

FIVE DAMAGE SUITS

Miners Seek to Recover For Personal Injuries.

THE COURT IS IN SESSION

The Le Roi and War Eagle Companies Are Asked to Compensate Some of Their Employees Who Were Hurt. Other Cases.

(From Friday's Daily.)
The county court opened Thursday with Judge Forin presiding, and many interesting cases on the docket. Of these there are four in which the Le Roi Smelting & Refining Company, operating the Le Roi mine, is called upon to defend damage suits aggregating \$20,000, while the War Eagle company has a suit of \$5,000 against it. A number of cases of less importance are on the calendar, and will come up after the disposition of the jury cases.

The entire time yesterday was occupied in the case of Charles A. Olson, who seeks to recover \$5,000. The complaint sets forth that, on January 8, while going off shift, the plaintiff was struck on the head by a falling rock, rendering him unconscious, so that he dropped a distance of 40 feet. Negligence is alleged, because of the failure of the mining company to have a partition between the mainway and skipway in the double compartment shaft of the mine. The stone in falling, as alleged in the complaint, started down the skipway from the loading of the skip, and bounded into the mainway in the course of falling, striking plaintiff.

The case attracted a great many spectators to the court room, nearly all of whom were miners. The jury empaneled to hear the case is composed of T. W. Stack, foreman; and T. G. Elgie, Thomas Corson, W. H. Danby and G. F. Upham. There were three witnesses for the plaintiff, while about 10 were examined for the defense, and the last of the testimony was not presented until late in the afternoon. Arguments will be made this morning when court convenes at 10 o'clock.

More Damage Suits.
The other jury cases to be called are Joseph Davies and Walter G. Easton, administrator against the Le Roi company for \$5,000, and Arthur Lewis against the same company for \$3,500. The action against the War Eagle company is by Patrick Fender for \$5,000. F. M. McLeod represents the plaintiff and J. S. Clute appears for the defendant. In fact, Mr. McLeod represents the plaintiff in all the damage suits referred to, and Mr. Clute represents the Le Roi company in the four cases against it. A. O. Gall will appear for the War Eagle company.

Following the Olson case that of Joseph Davies will be tried. The complaint sets forth the statement that Davies was a blacksmith, and as an employe in the Le Roi mine he had to ascend and descend a certain shaft called the double-compartment shaft, and for the purpose of doing so he used the car or skip. In August, the complaint alleges, on account of a defect in the car and also through a defect in the arrangement of the rails, the car tumbled upside down and the plaintiff fell 35 feet. The complaint also alleges that the rails and cars were constructed unsafely, and with defective and improper materials, as a result of which the plaintiff was permanently injured and rendered unfit for work. He therefore claims \$5,000.

Walter Gibbs Easton, as administrator, is bringing action to recover \$5,000 through the death of his son, who was killed in November last. In this case, while ascending the ladder leading out of the double-compartment shaft slipped, fell and sustained injuries causing death. It is contended that the ladder was defective. The boy was 18 years old. Arthur Lewis asks that he be awarded \$3,500 to compensate for injuries caused by being struck by a mass of ice in the Le Roi mine. Lewis was employed in operating a machine drill at the 100-foot level, and was struck by a mass of ice, which, the complaint states, had carelessly been left hanging in the shaft above the plaintiff, unknown to him, and from which it suffered a fracture of the collar bone, rendering him unfit for work. He asks damages in the sum of \$3,500.

The action against the War Eagle company is brought by Patrick Penden, who, while walking through one of the tunnels in the mine, was struck by a drill. The complaint alleges that the defendant's system of getting drills to the tunnel, from a height of over 100 feet down a mainway to the center of the passageway in the tunnel through which Penden was passing. The complaint further alleges that Penden was not aware that drills were thrown down this mainway, and at the time was walking the usual way from his work, ignorant of any danger. The sum of \$5,000 is what he asks the company to pay.

Other Cases.
On the docket are also the following cases to be tried by the court without the intervention of a jury:
Cummings vs. Cross.
Hamill vs. Booth & Mills.
Hunter Bros. vs. Langley et al.
McKee vs. Mendenhall.
Vought vs. Centre Star.
Klockmann vs. Spence.
Rolt vs. Miller.
Mans & Adie vs. Kane.

VERDICT FOR \$850.
The First of the Le Roi Damage Suits Decided.

(From Saturday's Daily.)
Charles A. Olson, who brought suit against the Le Roi Mining, Smelting & Refining company to recover damages in the sum of \$5,000 for injuries sustained while employed in the company's mine, was on Friday awarded a verdict of \$850. Walter Gibbs Easton, as administrator, sought to recover from the same company for the death of his son. The evidence was not deemed sufficient and the defendants motion for a nonsuit was granted.

The Olson case was before Judge Forin all of Thursday and the greater portion of yesterday. The address to the jury lasted during the entire morn-

ing and both sides presented strong arguments. Olson, it will be remembered, was struck by a rock while going off shift, which made him unconscious, and caused him to fall a distance of 40 feet. The testimony was varied, and in many instances contradictory, but it did not take the jury long to reach a verdict. This was for the sum of \$250, which was deemed to be sufficient to compensate plaintiff for loss of time and for the shock sustained. The jury also recommended that all rules and notices for employees be posted in prominent places about the mine, and that these notices be dated on the day of issue. The recommendation will be forwarded to the attorney-general. Judge Forin expressed his hearty approval of the recommendation and thought there was no doubt but that it would be embodied in the legislation of the present session.

The company's sole defense was that Olson was using the ladder in violation of orders.
It was the intention to have the case of Joseph Davies, who is also suing for \$5,000, come up for trial immediately following the Olson case, but as a matter of convenience to the lawyers the Easton case was called. The jury drawn was composed of John McKane, W. H. Finlayson, Edwin Campbell, H. J. Raymer and J. H. Good.
There were three witnesses for the plaintiff, and when they finished their testimony the defendant moved for nonsuit, which was refused.

Has Returned From Bossburg.
John Jackson, Jr., has returned from an eight days' visit to the Stevens county farm of John R. Cook, the well known capitalist of this city. This farm contains 550 acres and is in a high state of cultivation. It has an immense barn, and a house of seven rooms that is supplied with all the modern farm house improvements. While Mr. Jackson was there a steel windmill and tank was installed, which is connected with the house and barn by pipes, so that there is plenty of water at all times in the taps. The farm is located four miles from Bossburg, and has wheat, oats and cattle are raised upon it. Only a few days since a bunch of stall-fed cattle were sent to Rossland from the farm. Bossburg is quite a busy place. It is the point at which a great deal of freight comes for shipment here, and there is ready access to the Colville reservation, transferred from cars to wagons.

"A great deal of the wood used by the compressor plants in Rossland is cut in the vicinity of Bossburg, and there are hundreds of cords piled up there for shipment here," said Mr. Jackson. "This wood is fir and bull pine, and it is claimed that it is better for the making of steam than the wood that is found in the vicinity of this camp."

SALMON RIVER MINES.

Much Development Work in Progress in That Section.

A great deal of work is being done on the north fork of the Salmon river, and it begins to look as though that section would develop into a mining district of considerable importance. O. K. Benn, who is interested in several properties there, including the North Fork, and Hexahedron, is in the city and is enthusiastic over the outlook. The Second Relief is the most important property there, for the reason that it has a better showing than any other property, as a great deal of work has been done on it. There are 20 men at work on the Second Relief, and it is evident that Messrs. Finch & Neill, who have bonded it for \$30,000, are satisfied with it. They are sending in supplies by the carload at present. That is, the supplies are brought by rail in carloads and then packed in a distance of 10 miles on pack animals. The showing on this property is such as to already entitle it to the name of a mine.

Work on the Waffer claim, which is owned by S. L. Myers and others of Rossland, is making good progress. It is located only a short distance from the Second Relief. Four or five men are employed on this claim.

On the Arlington property 15 men have been working all winter, but it was shut down on Monday last by water. It came in so fast that it was impossible to handle it. It is not known whether the Dewdney syndicate, which has this property under bond, has quit for good or has simply ceased operations for the purpose of getting in pumping machinery.

On the Gold Cup eight men are at work and the ore, which at the start was galena, has turned into gold. There are \$30 to the ton, and there is plenty of it. There are a number of prospects being developed by locators, and the outlook is that the district is to be an important one. One of the great needs is a wagon road. One 10 miles in length running from the railroad will tap most of the mining properties and be of great help. It is understood that a road is to be built this year just as soon as the snow goes off. The miners have agreed to bear half the expenses and the government will stand the remainder. This will give an opportunity to get ore to the smelter, and it is anticipated that there will be considerable marketed during the present year.

MINING NOTES.

A. C. Van Houten has sold a one-sixth interest in the Garfield property and three other claims adjacent thereto, situated on Kruger mountain. These claims are located some two and a half miles from Northport, next to the Mountain View property.

D. E. Bogle reports that some fine looking ore has been encountered in the Victory-Triumph on Sophie mountain. The tunnel is now in a distance of 195 feet. The general development on Sophie mountain is good, and it promises to be the theater of a great deal of activity during the coming season.

Quick Work.

The Mac Machine company, which will shortly move its shops from Trail to Rossland, has supplied all the machinery required for the waterworks and electric plant that is now being established at Grand Forks. This consists of a 125-horse power boiler, two large pumps and a heater. The order was given by the contractor, W. B. Davey, on February 15. In an exceptionally short time of three weeks this machinery was manufactured and delivered at Bossburg for delivery by sleigh at Grand Forks. The order was filled to the entire satisfaction of the contractor and at a cost of nearly \$5,000.

THE NEEDS OF TRAIL

They Will Be Presented to Legislature by a Strong Delegation.

MOVE GREATLY FAVORED

A Meeting of the City Council to Be Held This Afternoon, Which Will Appropriate Money for the Purpose of Paying Expenses of Delegates.

(From Saturday's Daily.)
The city council, to a man, appreciates the great importance of urging upon the legislative assembly the full recognition of the public needs of the Trail Creek mining division.

As a consequence, it has been decided to call a special meeting of the council this afternoon to pass resolutions supporting the representations recently made to the government by the Rossland board of trade, and to select delegates, to arrange for their transportation from Rossland to Victoria and return and to pay their traveling expenses and hotel bills while away from the city. The meeting will be held at the city hall at 3:30 p. m.

Views of the Councilmen.

Mayor Wallace heartily approves of the idea of sending a delegation to Victoria. In referring to it he said:

"I do not think there is any divergence of opinion in this matter. The need of this division being made a separate provincial electoral district is plainly apparent. We are certainly entitled to such representation in the legislative assembly. So far as the appropriations for schools, roads, trails and hospitals are concerned we need all the money that is asked for. The growth of our town and the prosperity of the camp during the present year largely depend on the liberal treatment to be extended to the division at this session of the legislature. I am in favor of anything that will benefit Rossland, and, believing that a strong delegation to Victoria at the present time would be a wise course to pursue, I am willing to do anything in my power to obtain what is required of the provincial government."

Alderman J. S. Clute, Jr., thinks that no thing should be lost by the city council in backing up the suggestions made by the board of trade to the government, and believes that a contribution of city funds towards the expenses of a suitable delegation would be an excellent investment.

Alderman Edgren is of the opinion that Trail Creek division is entitled to very liberal treatment by the legislature. Alderman Barrett is ready to support any action that will induce our representatives at Victoria to recognize the just demands of the camp.

Alderman Lalonde says that he will not fail to attend the council meeting today, as he recognizes the importance of obtaining liberal appropriations. He maintains that the claims of the camp on the provincial treasury are fair and their satisfaction will not only be productive of great benefit to the city, but to the province at large.

Alderman A. S. Goodve declared that a strong delegation from the representative of the city now in Victoria was needed to look after the interests of the camp, and he is firmly of the belief that the council should promptly send a delegation of the right kind of men to the capital. He looks upon the matter purely from a business standpoint and says that an appropriation by the council, sufficient to pay the bare expenses of the delegation, would justify the appointment of those who are well known to the leaders of the government and thinks that it would be expedient that some of the delegates should be friendly to the government party.

Ross Thompson was one of the first to favor the idea of a delegation. He has been to Victoria before on similar missions and knows the value of such a move. Mr. Thompson declares that a strong delegation of Rossland citizens at the capital will undoubtedly be the means of securing a full recognition of the claims of Trail Creek division. He thinks the city should bear its share of the expense that will be thus entailed, and laid stress upon the fact that the delegates will not incur a more or less heavy expense personally in making the trip.

Probable Delegates.
There is already some talk as to who will act as delegates. There is a general sentiment in favor of Ross Thompson being one, and Mayor Wallace, F. W. Rolt, J. S. Clute, Jr., and J. Fred Ritchie are mentioned as the others who will be appointed this afternoon.

IT IS SURE TO WIN.

The Council Decided to Send a Delegation to Victoria.

(From Sunday's Daily.)
A special meeting of the city council was held Saturday afternoon at 5 o'clock and a delegation appointed to go to Victoria for the purpose of urging upon the provincial legislature the needs of Rossland in the way of legislation. The sum of \$500 was appropriated for the purpose of defraying the expenses of the delegation. The proceedings were opened by a communication from the Trades and Labor Council. This was a request that the labor interest as well as the business element be represented on the delegation. Therefore, it was requested that the council name as one of the delegates a member of the Trades and Labor Council. The communication was placed on file.

The following resolution, moved by Alderman Thompson and seconded by Alderman Clute, was unanimously adopted: Resolved, That the council do appropriate the sum of \$500 to defray the expenses of five delegates to Victoria for the purpose of interviewing the government and urging upon its members the necessity for permission to use the present city sewer and for the city to be allowed to deposit its sewage in the Columbia river, and also incidentally to endeavor to obtain needed appropriations in accordance with previous requests made by the council and the

board of trade, and that the said delegation consist of Dr. Edward Bowes, provincial health officer, and the following members of the city council: Mayor Wallace, and Aldermen Thompson, Barrett and Clute.

It is understood that the reason that a member of the trades and labor council was not appointed is because the city aldermen considered that as the delegation is made up largely of members of the council that they, as representatives of the people, would be able to equitably represent all interests, including that of labor.

It is probable that Aldermen Clute and Barrett will be unable to go to Victoria with the delegation for the reason that they cannot leave their business. If it is found that it is impossible for them to go it is probable that Mr. Rolt and John McKane will be selected to take their places.

NELSON GAS FRANCHISE.

Council Proposes That the City Shall Be Benefited by It.

(Special.)—At the regular meeting of the city council held yesterday the public works committee reported, recommending that the application of H. J. Evans for a gas franchise be granted on the following conditions: That the works be started within six months and completed within two years; that the pipes and mains be laid in alleys and lanes; that a bond be given assuring responsibility for accidents; that the company pay to the city 3 per cent of the gross receipts for the first two years and 5 per cent for the succeeding eight years; that the city have the privilege of purchasing the plant at any time during the continuance of the franchise at a price to be determined by arbitration. The report was adopted, and if the company accepts the proposition a bylaw will be prepared granting the franchise.

A motion was passed instructing Dr. LaBau, medical health officer, to proceed to Victoria to interview the provincial board of health regarding the disposal of the city sewerage in the Kootenay lake.

Jack Robinson and Wm. Chase, two well-known miners, left last night for Teslin lake.

A RICH STRIKE.

A Find of Ore on the Jewel that Goes \$700 to the Miner.

(Special.)—Advice came from Long Lake camp that a rich strike has just been made on the Jewel property in that camp. A five-foot ledge of ore assaying \$700 in gold has just been struck. The camp is in a state of excitement over the find. This ore is a free milling quartz.

Two Roads Into Boundary.

Mr. Mackenzie, a junior member of the famous firm of Mann, Mackenzie & Co., arrived in this city last evening on his way to Rossland from Penticton. Mr. Mackenzie is authority for the statement that should the Kettle River valley railway charter be granted to D. C. Corbin and associates that at least two railways will be built through the Boundary country this summer.

LETTERS TO THE EDITOR.

The Deer Park.
ST. ANDREW AVENUE, Que., Feb. 10.
EDITOR MINER—Sir: I would like a little information about the Deer Park, its workings, drifts and crosscuts. How much does the ore run per ton and how many miners have they at work? Please give the full details of the mine. I am interested in the Deer Park, and am holding several thousand shares of its stock from the old company. Is the new company working more successfully than the old?

[Twelve men are employed on the Deer Park. There is a shaft 202 feet in depth and two crosscut tunnels, one 30 feet and the other 28 feet. There are also two drifts, one of nine feet and the other 16 feet. The crossing tunnel is being driven to reach the chutes of quartz that crossed the shaft at an angle of 55 degrees. The average assay of the pay rock is about \$30. Since the new company took charge they have done work in shaft, crosscuts and drifts, aggregating 150 feet. Stock is quoted at 12 1/2 cents.—Ed.]

Graham Kennedy is Secretary.
EDITOR MINER—Sir: Will you, with your usual courtesy, allow me to make the following correction: In reporting the proceeding of the annual meeting of the Primrose Gold Mining company we inadvertently gave you the name of the former secretary, M. E. Chestnut, as having been re-elected to that office, instead of Graham Kennedy, who was elected secretary and treasurer for the ensuing year. Yours truly,
HARRIS, KENNEDY & CO.

Well Done Home Work.

Diamond Dyes Are Home Helpers.

The tidy, methodical and economical mother, who for her daughter, when she has some work to do, always aims to do it well. Whatever the hands find to do—whether it be sweeping, baking, sewing, darning, embroidering or fancy work—there is a delight and satisfaction in having things done well; it is only well done work that pays.

The women and girls who are model home workers are also successful home dyers. Diamond Dyes that are simple and easy to dye with, and that always assures perfect and pleasing results in brilliant and rich colors that never fade in sun or washing.

Diamond Dyes are home helpers and money savers. Wherever they are used the women and children are well and neatly dressed at very small cost. The money saved by Diamond Dyes in some homes is so considerable in a year that new carpets, furniture and furnishings can be bought to adorn one or more rooms.

To secure success and well done work, Diamond Dyes are a necessity. Do not allow your dealer to sell you some other make of dyes. Ask for Diamond Dyes; refuse all imitations and worthless makes.

Send to Wills & Richardson Co., Montreal, P. Q., for valuable book of directions and sample card of colors of the Diamond Dyes. Post free to any address.

Lost His Life in a Fire.
HAMILTON, Ont., Feb. 26.—Frederick Waklin, an old pensioner who lived alone in this city, lost his life in a fire that destroyed his house yesterday.

Syndicates, Mining and Development Companies.

I HAVE THREE SPLENDID Mining Properties AT RIGHT PRICES. Correspondence Invited.

Note to investors in stock. Winnipeg & Eureka was strongly recommended a month. It is now off the market. Kettle River Mining & Development companies' stock is still offered at 15 cents. It is a good buy.

D. D. BIRKS,
P. O. Box 447.
Imperial Block - Rossland, B. C.

Burlington Route TO CHICAGO NEW SHORT LINE FROM MONTANA, IDAHO AND PUGET SOUND

CRUSADER CIGAR
THE FAVORITE WITH YOUNG AND OLD.
J. RATTRAY & CO. MONTREAL

Lion Brewing Co., Limited,
ROSSLAND, B. C.
The LARGEST BREWERY in British Columbia is now ready for business. Manufacturing LAGER BEER AND ALL KINDS OF CARBONATED BEVERAGES.

S. Thornton Langley & Co.
Mining Investments and Shares.
The Royal Five Gold Flining Co., Ltd. Brokers. Established March, 1895. Columbia Avenue, Rossland, B. C. Get our list of properties for sale with engineer's reports. We can make money for you. Profitable investments are our forte.

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