diseases that come thick and fast to city people. Nature's grand laws are continually violated everywhere, and as a consequence the penalties come swift and sure. These penalties consist of disease varying in form and character. We find debility, nervousness, rheumatism, neuralgia, kidney and liver troubles, heart disease, dyspepsia, indigestion and a variety of terrible blood diseases.

When the arrows of affliction pierce with venomous sting, the farmer and his family must seek the same healing agent that city people use with such success. Paine's Celery Compound is to-day, the farmer's great health-restorer and true life-giver. Its record in the rural districts of our Dominion is as bright and lustrous as it is in the thickly populated towns and cities. To so high an eminence has its credit and worth been advanced that the majority of country and city families now regularly keep one or more bottles for any emergency that may arise.

Paine's Celery Compound has done more life-saving work than all other medicines combined. It has saved life after the doctor failed; it has given health and vigor after years of failures with common medicines. Mr. Samuel Hanna, an esteemed and well-known farmer of Manvers, Ont., gives his wonderful experience with Paine's Celery Compound as follows: "After severe sickness and suffering for a length of time, I am happy to state that I was made well by Paine's Celery Compound. To be raised up from a low and weak state, inside of two weeks, is a marvellous work which nothing else but Paine's Celery Compound could have accomplished.

After using half the first bottle of the Compound, I was able to dig the holes for a forty rod fence, and help to build it. Before using Paine's Celery Compound I could not sleep, and had no appetite; now I enjoy good sleep and a healthy appetite. Paine's Celery Compound is worth its weight in gold to any sufferer; it is the best medicine in the world."

GRANBY RUBBERS

Are out again this season in new styles, and in all the new shoe shapes, right up to date, but with the same old "wear like iron" quality that has always characterized them, because they are honestly made of pure Rubber. Be sure you get Granbys this year.

MUST SHOW GOOD CHARACTER.

There were eight applications for transfers taken into consideration at the quarterly meeting of the board of licensing commissioners yesterday, His Worship the Mayor and Police Magistrate Macrae forming the bench. Four of these were granted, while the other four stand over until Monday, the 6th proximo. The adjournment in one case is to enable the owner to remove the cause of reproach from the licensed premises; in the other three cases, witnesses are to be produced to show that the proposed proprietors are fit and proper persons to receive license privileges. The transfers were granted at the quarterly session were as follows:

For the Jubilee saloon, Johnson street from John H. Gaerdes to Alexander McTaggart.

For the Clarence hotel, Yates and Douglas streets—From George G. Mel-dram to George Walker and A. R. McDonald.

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Another application for an injunction against the Nakup & Slokan railway has been made by Mr. W. J. Taylor, acting on behalf of his Kaslo & Slokan rival. This application, which is set for hearing on Saturday, is for an injunction to restrain the Nakup & Slokan railway from doing work upon or in any way trespassing upon the Kaslo & Slokan right of way at Sandon, in the district of West Kootenay.

About half-past ten last evening the firemen were called to the premises of Bentley & McGregor, manufacturers of cough and other proprietary medicines, at the corner of Bay and Government streets. The fire, which caused the alarm was extinguished before the brigade arrived. It was explained that while those in the building had been engaged in packing a trunk for shipment to the Mainland a lamp fell over and exploded, knocking over another lamp, which also exploded. The firemen saw several traces of coal oil in the room and there had been fire on the shelves. The building, which is not damaged, is owned by Mr. Beaumont, of Maple Bay. The contents were insured for \$1,000 in the Connecticut company.

Ralph Smith, of Nanaimo, is paying the Capital a visit.