intiffs to mend Plea

Court Decides for New lence in Hopper vs. Dunsmuir.

tion Refused to Appeal njunction in Spencer vs. Drysdale.

acker's Association Will hareholders for More Money.

Own Correspondent

er, Dec. 1.—The present hearappeals in the Hopper-Dunsase came to an abrupt end plaintiffs' counsel argued trial judges should have altrial judges should have alvalidity of the will made in to be tested, it being claimed of those who signed it did not ras a will. The original trial pelude this point. The Full ay allowed the plaintiffs to we evidence on this point and air pleadings accordingly. I court today refused the ap-ter E. P. Davis, counsel for the tevenson Dry Goods Com-special leave to appeal to the now sitting, against the in-ranted D. Spencer, of Vic-tibiting the sale or disposal ibiting the sale or disposal ysdale-Stevenson stock until test Mr. Spencer's claims to a interest in the Vancouver mes off. The appeal must gooria sitting of the Full court. C. Packers' Association will eting of shareholders on Detha, and in a circular Secretary ates that, owing to the large pent in alteration of canneris imperative to increase the
apital by the issue of bonds
million dollars. In a letter
y Aemilius Jarvis, of Toronto,
ent, asking that proxies be
eff, he says that if, through
the common shareholders to
xies the meeting is abortive,
ill be left but reorganization.
Thinnes the letter, "you will
means that the common
did be wiped out." The lettermuch interest in Vancouver.

FRANK" ARRAIGNED.

t degree was arraigned today ge Foster in General Sessions ed not guilty. He was repet the Tombs. District Attorne said he was investigating and that if it was shown that ted in self-defence he would dismissal of the indictment

HOONER OVERDUE.

Wash, Dec. 1.—The thirtyoner Sea Witch, of Ballard,
ift Everett last Friday with
sengers on board. They were
to return Sourday. They have
neard of since, and it is feared
traft may have gone down in
of Saturday night. Those on
e Mr. and Mrs. C. E. Pritcheir three daughters; S. Parks
the boat, who makes the

NOTES OF THE DOMINION

Darcy Magle's Slayer asses Away at Montreal.

day of Mrs. Bridget Whalen, Patrick Whalen, the man who killed Darcy McGee and was rd, Ont., Dec. 1.—Geo Marter, fell over a low railing w bridge here last night and ned. He leaves a widow and

I. NOMINATIONS. Dec. 1.—Nominations for ward Island legislature were day, and resulted in the elec-e Liberal and one Conserva-chamation. Contests will be e other twenty-eight constitu-

Dec. 1.—Jas. Vance, secre-Ontario Reform Association, Ontario Reform Association, the has resigned. He says resigning immediately fol-Dominion elections, but retinsinuations made against compelled him to decide otherhe present. He will stay in until he sees the end of tions hurled at him. Incipal Caven, of Knox Celtonight.

ROBBERS FOILED.

Minn., Dec. 1.—Three men to blow the safe of the State Barnum, Minn., today, but I. Sheriff McKinnon and a ow in pursuit of the robbers. ent of the bank, F. A. Goetz, but a short distance from uilding, was aroused early to-sound of a muffled explosion. he bank, he found a man on sound of a muffled explosion, he bank, he found a man on ide the building, while two e at work on the safe. He larm, and, with a crowd of surrounded the bank, from vever, the robbers succeeded to the railway station and took y he had. Nothing more has of them.

RAIN PERILS BRIDE.

s, Dec. 1.—Showers of rice a blushing bride and an embridegroom by enthusiastic New York city drove the an into a hospital here today, in lodged in the ear of Mrs. lusen and baffled all attempts it. The bridal tour included alls. There Mrs. Vandusen cruciating agony, but the cruciating agony, but the not guessed. Today as she on a train in the Union sta-ainted from the pain. Her ickly summoned a carriage her to the city dispensary. eration was performed and

RESIDENT RESIGNS.

Dec. 1.—Vice-President Louis a resigned on account of fil-nor Estevez, who recently re-n an extended trip abroad-sided in the Senate or par-government affairs.

Dardanelles Will Remain Closed

Understood Great Britain Gave Formal Assurance Against Opening.

Morning Post Scornfully Refers to England's Mumerous Back Downs.

London, Dec. 3.—The possibility of Russia trying to send her Black sea fleet to the Far East strongly engages the attention of England, in view of the complications winch would result if the attempt were made. It is understood that at the beginning of the war Baron Hayashi, the Japanese minister here, questioned Foreign Minister Lansdowne on the subject, and received the most formal assurances that Great Britain would oppose an attempt of the Black sea fleet to pass into the Mediterranean sea.

It is contended in some quarters that Great Britain could not suffer a violation of the treaties regulating navigation of the Dardanelles without violating the property of the Anglo-Japanese streaty, but whether this is so there is no doubt that the speedy fall of Port Arthur and the destruction of the Russian war vessels there would be well-come news to Great Britain, as tend.

mand of the sea in the Far Lastern waters.

The Morning Post, in a scornful editorial, declares that the British cabinet, which yielded to Russia on several points in the Far East, like the Malacca cases, and which had allowed the Dogger Bank affair to be referred to arbiration rather than go to war, will not be Mely to interfere to prevent the exit of the Black sea fleet, especially as neither France, Germany nor Austria is likely to interfere, and predicts that "ere long the Black sea squadron will be en route to join Rojestvensky."

A Sebastopol despatch to the Daily Graphic asserts that Admiral Alexieff and Grand Duke Alexander Michael both advocate sending out the Black sea fleet.



EMPIRE CREAM SEPARATOR

PHILIP JAMIESON, TORONTO,



on. It Skims, Lasts Longer; requires fewer repairs. Built on common sense plans. The Separator with a Simple

Victoria Meteorological Ornce,
November 23 to 29, 1904.

The weather during this week has been generally overcast and rainy both on Vancouver Island and the lower Mainland. In this vicinity bright sunshine was only recorded upon two days, and rain to a greater or less extent fell upon every day of the week. Gales have been of frequent occurrence on the coast from Vancouver Island to the Columbia river, while on the Straits of Fuca and Georgia the winds have not been more than fresh to high in force. The gales on the coast were due to the hovering of several ocean storms off Vancouver Island, which is usual during the winter months. The weather has been quite cold over the morther portion of the province during the first half of the week, and in Cariboo the temperature fell within a few degrees of zero. On the Naas river snow is reported not only on the lower mountains near the coast, but at sea level also.

suit, but these stories could not be confirmed.

A representative of the Chenley estate in Pittsburg says that, so far as known, there is "no truth in the theory that Mrs. Chadwick borrowed money from Mrs. Cheney." Thos. D. Carnahan, attorney for the executors of the estate, said: "It is simply absurd. I do not believe Mrs. Chenley was acquainted with Mrs. Chadwick. I never heard of the woman previous to seeing her name in the newspapers. London would know more acout it perhaps."

Any claims of the sort would be presented against Mrs. Chenley's estate in London. Claims are filed in the surrogate office here only if the will is on record here. Andrew Carnegie and John W. Herron are the American executors, W. Herron are the American executors, and Beeton in London. No account was ever filed of the American property.

Oberlin, O., Dec. 2.—Reports from New York that Mrs. Chadwick held a long conference with the attorneys of Andrew Carnegie yesterday, have inspired the directors of the closed Citizens' bank here with a renewal of hope that their claim will be liquidated.

L. Miller, who was at first named receiver for the closed Citizens' bank, has been recalled to Washington, and Robert Lyons has succeeded him in charge of the bank's affairs. The doors of the bank were opened today for the first time since the suspension for the benefit of the holders of safety vaults.

ACSUSTING PURSUAN DESERTATED.

Vienna, Dec. 1.—Czech deputies at tomorrow's session of parliament intend to interpellate Premier Von Koerber concerning the action of the Lemberg relief committee in assisting Russian deserters to emigrate to the United States. The deputies will charge the government with taking the responsibility of countenancing a violation of the neutrality which way entail serious contrality which may entail serious co

\$1.00

YOUR WINTER READING

Co'onist Semi-Weekly to 31st Dec., 1905 \$1.25 Madame the great ladles' journal - - - 1.25 Colonist Semi-Weekly to 31st Dec,. 1905 1 25 Farmer's Advocate Winnipeg, Weekly - 1.85 Colonist Semi-Weekly to 31st Dec., 1905 1.25 Metropolitan Magazine one year - - 1.50 Colonist Semi-Weekly to 31st Dec., 1904, and Fam I y Herald and Weckly Star -

> We want boys and girls in all parts of the Province to canvass for THE COLONIST, and offer extra inducements to good workers. Write for par-

The COLONIST Victoria, British Columbia.

COOLEGE CONTROL OF THE COOLEGE CO.

RUSSIA IS PREPARED FOR THE INEVITABLE

Inability of Stoessel to Retake 203 Metre Hill Admitted By St. Petersburg Officials Practically to Seal Port Arthur's Doom.

WARSHIPS UNABLE TO MAKE ANOTHER SORTIE

Big Guns Are All in The Shore Batteries And as a Last Resort Vessels Will Be Abandoned and Sunk in Deep Water.

St. Petersburg, Dec. 2.—With the confirmation of the news that the Japanese have occupied 203 Metre hill, and the report that the Russians unsuccessfully attempted its recapture, officials at the war office are beginning to prepare themselves for the inevitable.

Affalrs of Cleveland Lady are obtained to confirm the Control of Interest.

New York, Dec. 2.—The affairs of Interest.

New York, Dec. 2.—The affairs of Interest.

New York, Dec. 2.—The affairs of Interest in the probably will be only a question of days or weeks before the fortress raths; and man of despatch from Cheveland announced are almong General Stoessel's friends that from Cheveland announced raths of the work of the ships also have been injured by shells. If the fortress talis, it is under the possibility of their ever being of service to the enemy.

Still there is not the slightest idea among General Stoessel's friends that the will literally make smood his threat to hold out to the last cartridge in Port Arthun.

The ships in the harbor, it can be noudition to attempt to break through the marines and sallors have been participating in the land defences. Some of the slips also have been injured by shells. If the fortress talis, it is under the possibility of their ever being of service to the enemy.

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The Novo Arthun.

Still here is not the slightest idea among General Stoessel's friends that the possibility of their ever being of service to the enemy.

The Question of the advisability of the working and the probably will be only at the papers. On the bl

Japs May Have Done Likewise

Russia Actually Purchased a Torpedo Boat In England,

Left Port Secretly and Reached Libau Without any Difficulty.

Invitation to coal and victual trigo. Spain has replied, explaining the situation and taking the position that Spain observed the strictest neutrality.

Invitation to Japan.

Washington, Dec. 2.—Mr. Hioki, the Japanese charge d'affaires, called at the Japanese charge d'affaires, called at the Japanese charge d'affaires, called at the Japanese government had received only estate department today and informed Assistant Secretary Loomis that the Japanese government had received only estate department for a second conference at The Hagne, and that the invitation would be promptly presented to the diet. The Hagne, and that the invitation would be promptly presented to the diet. The intimation is that the proposition meets with Japanese favor.

MRS. GILBERT DESOF

APOPLECTIC STROKE

After Rennenkampff

St. Petersburg, Dec. 3.—(8 a. m.)—A special despatch received from Mukden says: "It is reported that General Rennenkampfi has captured several Japanese guns and a convoy with 600 rifles, but that a force of 40,000, consisting of Chinese bandits and a reserve of 8,000 Jananese, has started to turn

Japanese, has started to turn Renneukampff's flank."

MRS. GILBERT DIES OF

spired the directors of the closed Citizens' bank here with a renewal of hope that their claim will be liquidated.

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ASSISTING RUSSIAN DESERTERS

Vienna, Dec. 1.—Czech deputies at tomorrow's session of parliament intend to interpellate Premier Von Koerber concerning the action of the Lemberg relief committee in assisting Russian deserters to emigrate to the United States. The deputies will charge the government with taking the responsibility.

strack was a grave one, the maid left her where she had fallen and summoned the house physician, Dr. Towen, who there were she had fallen and summoned the house physician, Dr. Towen, who there to New York.

The negotiations for the purchase of the pronounced the condition of Mrs. Gilbert's Chicago engagement in "Granny" began at the pronounced the condition of Mrs. Gilbert's Chicago engagement in "Granny" began at the provent in the activation of the purchase of the British parliament, who represented that he was acting for a resident of New York, who wished to race the result of the British parliament, who represented that he was acting for a resident of New York, who wished to race the region of New York, who wished to race the result of the British parliament, who represented that he was acting for a resident of New York, who wished to race the result of the British parliament, who represented that he was acting for a resident of New York, who wished to race the result of the British parliament, who represented that he was acting for a resident of New York, who wished to race the result of the British parliament, who represented that he was acting for a resident of New York, who wished to race the result of the British parliament, who represented that he was acting for a resident of New York, who wished to race the result of the British parliament, who represented that he was acting for a resident of New York, the winter and accumulating large supplies of forage and provisions. Fighting continues on both flanks of the Russian right and centre.

St. Louis, Dec. 2.—Fire broke out in the attraction known as "Quo Vaidis," and quickly spread to the Japanese paylion, adjoining. A high north wind was blowing and the sparks were acting for the winter and accumulating large supplies of forage and provisions. Fighting continues on both flanks of forage and provisions. Fighting continues on both flanks of forage and provisions. Fighting continues on both flanks was first to discover that the former was on first to disc

AMERICAN INSTITUTE.

Paris Municipal Council Donates Site for Proposed Building. Paris, Dec. 2.—The municipal council, acting upon the report of Councillor Roger Lambelin, has authorized the concession of a plot of ground situated on the border of Champs de Mars, for the site of the American national institute. The grant provides that unless the United States government gives the institute \$50,000 within one year, the concession will be annulled. A bill has heretofore passed the United States Senate incurporating the institute. Friends of the institute say that an annual prix de Paris will be awarded to American students attending the institute, which will be similar to the French institute.

MARGARET LYNCH MURDERED. New York, Dec. 2.—At the inquest into the death of Margaret Lyuch, the Brooklyn woman whose body was found near the Greenfield cemetery at Hempstead last April, the announcement was made that Dr. J. H. Denton, of Freport, who performed the autopsy, has decided that Margaret Lynch was murdered. Dr. Denton is to be recalled as a witness. Justice Wallace, who is acting coroner, postponed the inquest indefinitely giving as an explanation that an important witness who must appear at the next hearing is at present touring Europe.

tensibly for Hamburg and to be towed thence to New York.

her defence of the Dogger Bank affar on Roche's exploit contending that if he could take a torpedo boat out of an exploit period by the results of Japan could have done likewise and placed torpedo boats in the way of the Russian second Pacific squadron.

THREE DEAD IN WRECK.

Train Traveling Fifty Miles and Hour Crashes Into Construction Gang.

Columbus, Ind., Dec. 2.—While running fifty miles an hour, a northbound passenger train, No. 27. on the Pennsyl-

PETTY PRUSSIAN PRINCE DEAD

Munich, Bavaria, Dec. 2.—Prince Frederick of Hohenzollern, a member of the non-reigning Sigmaringen branch of the family, and a younger brother of King Charles of Roumania, is dead. He was born in 1843 and was a general in the Prussian cavalry.

ROOSEVELT STANDS PAT. Washington, D. C., Dec. 2.—President Roosevelt today informed a delegation epresenting the amalgamated association of iron and steel and tin plate workers that he saw no way by which he properly, or legally, could interfere the bring about a settlement of the strike. SCOTTISH CHURCH AFFAIRS.

THE SINEWS QF WAR.

London. Dec. 2.—It was announced to-day that a royal commission will be ap-pointed to inquire into the differences between the Free Church of Scotland and the United Presbyterian church.

Everett, Wash., Dec. 2.—The schooner Sea Witch, which left here for Ballard last Friday, carrying seven persons, has arrived here. It was feared that she

SCHOONER ARRIVES SAFELY.

NEW GERMAN LAW.

Reichstag to Ask for State Regulation of Retail Stores.

Berlin, Dec. 2.—The Reichstag, after two days' debate adopted a resolution asking the government to introduce a bill for the protection of the middle completion of capital in the retail trade. The resolution contemplates a further extension of the law against unfair competition and the regulation of closing out sales, so as to prevent bogus advertisements, and also seeks a remedy against the hardships caused by sales on the installment plan. Finally, the resolution demands the prohibition of government officials, including army and nazy officials from running co-operative dogartment stores. The socialists opposed the resolution at every point, as being an inadequate measure and as tending to hinder natural economic tendencies. The advocates of the resolution at every point, as being an inadequate measure and as tending to hinder natural economic tendencies. The advocates of the resolution at every point, as being an inadequate measure and as tending to hinder natural economic tendencies. The advocates of the resolution at every point, as being an inadequate measure and as tending to hinder natural economic tendencies. The advocates of the resolution for naturate the Socialists with a desire to crush out the middle class in behalf of the great capitalists in order to haste en the advent of a socialistic state. Herr Nissen, conservative, called the department stores the "cancerous evil of the times," and Herr Erseberger, Clerical, wanted the government to instruct the states attorney to assume that public interest was involved wherever retail tradesmen's organizations bring suit against the department stores.

RESPECTING GRADING

PROVINCIAL FRUIT

Inspector Notices An Improvement—Some Violstions of Act.

(From Saturday's Daily.)

Mr. W. Maxwell Smith, Dominion inspector under the Fruit Marks Act, reinspector under the Fruit Marks Act,

on make trouble over the juncture of the two fiest. The project was warnly advented by some officers of the soft of the two fiest. The project was warnly advented by some officers of the soft of the

Exodus From Russian iteadquarters Continues but Big
Battle Expected.

In some quarters there had been some criticism because Mr. Maxwell Smith did not inspect the fruit before it was shipped from the Okanagan and other districts. Such a course, the inspector stated, would result in delay to the shipments and cause loss to the growers, while by the method he adopted better results were obtained, as under the act, he had full powers to inspect the fruit in cellar so restorehouses.

States army and Colonel Waters of the British army have left. Only six foreign correspondents remain, and some of these contemplate going home.

Still, opinion is divided as to the prospects of another big battle being fought before spring. The report was circulated here last week that if the Japanese made no attack by a certain data of General Kurooptkin would take the of General Kurooptkin would take the of the seams of horses, and others were drawing sleighs by hand. However, most of the wood will be recovered from the river by the owners when the river by the owners the river by the owners the relation to the back has a possible. It is feared wood

The C. P. R. to Establish Agency at Lady-smith-Mayor Returns.

The C. P. R. to Establish Agency at Lady smith—Mayor Returns.

Ladvsmith, Nov. 30.—It is the intention of the C. P. R. to establish an agent at this point to handle the freight which comes from that line across on the Transfer. It is also understood that all freight for this district will be delivered from there. This movement will make Ladysmith a busier point than hitherto, as much more of the commerce will come this way.

Mayor Coburn returned today from a two-weeks' visit to the Northwest Territorles and Manitoba. The Mayor is greatly satisfied with his trap, but regarding the business portion he found that Canada's allowing lumber to come into this country on the free list let the United States do almost as they wished. The Americans did serious injury to our mills by shipping large amounts of lumber at our expense. The steamer Amur took on coal this morning on her way from Alaska, then departed for Victoria, after discharging a cargo of concentrates for the Tyee smelter. The Alexander will complete her cargo tomorrow and will then sail for Union.

Magistrate Thomson, who has suffered lately from his eyes, was out again today. A scow belonging to A. R. Johnston of Nanaimo broke addiff in the bay today and was captured by Indians, who demanded \$15 salvage. They raised the salvage to \$25 when near home, but will probably have a little trouble in getting if.

Two Men Who Went Shooting on Hatley Park Pay \$15 Each.

In the provincial police court yester-day Thomas Marion and Thomas Young were fined \$15 each and \$2.35 costs for having trespassed on the property known as Hatley Park, near Colwood, contrary to the provisions of the game law.

contrary to the provisions of the game law.

According to the evidence for the prosecution the accused with two other men landed at Hatley Park from a boat on the 26th lnst. They had guns and dogs and were out on a shooting trip. It was proved that the necessary legal notices were properly posted: that the accused had been tracked through a portion of the property.

The accused were not represented by counsel, but they endeavored to discount the evidence of the prosecution and to show that they had not gone above high water mark on the coast.

Magistrate Hall held that the case was proved, and after commenting on the special countries.

Springfield, Ill., Dec. 1.—The top-

Late News Of Yukon District

River Closes Violently and Ice Jams Create Havoc on the

of Liberals are having much to do in-hustling up some of the prospective new citizens. However, some are coming forward of their own volition and apply-ing to be enrolled. All that is necessary to become a British subject is to post notice for at least three weeks with the clerk of the territorial court.

FOR A CONSTITUTION. Preparations Reing Made in Russia for Great Demonstrations.

St. Petersburg, Dec. 2.-M. Wittenwesident of the ministerial council, had long conference with Emperor Nichlas today.

St. Petersburg, Dec. 2.—A committee consisting of about one hundred representatives of the ministry of finance from various parts of the empire, is sitting at the ministry of finance considering the question of extraordinary the expenses of the war. Many projects are being discussed, among others an income tax, but no conclusions have been reached.

and to show that they had not gone above high water mark on the coast. Magistrate Hall held that the case was proved, and after commenting on the evidence and pointing out that it would have been better for the accused to have pleaded guilty, he imposed the fines of \$15 on each of the men. The projects are being discussed, among others an income tax, but no conclusions have been reached.

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Mr. H. Pooley, of Messrs. Pooley.

Luxton & Pooley, conducted the prosebeen reached.