T. G. PROCTER
J. W. SMITH, Agent.

NOTICE is hereby given that 60 days after date I intend to apply to the Hon lowing described lands in Keotenay district. B.C.: Commencing at a post marked opposite Nakusp, and at the N.E. of lot 7310, running thence west 16 chains; thence north 60 chains; thence east 7 chains; thence following the lake shore in a southerly direction 60 chains, containing 60 acres, more or less. Dated this 11th day of March, 1907

ter date I intend to apply to the Hon. the Chief Commissioner of Lands and Works for permission to purchase the fol-lowing described land, situated on the west side of Kootenay river, and covering all of A. L. Stewart's abandoned pre-emp-tion No. 759, and about one-eighth of a nile north of Angus Curry's pre-emption: Commencing at a post marked "Sidney J. Cummings' southeast corner post," thence orth 40 chains; thence west 60 chains; thence south 40 chains; thence east 60 chains, to place of commencement, conaining 240 acres more or less.

Dated this 28th day of February, 1907. SIDNEY J. CUMMINGS.

NOTICE is hereby given that 60 days after missioner of Lands and Works for per-mission to purchase the following described lands situate in West Kootenay Summit creek, adjoining Angus Curry's north and south line on the west side, running 40 chains north; thence 40 chains west; thence 40 chains south; thence 40 chains east to place of commencement. Located the 4th day of April, 1907.

R. H. ROSS

ANGUS CURRY, Agent.

NOTICE is hereby given that sixty days after date I intend to apply to the Hon, the chief commissioner of Lands and Works for permission to purchase the fol-Kootenay district: Commencing at a post marked by name "Gerald Rees" N.E. corner post," at the northwest corner of the purchase claim s'aked April 20th, 1906, by D. A. Boyd and F. J. Sammons, thence 20 chains west along the C.P.R. right of way; thence 20 chains south; thence 20 chains east; thence 20 chains north, to post of commencement containing 40 acre more or less.
Nelson, B. C., April 1, 1907.
G. S. REES

NOTICE is hereby given that 60 days after date I intend to apply to the Chief Commissioner of Lands and Works, at Victoria to purchase 160 acres of land on he east side of the Arrow lake, on Bates creek, and described as follows: Commenting at a post marked "W.W.'s S.W. co and planted at the southeast corner of lot 6908, thence 40 chains north; thence 40 chains east; thence 40 chains south; thence 40 chains west, to place of com-

Dated, March 27, 1907. 4-11 W. WALTON FRANK ORANGE, Locator.

NOTICE is hereby given that 60 days after timber from the following described land, situated in West Kootenay district:

west side of Lardo river, opposite S. v. E. corner, thence south 40 chains, thence corner, thence south 40 chains, thence west 40 chains, thence north 80 hence east 80 chains along west side of Dated this 6th day of March, A. E. FOWLER.

CERTIFICATE OF IMPROVEMENTS

e Eye, Ell and Eye Fraction Mineral Claims; situate in the Slocan Division of West Kootenay District-Located on

TAKE NOTICE that I, J. Murray Mc-Gregor, Free Miner's Certificate No. intend, sixty days from the date hereof to apply to the Mining Recorder for Certificates of Improvements for the urpose of obtaining Crown Grants of the

And further take notice, that action ore the issuance of such Certificates of

Dated this 2nd day of April, 1907. J. M. McGREGOR

NOTICE is hereby given that three months after date application will be made to the Lieutenant-Governor in Council, by "Yale-Kootenay Ice, Fruit, Fuel and Poultry Company, Limited" to change the name of the Company to the "Kootenay and Fuel Company, Limited.

Dated this 10th day of April, A.D., 1907, ARCHIE MAINWARING-JOHNSON, tor for the Company, Nelson, B.C.

THE WEEKLY NEWS

NELSON. B. C., SATURDAY, APRIL 27, 1907

HEADS OFF

VOL. 6

Roosevelt's Timely Appeal at Opening of Jamestown Exposition.

Vast Crowds Gather to Hear Him Speak Pressen Toward Grand Stand, Threatening Lives of Those in Front.

Norfolk, Va., April 26.-President Roosevelt, the diplomats, naval and military representatives of 37 of the nations world and the governors of a score of states, participated today in the opening exercises of the Jamestown ter-centennial exposition. While the exposition, which is to be open until November 30 next, is still far from complete, the unfinished condition of buildings and grounds was not allowed to interfere in any way with today's celebration of the three hundredth anniversary of the first English settlement America. From the firing of a sunrise salute of three hundred guns by United States artillerymen, throughout, the pictureque review of the interna-tional fleet of war vessels anchored in Hampton roads and the ceremonies of dedication, at which the president spoke, until late tonight, when the chief executive repaired on board the naval executive repaired on poard the naval yacht Sylph to spend the night in the lower bay, the day was crowded with notable incidents. Not the least impressive of these was the president's quickly assuming command of the situation in front of the crowded grand stand from which he spoke when a stand from which he spoke when a panic seized the surging throng of spectators. Thousands of eager per-sons in the rear of the gathering wno were forcing their way forward, endangered the lives and limbs of those who

had the more favored position by the guard ropes.

President Roosevelt had just been introduced by Harry St. George Tucker, the head of the Jamestown exposition company, when the disorder and unrest in the crowd reached its height and to civil guards in front of the grand stand seemed to be swept from their posts. With the agility of a school boy, the president jumped upon the table which had been placed in the speaker's balcony and waving his arms cried out to the men of Virginia to live up to their traditions of gallantry and cease the pushing and crowding which was threatening the lives of the women and children in the assemblage, a throng which all but blocked the big grass covered plaza, known as Lee's parade. The crowded heeded the president's warning at first, but when he had settled down to his speech, the words were fair

ly blown from his mouth by the south-easterly gale which was sweeping the The immense audience then became uneasy again and those on the outskirts began to press forward once more in their anxiety to catch his words. The president was interrupted by this dis-order and officers and men of the United States cavalry were called up. They rode up and down along the front of the crowd and gradually opened it up and relieved the strain which at one time threatened to sweep thousands against the president's stand and the boxes occupied by the members of the displ

matic corps.

A detachment of artillerymen was alcalled into service and the throng who came to see and hear the presi settled down to an ordinary as semblage. Apparently oblivious to the position he occupied on top of a some-what shaky table not more than two cet wide and not more than twice that in length, president Roosevelt delivered steady platform. It did not interfere slightest degree with the characteristic vigor of his delivery. Some of his statements, noticeably when ne touched on the representatives of the many nations of the world, others were being directed to the soldiers and sailwho took such a conspicuous part on the day's program and yet others were directed to the general public life. There were constant outbursts of applause and cheering. This approval was ost marked when reference was made the president to the gallantry of the

en who fought in the civil war. A fairer day has never been seen than which attended the opening of nobably the most remarkable exposion ever held in the south. The heat times during the afternoon was mewhat oppressive but it was temered by a strong breeze. The military accomped about the exposition grounds the day's ceremonies with the from across the waters of Hamproads came the boom of the warguns signalling the beginning of review by the president of the most idable fleet of international battleps and cruisers the world has sed in many years. On board the iser yacht Mayflower, the presiwith a few specially invited guests, greeted first by a roar of 21 guns each of the vessels, foreign and he line of the visiting men-of-war he saluted individually and in turn by

in the roads. The marine picture viewed from shore by thousands and from the decks of excursion and pleasure craft by almost as many more, was at once imposing and impressive. What his yacht had anchored in among the naval vessels the president received on board the flagship the commanding of-fleers of the foreign fleets and the flag officers of the home squadron. For each of the visitors the president had a cordial word of greeting expressing his pleasure in meeting them in home wat-ers. The hospitality of the nation was ers. The hospitality of the nation was extended by the president, who in turn received from his brilliantly uniformed visitors expressions of the esteem in which he personally and the American people as a whole, are held by the sovereigns whose representatives it was their pleasure to be.

The officers vied with one another in the heartiness of these amenities.

the heartiness of these amenities.

The president landed at the exposition grounds shortly after 11 a.m. The imnense government piers undergoing construction are still many weeks from completion and it was with some difficulty that a way was cleared for even the light launches in which he and the naval officers of the various squadrons upon the temporary structure which is

eventually to be known as Discovery President Tucker, of the exposition, personally welcomed Mr. Roosevelt and the cheers of the crowds along the water front accompanied the simple words

ginia salutes you, sir." The president returned the salutation, and with Mrs. Roosevelt was driven to the grand stand on the parade, betwee

FXECUTIVE IN SESSION

ESTIMATES FOR COMING YEAR ARE DISCUSSED

At a meeting of the executive of the 0,000 club last night at the board of trade in the chair, F. M. Chadbourn, secretary E. F. Beeston, vice-president, and chie Deasy, R. Webb, W. H. Jones, A. W. Dyer and D. C. McMorris. The business twinsacted was the presentation of the committee on collections, the discussion of the new 20,000 club building and the decision to elect a secretary at the next meeting of the executive, which was fixed for 8:30 on Wednesday evening, May 1. Mr. Beeston's audit was based upon the orrect. The audit was adotped without

dissenting vote.

The question of the new folder was then taken up and it transpired that the oast for 10,000 copies would be \$750 and of 20,000 ties less than 100, and at cost price over that number, but those already con raced for should be sold at the contract price. This, the secretary stated was 3 1-2 cents ach and from 6000 to 8000 had already been subscribed for. To pay this amount there had been promised \$935, which included the olders sold in advance as stated, about \$300. Of this amount \$255 had been collected and spent on current expenses. To my for the folder therefore a sum of les than \$100 would have to be raised. In this regard it was tacitly admitted that in Tuture money appropriated for any one pur-pose should not be used for another. Going into the question of ways and means, Mr. Beeston estimated the running expenses at about \$1000 for the year and advertising at about as much more. This was thought inadequate with a secretary at a salary of \$100 a month, plus office rent and expenses and that thus the total expenditure would probably run over \$2500, without counting the cost of the new building, which the meeting authorized the committee appointed to pro-

It was estimated that the revenue would special subscriptions from 153 business men at an average of \$5 each, \$765, and the re mainder—from \$800 to \$1300, variously es-imated—to be derived from the ingenuity of the secretary and committee. It was owever, shown that last year's sale of outtons was only \$50 and special buisness men's subscription \$388, together \$500 less than now estimated. To these could be added the sales from about 2000 copies of the folder, mostly at cost price

The president and Reg. Webb for the collecting committee then reported, the first stating that he had received some encouragement from some of the leading ous ness men and the latter saying that he thought there wou'd be a disposition to give after the arrival of the folder. meeting then decided to leave every thing else until after the appointment o a secretary, to be done by themselves next Vednesday week to which date the exec

MORE SNOW FOR MONTREAL Montreal, April 26.-The weather man continues to hand out a queer line of goods to this community. Montrealers came down to their breakfast today to find another belated snowstorm in procome down about 7 o'clock and continued up to near noon, by that time the ground had quite a nice white blan-In the down-town streets the snow Then as he steamed along melted as it fell and in a good many places made slush enough to create a

HEINZE PLANS BIG MERGER

Gigantic Mining, Milling and Smelting Combination Underway.

Ore of Biggest Undertakings Ever Attempted in Mining World, Save the Guggenheim Venture.

Salt Lake City, Utah, April 26.—The mighty mining, milling, smelting com-bination that is being gradually rounded into form by F. Augustus Heinze James Breen, his close business associate, the Silver King crowd, and other interests, is taking on more definite shape every day. It should not be many weeks, and it is possible that it will no be many days till some announcement of a formal character comes from the east. There is no longer a shadow of doubt that the Heinze crowd is going control the mines of Park City Mines company have been formulat here, and president David Keith and general manager Thomas Kearns have gone east to join with the Heinze-Breen growd in the promulgation of the

new company. Other significant news comes in an indirect way from Boston through one of the publications there. It is to the of the publications there. It is to the effect that J. E. Bamberger is going to come west about the first of the coming month and that upon his return east he will be ready to say what has been done with respect to the consolidation or merger of the Daly-West. Ontario, Daly and other propositions. Reference is made to the fact that the properties named hold a strong position on one side of the mineral zone while the Silver King combine covers the other side. It then intimates that closr relations between the two may be eser relations between the two may be established. From what can be learned of what is really doing, this vague statement is not without foundation in fact. In reality, it need surprise no one to hear that the Heinze-King crowd has the situation so well in hand that it can bottle up the whole camp. so to speak, without difficulty.

Nothing has yet developed to show what part the Daly-Judge and the string of properties fianking this company's possessions and those of the Daly-West, Daly and Ontario on the south are to

Daly and Ontario on the south are to play in the game, if any; but there is a well grounded suspicion that the Daly-Judge is wanted and that it will be taken if it can be secured on what may be considered a right basis. Whether talk when he comes home is doubtful If he is, the deal will have been fixed before he reaches here. But the probabilities are that it will require a longer time than that to put all of the

nachinery in motion. Tremendous as such a combination would be, its rounding out is only a small portion of the scheme that is belleved to be maturing and which is ex-pected to fully develop during the present season, if not during the next three months. Many mining districts are to be drawn upon for the support of the monster parent company that will likely be formed on similar lines to the Amalgamated Copper company, to control the whole thing. Bingham will be a contributor, so will Tintic, Stockton and, possibly, Alta and other Utah camps, while Nevada will be hit up for a few properties, while other contribu tions will come from Idaho and Montana. But if the proposition goes through, as it seems to have been planned it may be even bigger than these

What is to follow the gathering together of so many mining properties? Many things. Great milling plants will be erected to dress and finish ores that will go to the mammoth smelting and refining works that will be erected, ed and contriled by the combination that is now believed to be forming to swing the entire proposition. The smelting and refining will be done within a short distance of this city, possibly no where all the railroads now operating in this state and close to where any others that may come later will have to run. These works will be the peer, in nectation is that they will be made to lead all plants in this western country or the whole United States for that

Millions of money are going to be required to swing this mammoth enter orise and the men behind it know to a plished when the undertaking is finally ccomplished. Auxiliary smelting and lished to save freight on crude ores an concentrates but the main business. is believed, will be done within easy striking distance of this city. There is no doubt that Mr. Heinze and his as scheme for more than a year; it is just certain they are working night and that the day is not far off when it will be impossible for them to longer pre-vent the full disclosure of their plans No such gigantic undertaking was ever

matter.

before attempted in the mining world, unless the attempt of the Guggenheims to control the lead and copper output of the world might be considered greater.

March shipments amount to 12,310 tons, containing 2330 oz. gold, 5200 oz. silver and 230,000 hs. copper. Estimated profit on this ore aftre deducting cost of mining, smelting, realization and depreciation \$20.0. Expenditure on development work during the month, \$16,500. Office note: Coal and two olds supplies are now available and two coke supplies are now available and two furnaces are being operated at the North-port smelter. An opiion has been taken by this company on the Spitzee and cer-tain other mineral claims adjoining the Le Roi mine.

ACCIDENTALLY DROWNED Vienna, April 26—Prof. Aibert Riter von Mosethigh Mooerhoeff, the famous sur-geon, and introducer of lodoform, while walking on the bank of the Danube river today fell into the river and was drowned. t was at first thought he committed su cide, but enquiries tend to prove that his death was accidental. The professor was subject to sudden fainting ifts, due to cal-cification of the arteries and it is sup-posed that an attack of this sort caused im to fall into the river. His body has

CHOICE OF DR. FALCONER

S PRINCIPAL OF PINE HILL COL-LEGE, HALLIFAX, N. S.

Toronto, April 26.-Dr. Palconer, prin cipal of Pine Hill college, who has been chosen by the board of governors as president of Toronto university, was cabled today at Naples, where he is this week, on his way to Greece. It is ex-pected that he will at once return to Halifax in order to meet the board of trustees of Pine Hill college, of which he is principal, after which he will formally announce his decision in the matter of the Toronto appointment. It is believed that he will accept the appointment at an early date. The board of governors and its sub-committee on the presidency gave long and careful consideration to the question of the sel-ection of a president. Upwards of eighty names, including Canadian, American and British scholars and educationalists were considered by the committees of were considered by the committees of the board. The name of Mr. Michael Hadley, of Manchester, England, was promiently in the minds of the gover-nors but it was ascertained that he would not be available for at least three years. An early appointment to the presidency was considered to be of the utmost importance.

P. R. BRANCHING OUT

TO TAKE OVER OWEN SOUND AND MEAFORD RAILWAY.

POINTS CONTROLLED BY G. T.

Toronto, April 26.—It is probable that the Canadian Pacific will take over the charter of the Owen Sound and Mea-ford railway, which had planned to build from Owen Sound to Meaford this summer. The line was recently subsidized to the extent of \$86,000 by the dominion government. A conference was held a lew days ago between several prominent C. P. R. officials and James MacGuigan, the agent of the Owen Sound and Mea ford company, and it is believed that an understanding was arrived at as to the condition of the road. The C. P. R. plan is to build from Owen Sound to tion of the proposed Victoria harbor line near Peterboro. The C. P. R. would thus secure two new ports on the Geor-gian Bay and the line would be brought into the field for considerable business which the Grand Trunk now handles ex

BRANDON GROWING RAPIDLY Brandon, April 26-According to the city ssessor the population of Brandon will show a large increase by the new cer of last year. The work is completed in Ward 1 and shows an increase of 760. I tant'al gains and it is firmly believed hat Brandon's population is over 12,000 how an increase of one million dollar ver 1906.

SCHOONER CAPTAIN DROWNED St. John, April 26-The schooner Lucy A. Metaghan, which arrived here today om Whi emouth, N.S., reports that John r. Terryau, captain and owner of the oner, was drowned on a passoge acros the buy of Fundy. Capta'n Terryau went out on the jibboom to try and gather up the dragging said, when a big wave wash and leaves a wife and four children at his home in Metaghan.

Ottawa, April 26.-It is definitely tled than the English rifle team visit Canada this summer. They contest for the Palma trophy and the It is hoped that friendly matches will be arranged in Manitoba and Br. sh

PATAL MINE EXPLOSION Seattle, April 26.—In an explosion today in the Morgon Slope mine Black Diamond, four men were killed and five were fatally injured. Four-teen others were severely injured.

RECIPROCITY

Massachusetts' Welfare Depends Upon Increased Trade With Canada.

Particularly Desires That Coal Should Be Reciprocally Free Between Canada and the United States.

Pittsburg, April 26.-Three hundre i and other officials, besides manufactur ers and all classes of shippers of freight were guests of the Traffic club of rittsburg tonignt at the Hotel Schenley. The speakers at the banquet included Charles W. Hamlin, corporation coun-

Before taking up his assigned topic that of the "Public duties of the citi-zen," Mr. Hamlin spoke briefly on the question of reciprocity with Canada. The state of Massachusetts, he said,

d it imperative for its future welfare to increase its trade with Canada. Among other things Massachusetts de-sired that coal should be made reciprocally free of duty between Canada and the United States.

CANADIAN TRADE REVIEW

GENERAL COMPLAINT OF SLOW DELIVERIES

INCREASED AREA IN WHEAT IN

New York, April 26.—Bradstreet's Canadian trade review says: In Canada warmer weather has helped trade, and good reports as to fall business come from travellers on the road General complaint of slow deliveries of manufactures come from all the leading markets.

markets.

Montreal reports retail trade helped by warm weather, fall husiness in dry goods turning out well, and some improvement in collections. Large shipments of butter have been made to New York. Toronto complains of slow deliv-eries of goods; building is active, and Ontario collections are better. An in-creased area in wheat is expected in Manitoba and the northwest, despite fears that cold weather may delay seeding. Collections are still slow in Win-

against 18 last year. clearings as compiled by Bradstreet's for the week ending April 25, showing percentages of increase and decrease as compared with the corresponding week

	The state of the same	Inc.	Dec.
Montreal	\$26,085,000		1.9
Toronto	22,533,000		2.2
Winnipeg	11,077,000	23.0	
Ottawa	3,090.000	31.0	
Vancouver		46.8	
Halifax	1,653,000		1.1
Quebec	1,701,000	22.9	
Hamilton	1,671,000	14.6	
St. John, N.B.	1,243,000	16.6	
London	1,389,000	32.4	
Victoria	1.124,000	60.3	
Calgary	1,399,000		
Edmonton	1,122,000		

SUICIDE OF F. G. RUSSELL

ORMER CHIEF EXECUTIVE AGENT FOR THE G. T. P.

SHOT HIMSELF ON WHARF AT PRINCE RUPERT.

Vancouver, April 26.-E. G. Russell of Victoria, until three weeks ago execu-tive agent for the Grand Trunk Pacific coast, committed suicide at Rupert yesterday. Russell had resigned his former office to give all his time to a private concern interested in the development of Prince Rupert and had gone north on the Princes May to attend to business. As the steamer was pulling out for more northern points the passengers were horrified to see him shoot himself on the wharf. The steamer put back but the man was dead when it reached the wharf. No cause can be assigned for the trag-

> GRAND FORKS GOSSIP (Special to The Daily News)

Grand orFsk, April 26-First vice-pres lent McGuigen, of the Great Northern, arrived in the city this morning on a special vain. Accompanying Mr. McGuigan were eneral manager Ward, chief engineer Hoghlan, general superintendent of rrest gineer, and a number of officia's connect ed with the operating department. The party visited the Granby smelter this morning and left for Rossland at 9:30. A C.P.R. special arrived here last night

bringing assistant general manager G. J. Bury of the western lines and Mrs. Bury; F. Busteed, general superintendent of the Pacific division and superintendent Lawrence of Nelson. They were met at the station by mayor Hammar and a number of the leading citizens, and an informal meeting was held at the Yale hotel at which numerous matters connected with railway affairs of this district were discussed. Mr. Bury, who is making his first visit to the Boundary, is delighted with cussed. Mr. Bury, who is making his first visit to the Boundary, is delighted with the valley. The party visited the Granby smelter early this morning and later left for the coast via Rossland.

A Hindu named Dulip Singh died in a shack outside the city limits yesterday shack outside the city limits yesterday morning. By arrangements with provincial constable Dinsmore and Dr. K'ngston, medical health officer, permission was given to cremate the body during the afternoon. About 29 Hindus and some 60 people of the city witnessed the cremation, Four staiwart Sikhs hore the body to the funeral pyre which consisted of logs. The deceased was smeared over with butter and grease and wrapped in a white sheet. and grease and wrapped in a white sheet A can of coal oil was poured on the pile

AFFECTS ALL PROVINCES

QUESTION OF POWERS OF PRO-VINCIAL COMPANIES

Toronto, April 26.—Another big ques-

PO BE ARGUED BEFORE SUPREME COURT AT OTTAWA.

Toronto, April 26.—Another big question of provincial rights has turned up; this time it is the incorporation of three companies. The question s whether the companies incooporated by the province of Ontario can do business outside of this province. In volved in this question are the rights of thousands of companies all over the province, representing control of the province of th ing capital of up to nearly \$1,000,000. Involved is also another matter of \$150,-000 or more of revenue each year to the rovince. But is affects every other province in Canada as well as Ontario.

The question will be argued before the supreme court at Ottawa on May 7th, when T. Ritchie, K.C., and Thomas Milver, K.C., assistant provincial secretary, will represent Ontario. The case will probably go to the privy council. This important point comes up in the case of the C. P. R. vs. the Ottawa Fire case of the C. P. R. vs. the Ottawa Fire Insurance company. The C. P. R. carried insurance in the Ottawa company against fires that might be caused by sparks from engines passing along its line through the forests of the state of Maine. There was some mistake in the policy and the quitten arose as to the power of the company to insure standing timber. The C. P. R. then said to the company: "If you are not bound by the policy you should repay the premiums."

the 88th anniversary of their order by attending divine service at the Salvation army barracks on Sunday morning next.

Wm. Irvine of Nelson, grand chanceller of the K. of P. of British Columbia, paid an official visit to Crescent lodge No. 33, of Cranbrook this week. There were over 40 members present to meet Mr. Irvine and a most instructive evening was enjoyed by all. Short addresses were made by the grand chancellor, J. Fleischman, J. A. Arnold, G. H. Thompson, W. O. Taylor and others. After the routine work had been completed a social session followed and refreshments were served. Mr. Irvine also visited the lodge at Fer-Mr. Irvine also visited the lodge at Fer-He returned home last hight,

Many citizens have been trying the new salt and exalic acid method with ashes, some succeeding and some failing. One experimenter who succeeded, says he oticd a scuttle three parts full of fresh burned ashes, weighing 21 pounds net on a board, scattered a heaping teaspoon of Fernie slack coal, mixing again, the aggregate about filing the big scuttle. This was put by the shovelful into a hea er already burning and was found to last 24 hours, the only attention needed being to see that the draught was good, shaking out the bottom of the heater to clear the draught once or twice during the day and taking care never to poke the fire from the top. The ashes burned towly and well, giving out a good heat.

B. C. Fruit Growers' association, returned lelegate from the local fruit growers' ociation, he had gone to attend the rovince, which has been in session this week. On his return Mr. Johnson reported d for the future policy of the newly form ing and in the distribution of their fruit. While the delegates generally agreed t. was found necessary that they should ort back to their local bodies on this neeting will be held on May 22 at Revel

Boston, April 26—The copper situation during the past week has shown a decider

MICHEL MEN **NOT IN LINE**

Unwilling to Resume to Work Before Finding of Conciliation Board

Sherman, However, Anticipates That O.hr Camps Will Vote to Resume Worn and Majority Will Rule.

Fernie, April 26.-(9.30 p.m.)-Another setback to the proposed agreement that the miners go back to work on Monday was received this evening, when word arrived that after a long discussion the referendum vote was taken at Michel as to whether the men of the ulted in a vote of 101 for staying ou and 66 for working; it was also learned that the vote taken at Gladstone local union (Fernie) last night was not unan-imous, as given out. The Michel vote is very small indicating that many men-did not attend the meeting to listen to

The operators here say if Michel voted against the proposition, Coleman would do likewise.

President Sheman left for Coleman tonight, where he will be joined by international vice-president Lewis who addressed the men at Michel this after-

Mackenzie King, deputy minister of labor, was down at the train to see Sherman, who stated that the district there would be no difficulty in getting the men back by Monday or Tuesday at the latest, as though Michel and Cole-man may go against it, it is practically certain the others will vote for.

certain the others will vote for.

The miners still congregate at the street corners, but remain quiet. They show no great enthusiasm to go back to the mines again. At Coal Creek mines, five miles out, the men are hanging round the mines and streets seemingly contented. Several mine operators and representatives left for their homes tonight. The rest leave on crow.

Sir William Mulock, chairman of the conciliation board, apointed by the government is expected to arrive Monday or Tuesday and the board will sit immediately on his arrival. L. P. Eck-stein and J. L. Parker, miners and oper-ators' representatives on the board, respectively, are already here. The board is expected to work night and day

to expedite matters.

Traces of the last week's struggle are strongly evident on all concerned, especially the leaders of each party, president Sherman of the mine workers organizations, and president Lindsey, of the Western Operators' association.

The operators have been meeting all day discussing preparations for the in-

day discussing preparations for the investigation, which Mr. Lindsey says they have wanted all along. Asked as to the chances of a settle

ment without investigation, he replied there were none. The operators also met the boards of trade delegates at noon and explained the stand they took and their reasons. The boards of trade delegates leave for

home tomorrow.

Hon. W. H. Cushing left on a trip of

(Special to The Daily News) Fernie, April 26.—Vice-president Lew-s, president Sherman and other officials of the Miners' union will take a referendum vote of the local unions at Canmore, Bankhead, Michel, Coleman and the other mines, as to whether men will go back to work or not.

Mackenzie King, deputy minister of labor, this morning emphatically denied the statement that the government was bringing mounted police, military arms and ammunition into this and other mining districts. This report originated in Regina, Sask., where the mounted police headquarters are.

NEW BRUNSWICK POLITICS St. John, N. B., April 26.—Hon. Mr. Pugsley's place as leader of the New Hcn. Clifford W. Remson, of Westmore-land, who was sworn in only a few days next attorney general. There will likely be a provincial general election this summer. A. P. Barnhill, St. John, is the man wanted for attorney general, but he may not agree to enter politics.

Large Departmental Store, Postoffice and Midale, Sask., April 26-Fire, the cause line lamps, destroyed the large departmental store of Seaton and Macoun. The loss over insurance is close to \$10,000. mail was destroyed. The Northern bank was also destroyed.

SEEDING UNDERWAY Balcarres, Sask., April 26.-Seeding is

others in this vicinity have close to

STAR VS. WHITE APPEAL

EXAMINATION IN CHIEF OF EX-PERT ELMENDORF.

AND CROSS-EXAMINATION BY E. P. DAVIS

(Special Correspondence) Victoria, April 15.—It would seem as if the plaintins in the long fought out trial before the full court in Star vs. White, rather scored today (Monday), the sixth of the present hearing, when Davis, K.C., dragged some important admissions from expert W. J. Elmendorf upon cross-examination. pert invariably fell back upon the broa general statement that the result of the new work had in no way interfered with the contention of the defendants right along and did not assist the plaintiffs' view of the matter, but in det brought face to face with his testimony given on several occasions at Nelson during the progress of the trial there: first, when the trial started and then after an inspection and again later, when the question of more work was considered, when he had agreed that if the plaintiffs could prove the extension black fissure north and south, they would at least materially improv their position, he hesitated and, while speaking very guardedly and with countless reservations and restrictions he admitted, though not in the way Mr. Davis wanted, that the new work had disclosed the extention of "a" vein both northerly and southerly, but would not agree that this was the black fissure or that this admission upset his contention of a continuous vein for the Slocan Star right across from east to admitted that he did not west. ile admitted that he did not agree with expert Bochmer in all things but insisted that the two opinions were not inconsistent. To meet this last proposition Mr. Elmendorf admitted the xistence of the Slocan Star vein 200 feet wide at a given point and suggested the existence of a "horse" as an ex-

To an impartial observer who heard Mr. Elmendorf's story during the trial at Nelson, his evidence today gave the impression that the defendants' side had not been strengthened by its re-cital and there would seem to be at least a chance of the full court finding in favor of that "myth" judicially so leclared by the chief justice, the black fissure. It is, of course, quite impossible to say what the full effect is of the evidence given today, but some idea of it may be got when counsel sum up towards the end of the week. Faced by his former story and with the recently completed work to explain, Mr. Elmendorf had a difficult task dorf had a difficult task to perform which he accomplished far better than might have been expected.

Mr. Bodwell was absent from court all day on account of the death of hi prother which occurred at the hospital this morning. Mr. Lennie took case when court opened and the pro-

ceedings ran along without a hitch.
When the court opened this morning,
Mr. Lennie, in Mr. Bodwell's absence alled W. J. Elmendorf, of Spokane, the defendants' expert in chief, well known in Nelson as a consulting mining engineer and ae the defendants' star witness at the first trial of this case before chief justice Hunter at Nelson. The witness estified that he had examined the property since the new work had been done. Commencing with the extension the south, he described the ore seam of vein quartz encountered at the outset and continuing till the breast of the drift is reached, where it still is to be seen. He exhibited a large photograph of the work taken by himself explaining the picture showed. The exac application of Mr. Elmendorf's testimony was not quite apparent until the cross-examination was well underway, when his difference of opinion with the plaintiffs' experts and with Mr. Bochmer on his own side, was brought ou strongly. At the other end of the south-ern drift the witness described a stringof ore found there. This stringer is from the main Slocan Star vein. his original evidence the witness said, e had been mistaken as to what would be shown if the crevice or crack now followed, should be mined. There were other instances along the No. 5 level where such stringers were thrown out from the main Star vein. The stringer is lying perfectly banded along the wall of the drift. Referring to the bending of the slates at the southern turn of the Star vein to the north as claimed by the defendants, the witness again de-clared, repeating his evidence at the original trial, that all the slates in the formation distinctly bent around the point where the vein turned and he exibited photographs to illustrate wha he meant. According to the plaintiffs' contention there should be no bend, the black fissure cutting sharply on to the south at the bending point. Turning to one of the plaintiffs' sketches of the formation at the turning point in No. level, the witness said that it had been demonstrated that what the plaintiffs called the filling of the black fissure was porphyry. Further the streak of ore in the "A" drift would be found right in the black fissure, between its walls, i

the work was further extended. Here Mr. Davis interrupted to say the old work, the plaintiffs would have to give evidence in rebuttal, as Mr. El-mendorf was not confining himself to

the new work at all. Continuing, Mr. Elmendorf described the workings above the No. 5 level at the turning point to the north, claiming to further explain what he meant about the turn on the lower level. Going back east from the turning point on No. 5 level, the witness exhibited a characteristic material of the black fis photograph of a small cut in the admitedly Slocan Star vein, showing the for mation. Then he identified several samples of black slickersides said to be dominant characteristic of the black fissure, taken from the point shown in the photograph last mentionand declared that right along the whole length of what the plaintiffs term the course of the black fissure, he turn. The new work had shown up a that the barren section of the vein fissure extending south. This did not was accounted for by the presence of the black slickensides, as shown at the prevent the Star vein turning north as the superabundant mass of porphyry as pint in the Star vein indicated in the it did. He still maintained that it was shown on the model. There might and by the samples. Turning to possible to follow the wait of the vein other reasons for the barren stretch but the No. 2 vein he said it was the foot- around the bend.

wall streak of the main Slocan Star vein. The new work done there show-ed no new vein. A "horse" probably existed at this point. The point in cisted at this point. The point is nestion is along the line to the north from the turning point on No. 5 level, one of three places where new work was done, and which shows according to the plaintiffs a new vein christened by them vien No. 2, abruptly ended by the hlack fissure.

Coming to the northern extension No. 5 level the third piece of new work, the witness said it was one of many cracks striking off and was in no sense continuation to the north of the black ure so-called by the plaintiffs, or the Star vein as described by the de-fendants. The new work, said the wit-ness, had demonstrated nothing beyond the fact that a spur, or branch extended off north at the point in question.

Referring to the continuity of the veli around the bending point at the north and going on west the witness adhered the evidence given originally that the course of the vein was followed around the northern turning point as hown on the plan. Around the turning points the strongest seams were followed and the work was done on the vein

and shows its general course.

Describing "drag ore" the witness said the ore found along No. 5 level had none of the characteristics of drag ore.
All the indications in the explored porions of the mine in the upper above the long run to the north pointed to ore in place and not to drag ore at all. This statement point blank contradicts the plaintiffs' expert testi-

The Silversmith vein said Mr. Elmendorf, broke around the nose of the por-phyry intrusion and as it passed along kept away from and did not run along ide of the porphyry mass, he had never claimed any different course for this vein. Going over the western workings n the levels above No. 5 the witness claimed the turning of the vein and its general course was very apparent. He ccounted for the turns and twists and the irregular course followed generally by known geological reasons. The witness gave a list of assays taken from the new work showing varying values. Speaking generally as to the new work, Mr. Elmendorf said he was still

work, Mr. thoroughly satisfied that the Slocan Star vein extends along its course contin-nously as shown on the plan. The new work had strengthened several views held previously. The new work at the north and south ends had shown cracks continuing on but other cracks or crevices could be found branching off at different points and in no sense could that portion of the Star vein called by the plaintiffs the black fissure, be said to extend on north and south, the gen-eral course of the Star vein following the line developed, to the west, as shown on the plan and as previously sworn to.

Then Mr. Davis took the witness in hand. Commencing at the southern ex-tenion the witness admitted the extension of a fissure to the south with a wall, the hanging wall. The foot wall has been taken away, the work following along it. The new work exposes a fissure 28 feet broad extending south. That fissure would not be confined to any one level. It might or might no: extend to the surface. He would give no opinion on the subject, strongly pressed by counsel to do so. He had not seen any evidence of the fis-sure in the levels above or below No. 5 and could express no opinion as to the probable existence of the fissure on

The so called No. 2 vein was merely the main line of the vein running around a horse and joining the main body in the workings. If the No. 2 eastern extension did not join the main vein it would still be a branch of the main Star vein. If the vein was cut off by the black fissure it would be separate vein.

The witness at first differed from evidence on this No. 2 vein given by professor Parks in the same interest at the first trial but subsequently agreed.

Coming to the northern extension the witness said the fissure found there was a branch fissure such as could be found at many points. He could not say if it was a continuation of the black fissure. The real continuation was that followed by the Slocan Star vein as shown in

Mr. Elmendorf differed from Mi Bochmer as to the western extension of the Slocan Star vein where it turns almost at right angles. The vein, he said, was very wide at the front. the country was very broken, but he was of the opinion that the general course of the Star vein had been followed as shown on the plan by the actual work done. He did not think his version was at all inconistent with that offered by exper Bochmer. He did not agree with Mr Bochmer but if they were both correct the vein at this point would be 200 fee road. It might go around a horse bu the witness would not say positively, giving the suggestion only as a possipl explanation of his own theory squaring vith that of Bochmer's.

After the noon adjournment Mr. Day , continuing his cross examination Mr. Elmendorf, took up the question o some previous statements at the first trial by the witness concerning what is seen at the turn in the south at the levels above and below No. 5 and asked him if the new work did not show an extension of the black fissure on the No. 5 level but the witness repaied in the negative repeating that the ne work at the turn had in no way changed his originally expressed view. The wit-ness admitted the existence of "a fis-sure" 28 feet wide composed of soft black material such as is claimed by sure, in the new work to the south, but he insisted that this extension was identified several a mere branch fissure that might on might not extend any considerable distance. The witness again admitted that he was mistaken when he gave his testimony originally. He had then thought there was no appearance of any fissure running out to the south at the

Before the work was done the with ramined the first turn to the north and was clearly of the opinion that no fis-sure existed to the south. He had traced the wall of the vein turning a ound and had then stated that he was of the opinion that there was no fissure going on south. He admitted that the new work had shown up a fissure 28 feet in width, but again and again de lared width, but again and again de lared that the existence of this fissure in no way interfered with the defendants' theory of the continuance of the Star vein along its developed course. The witness had examined the workings at the first turn several times before the work ordered by the court was done. After each examination, until the present one, he always declared he could see no appearance of a fissure extendsee no appearance of a fissure extending south. At that time he did not believe there was a fissure there. He had been mistaken as the new work showed a fissure branched off there. In following the bend of the vein it

was possible to follow round on the ore or on the hanging walt. The witness had claimed to have followed the hang ing wall round at the levels above No. 5, this irrespective of ore. The 28 foot fissure shown in the new work was not apparent in the upper workings. There was nothing to show whether it existed there or not. It would be necessary to do more work at each level to prove the existence of the fissure. At the northern extension where the

new work was done, was another-branch of the Star vein running out. The new work showed this branch existing; it did not affect the course of the main Slocan Star vein which extended on to the west. The reasons for asserting that the Star vein to be one continuous vein were that the foot and hanging wall could be traced right along and so could the vein filling. If the fissure now known to exist at the 5th level extended up to the surface the walls could not be traced around the turn at the south. The result shown up by the new work had not, in the opinion of the witness, advanced the cut off theory of the plaintiffs or hurt the contention of the defendants' for a continuous of the defendants' for a continuou

course of the Slocan Star vein.

Mr. Davis read many extracts from the evidence formerly given by Mr. Elmendorf as to the effect of what might be shown up by proposed work and which, now that the work had been done, was actually shown to exist. The original evidence showed many admisoriginal evidence showed many admis-sions of what might be done with the hope of settling the matters involved, and counsel pressed the witness nari to show that the possible conclusions had been arrived at now the work was done. Mr. Elmendorf made some dis tinctions, rather fine ones it seemed, but maintained over and over again that the new work had not helped the plaintiffs or hurt the cause of the de-

endants. The court adjourned at 5 o'clock after counsel had stated that all the evidence would be in tomorrow. Mr. Davis added that his cross-examination of Mr. Elmendorf would be concluded by noon tomorrow.

Victoria, April 16.-When the Star vs. White litigation is finally ended it may be found that the law suit has meant to the mining experts what the war in South Africa proved to be for so many British generals—the grave of many re outations The evidence before the full court was

concluded during the afternoon session today and E. P. Davis, K.C., for the plaintiffs, the Star M. & M. Co., headed by John M. Harris, commenced his summing up of the case for the court. He announced that he would be com paratively brief leaving Mr. Taylor to deal with the evidence in detail and when the court adjourned at 5 o'clock this evening, the leading counsel for the plaintiffs had nearly completed his review. He will be followed by Mr. Taylor, and then Mr. Bodwell and Mr. Len-nie will be heard. The court sat longer today than usual and will continue to sit longer hours for the rest of the case so as to insure closing the hearing of the appeal by next Saturday evening. Mr. Bodwell was absent again today from the court room on account of his brother's death. Te expects to rejoin

Very unexpectedly Davis dropped the morning after half an hour's work, de-claring that further questioning had been rendered unnecessary, as also had the calling of further witnesses by the Mr. Lennie cross-examined laintiffs. S. Fowler at some length as to the finding in an adjoining mine; Oscar White was in the box for a short time as was also W. S. Drewry, but none of the actual evidence produced today was

of a new or startling character. Shortly after the court met this afernoon Mr. Davis commenced his sumning up of the whole case for the plaintiffs, and a very forceful and vigorou address was continued for nearly thre hours, the chief characteristic of which was a strong frontal attack on the deendants' experts and their testimony viewed in the light of the results of the new work, the defendants' experts said ater that Mr. Davis was very "abusive" but that is hardly a fair term since the counsel, while attacking the estimony fiercely at times, always fe' back on the alternative suggestion that the deniendants' witness had been carrie away with their desire to support the contention of their side of the case; that their judgment, knowledge, idea of fair play and presentation of the dis closed facts of the case had gone all to pieces. But with limitation such as nentioned. Davis tore to pieces the or ginal testimony and that given to the full court by Mr. Elmendorf and Mr. Bochmer declaring that the indepenent evidence of Zwicky and Clark practically proved the plaintiffs' chief co

ention When the court opened this morning Mr. Davis continued his cross-examina-tion of expert W. J. Elmendorf. Mr. Elmendorf said that the spur veins the north and south as shown in the new work were mineralized at the same time the main Slocan Star vein was and

many extracts from the evidence taken at the trials at Nelson of Mr. Elmen-dorf himself and of several of the defendants' witnesses and Mr. Elmendorf was asked to explain the references and square them with conditions as show: by the new work. Counsel apparently oy the new work. Counsel apparently made but, little progress with the expert as compared with what took place yesterday. Many of the questions asked were plainly put on the court notes for reference on the argument of the whole case, and as a matter of fact no new matter was adduced than that already given in this correspondence. After half an hour of wordy warfare with the expert, Mr. Davis dropped the witness rather unexpectely and after some brief explanations to Mr. Lennie, Mr. Elmendorf resumed his seat. In his answers to some of Mr. Lennie's questions Mr. Elmendorf incidentally explained how experts differ. The chief justice, Mr. Sizer and the witness visited and examined all the mine workings in company, during the progress of the first trial and before judgement was given, at the point in the turn to the north of the Star vein on No. 5 level as the defendants' say and where the plaintiffs say the black fissure cuts off the vein, a very close inspection was made by his lordship, said the witness. "I saw what Mr. Sizer saw and he saw exactly what I did, we differed as to description and as to what we saw meant geologically. As a matter of fact the new work has disclosed a fissure to the south and at the time of the joint and the same of the south and at the time of the joint of the south and at the time of the joint of the south and at the time of the joint of the south and at the time of the joint examination Mr. Sizer pointed out a crack at this point and declared a prob-able fissure to the south. I then thought no fissure would be found to the south. The work has proved that Mr. Sizer was

Oscar White was recalled on a point overlooked in his former examination touching the fault formation of an adjoining mine to the properties under review. The fault, as shown in this mine, lies nearly at a right angle direction to the fault direction as claimed for the

right and I was wrong-but the continu-

ation of the fissure does not affect our

black fissure in this mine.

To Mr. Davis Mr. White stated that he did not agree at all with Mr. Fowler's description of the fault fissure in the adjoining mine. He knew ar. Fowler was the mining engineer in charge of the adjoining mine in question and should know all about the mine formaticn - direction of faults and other points. He contradicted Mr. Fowler's statement as to direction of fault, point blank, and added that no such fault as Mr. Fowler contended for, in line with the black fissure extended, existed. On Mr. Fowler's map of this mine being produced the witness denied the real existence of the faults as shown on the map. There might be a "slip" at ...e points referred to but no fault. There was a distinct difference between a slip and a fault. He, the witness, was look ing for an extension of the black fis-sure from the Slocan Star mine as claimed by Fowler, when he examined the adjoining mine. He did not find it as Mr. Fowler had sworn he had, and declared positively several times that it could not be found.

W. S. Drewry, provincial land sur-

veyor, ealled by Mr. Lennie, said he had surveyed the new work recently done at three points in the new workings and had reproduced the work on the court

would dispute re the correctness of Mr Drewry's work was the reproduction of brewry's work was the reproduction of the new work at the so called No. 2 vein on No. 5 level. This work was not correctly shown on the map. To. Mr. Taylor the witness, described his notes of the No. 2 vein plan. He declined to admit the correctness of a plan of the working made by Mr. Fowler on a scale

half an inch to a foot.

A turn in the fact of the vein was the point asputed. It was this matter that caused much controversy at the tial one morning last week, when Mr. Bod-well declared that Mr. Fowler's pencil-ed sketch on the map showing this new work at this point, was incorrect and he, Bodwell, had had a correct drawing put on by Drewry during recess, calling from the bench an expression of opinion that the map should not be "tampered" with by any one without the permission of the court Mr. Bodwell had exclain ed to Mr. Taylor at the time "your nose has disappeared," meaning that the turn or nose of the vein as claime! ould be seen by Mr. Fowler, was gone. Mr. Drewry swore positively that his plan was correct and Mr. Fowler's was

wrong, so far as the point involved. Mr. Fowler was then called and he swore to the correctness of his sketch of the turn in the vein, not shown on Mr. Drewry's plan. His plan or sketch was on a scale of half an inch to a foot. He gave his measurements in detail describing minutely how he found the "nose" or the turn in the ore. His sketch was an exact representation of what was seen in this new working. The witness' note book with rough plan and notes made at the time was put in evidence. Then Mr. Fowler's attention was directed by Mr. Davis to Mr. Oscar White's contradition as to the dirction of the fault fissure in an adjoining mine, from what he, Mr. Fowler, had claimed. In addition to reiterating his former statement that the direction of the main fault fissure in this adjoining mine was identical with that of the rection of the black fissure as claimed by the plaintiffs, the witness said the filling of the fault fissure in the adjoining mine was also identical with the filling of the black fissure. Miners used the terms "slip" and "fault" inerchangeably.

To Mr. Lennie, Mr. Fowler, after the Monday adjournment, explained how he made the survey of the disputed plan. He had used a Bounton compass in determining the bearings, a transit, as used by Mr. Drewry would be more cor-rect, but his compass would determine accurately the "nose" of ore which Mr. Drewry's plan did not show up. 1ms curve or "nose" was the only difference between his and Mr. Drewry's plan. The witness then went again over the fault found in the adjoining mine, without altering his former testimony. He adaltering his former testimony. He admitted faults in the mine where Oscar mitted faults in the mine where Oscar White located them, and in addition practically agrees with Zwicky and Clark. There is no getting away from his admissions. He puts it differently himself as the mine's main fault

the ore and it was found again about 200 feet to the south. The main fault did not cut off the ore at the points shown on the plan but the ore was shown cut off by the fissure at other points in the workings. The main fault fissure alluded to was the same as the black fissure, identical in make up gen-

Mr. Fowler's cross-examination closed all the evidence in the case. Mr. Davis announced that although he had intended offering further testimony for the plaintiffs, he had concluded this was not necessary and he commenced his summing up of the case as to why, in view of new evidence and of the evi-dence at the first trial, the judgment of the learned chief justice, dismissing the action with costs, should be reversed and a judgment given by full court finding in favor of the plain-tiffs, the Star Mining & Milling com-

pany.

Mr. Davis said he would be comparatively brief in his argument, leaving to Mr. Taylor to go into the evidence more fully. He alluded to the many contradictions in the expert evidence and said only a view by the court would assist in clearing up the matter. He would in clearing up the matter. He would lay great stress on the new work last done in view of what was said at the first trial would be found if the work were done, and what has actually been found to exist. In this latter case hy would argue in favor of what e was, not necessarily the most trutaful, but the most reliable for the court to relie upon. If experts took at one stage of the suit and afterwards abandoned .. or changed it materially it was a strong point upon the questio of unreliability. Mr. Harris had first thought the Slocan Star vein had extend ed on to the south, where it bends to ed on to the south, where it beams the porphyry. When Mr. Harris' engineers examined the ground before the trial they said Mr. Harris was mistaken and they explained what, from their standpoint, had taken place geologically at the point in question. The theory advanc-ed at the trial by the plaintiffs had been maintained right along and was maintained today. Their contention, quoting from his own opening at the first trial, rom als own opening at the first trial, counsel said that they denied the extention of the Slocan Star vein as claimed by the defendants. There was a fault fissure, called the black fissure for the purpose of identification, cutting off and abruptly terminating the Slocan Star vein at its western and ting off and abruptly terminating the Slocan Star vein at its western end. This black fissure was a separate and non-ore bearing fissure, running at reading and some star vein. If the contention was right the black fissure would be found to extend on its course north and sfouth past where the present decelorment shows it. The fissure was development shows it. The fissure was older than the vein and cuts off the lat ter plainly, the wall of the fissure clearly seen extending on at what the defendants call the bend of the Star

vein.
Continuing Mr. Davis said that original position had never been changed by the plaintiffs and the new work done had proved that their original conten-tion had been proved. Then counsel turned to the contradictions amongst the defendants' own experts and to the changes of front which he said they had clearly been forced to take when confronted by what was shown by the new work. It was originally agreed among the experts and with the approval of the court that the new work asked for would decide the moot questions one way or the other, although the defendants had at every point again and again resisted the many applications made to have this new work done.

"I have a very grave suspicion that."
Mr. Elmendorf always thought that the doing of the new work would settle the case; that he thought so before it was done and thinks so today, now that it is

Turning to Mr. Sizer's original testimony counsel showed what that expert said would be demonstrated by the new work. First in the south where an ex tension south would show the black fissure extending in that direction and of course, doing away with the theory that the Star vein turned north at this point. Then at the north end at the point "B", an extension north would show the black fissure extending in that direction cutting off the Slocan Star vein at this point,

The new work at these two points, together with the other observed facts would determine whether the black fissure cut off the Star vein and would show that the Star vein did not make the two bends as claimed by the de-fendants and as shown on the plan in court. This was the position, counse said, taken by expert Sizer at the first trial before the work was done. He Sizer, was then willing to take his stand on what the new work would prove. Mr. Sizer had been ridiculed by Mr. Bodwell and had been held up as an expert who would square his evidence with whatever theory suited him and he was held up to the court as abclutely unreliable and all sorts of rather plainly 1 at suggestions Continuing counsel read man made. extracts from Mr. Sizer's original testinony as given under cross examination by Mr. Bodwell to show that his position aken at tuis time was clear and definite; that the fissure extended north and south cutting off the Star vein, and south cutting on the Star vein, had no turn. Further, as to the characteristic fining of the black fissure, that it would be found extendine north and south with walls or bounding planes.

There was nothing "quibbling" about Mr. Sizer's statement then, such as Mr. Elmendorf exhibited when pressed in like manner at that time. The plain-tiffs agreed that if the work asked for did not prove what they, the plaintiffs said it would, they, the laintiffs, would be out of court for good. As to what the work did show the evidence of Mr. Zwicky and Mr. Clark should settle. They were independent parties entirely and they agreed the other day, that the black fissure, they said "a" fissure, ex-tended north and south as shown up in the work done under their direction, with well defined walls and vein filling. Such evidence must carry great weight Bochmer, the defendants' new expert,

of course, he was bound to do that. He ures, one within the other, with "spurs" or "branches" extending off. This "spur" to the south and the ore to the north are readily the black fissure extended. Bochmer and even Elmendorf admit that a vein goes off at the points in question, they saying that they are branch veins or spurs of the Slocan Star vein. The defendants always claimed that the walls of the Star vein clearly turned at the two points, that these walls could be traced by the eye; that these walls could be seen to-day or any day. That not merely the day or any day. That not merely the ore turned but the walls did. Now the new work shows a fissure extending to the south 28 feet wide, with ore in it, and "I am not going to insult the intelligence of this court by suggesting that this fissure does not extend up to the surface and go down to the lower levels as Mr. Elmendorf had the hardihood to advance the other day when he got be-hind the most extraordinary shield that an expert ever run up to keep the rain off him, viz., that he could form no op-inion from all he knew and saw whether he would expect this fissure to go down and to extend to the surface. His statement stamps him as a witness who should not be believed. I do not charge him with wilful perjury, but he has been so carried away in maintaining his side of the case that his evidence cannot be believed or taken seriously. If he spoke truthfully then he does not know his business or he was hanging back and

trying to mislead the court. Turning to Oscar White and Cavanaugh's contradiction of Mr. Fowler, counsel said that the surrounding circumstances showed both White and Cavanaugh either as utterly reckless wit nesses or as men who did not know their business. They either intended to mislead the court deliberately or they were so dense that they did not under stand really what they saw in the mine

workings. Referring to the evidence given on the turning point to the south counsel read extracts from the original testimony given by Mr. Elmendorf that he could form no opinion if a vein branched off to the south, as afterwards ascertained by the new work. "I think," said Mr. Davis, "that if Mr. Elmendorf had turned his colossal mind wanter ' e court, he could have said, as Mr. Sizer said, that a fis-

sure might be found extending on to the south. Was his testimony given to inform or misinform the court at this and at other points in the workings?" The defendants have to connect the Slocan Star vein in the east with the Silversmith vein in the west and to do this they use 1200 feet of the black fissure to do it. There was Bochmer's version, that the plaintiffs could take, that at the north end of the black fissure where the defendants say their

vein turns to the west and the Silver-smith vein is found, there is no vein, no sign of one to be found, while Bochmer goes on to admit the undoubted existence of a fissure, a spur, or a branch vein along to the south which the plaintiffs say is the black fissure.

Then Mr. Davis recalled the story told by professor Parks at the first trial told by professor Parks at the first trial in Nelson, Parks being an expert for the defendants. Parks swore that no other vein existed at the turning points that he, the witness, saw with his own eyes, the wall turning, the foot and nanging; at some places the walls were not visible, but he marked on the plans where the turning could be seen at all the different levels, some 11 different points. Now since the new work had been done Mr. Parks was shown to he hanging: at some places the walls were

een done, Mr. Parks was shown to be clearly wrong, and he could not have seen what he thought he saw, for it is now known that the walls are not there as Parks thought he saw them. Parks also swore there was no evidence of a crack or fissure to the south, but the new work has proved a fissure 28 feet wide and it is impossible to have the walls turning and all 28 feet too, and the fissure is now admitted. Thus all the defendants' expert witnesses are found to have sworn positively to certain conditions new shown to be absolutely untrue. That being the case the court can place no confidence whatever in all else these experts testify to. On the contrary all that Fowler, Sizer and Atwater swore to and swore would be found if the work were done, had been passed to be the ease by what is found red to be the case by what is found

> in the new work, hense the stress laid on The evidence given by N. J. Cavanaugh at the first trial was touched on, Mr. Davis saying that Mr. Cavanaugh posed as an expert and contradicted S. S. Fowler promptly. Mr. Cavanaugh followed the work at the turns when the drift was being driven. He saw the walls at the turn, there was no break in them, no sign of a fissure. That was Mr. Cavanaugh's testimony, but the 28 foot fissure has since been found and the walls Mr. Cavanaugh traced around never could have existed, although Mr. Cavanaugh said: "You can pass your hand right around the sides of the wall

> at the turn."
> Alexander Sharpe's story at the first trial showing where that well known mine manager had been clear that there were well defined walls at the turns and no evidence of a fissure extending north and south as shown to exist by the new work was dwelt on in detail as show-ing the unreliability of "sure" expert testimony. Sharpe was unusually posi-tive that the defendants' were right and the plaintiffs altogether wrong in their

respective theories.

At this stage the court adjourned for the day, Mr. Davis to continue his address tomorrow morning.

Victoria, April 19.-Would chief jusice Hunter have decided the Star vs. White case as he did at the trial, dis-missing Mr. Harris' company's action with costs, if his lordship had known what the new work done since the judgment would show up? One would not think so after listening for a day and a half to counsel's argument on behalf of the plaintiffs before the full

Mr. Davis closed his argument this morning after speaking for a little more than an hour and S. S. Taylor followed in the same interest, occupying the attention of the court until 5 p.m.

Today Mr. Davis contented himself with an analysis of Bochmer's evidence simples, I mean't drag ore in the mine.

chiefly, and did not continue his pointed attack on Mr. Elmendorf's testin made so pronouncedly all yesterday Davis seized on points where he claim ed Bochmer differed from all the other experts produced by the defendants notably Elmendorf and professor Parks and taking up the Bochmer theory he contrasted it with that advanced by the other experts in the same interest and claiming that the only conclusion that could be reached upon perusal of all the defendants' testimony was that Bochmer's view was the correct one then all the defendants' other witnesses were mistaken upon vitally important were mistance upon vicinity important points. In concluding his address Mr. Davis laid great stress upon the fact that the plaintiffs' three expert wit-nesses Fowler, Sizer and Atwater had staked their reputations at the first trial by stating emphatically what would be found if the new work then asked fo was done, had maintained one attitude throughout all the long litigation, and were now found to have been consister ly correct while the reverse must truth-fully be said of the defendants' experts and their testimony, leaving an irrist-able conclusion to be drawn by the cour on the question of reliability of the dif-

ferent sets of witnesses. Mr Taylor followed for the rest o the day and had not concluded when the court rose this evening. He follow ed upon the broad lines laid out by Mr.
Davis but going into the conflict of evidence, and the analysis of the whole case most minutely, giving chapter and verse for all his statements and incidentally showing that his careful and able preparation and presentment of the plaintiffs' case must have entailed an normous amount of hard steady work His address was mainly a collect from the hundreds of pages of matte and connected up with brief argument illustrating the points upon which he aid special stress, as he went along. Mr. Bodwell was in court today for the first time since last Friday. He will

commence a lengthy summing up of the defendants' case when Mr. Taylor concludes tomorrow forenoon.

Beyond a slight protest from Mr. jusfice Morrison against the reading long extracts from the evidence

proceedings today were without any marked incident. Continuing from yesterday Mr. Day s commenced his part of the argument today by referring to Isaacson's evidence at the trial, Isaacson being a shift boss in the employ of defendants when No. 5 level was run. He swore that the Star vein between well defined slate walls turned around to the north at the first turn shown in the Isaacson was given as a practical min-er's view, it agreeing with the experts as to the turn of the vein as against its being cut off. The evidence of Fox and Davis, two working miners, to the same effect as Isaacson, was also read by counsel with some caustic comment as to the sworn-to existence of walls around the turn to the south walls which the new work has proved did not and could not exist as there was a 28 foot fissure there.

Mr. Bochmer's evidence given last week was then taken up. Mr. Bochmer, said Mr. Davis, clearly differed from Elmendorf and Parks on many material points as to the course of the Sta vein, and as to the course of the black fissure at the northern extension of the black fissure, Bochmer agreed that the fissure continued on north, as proved by the new work there, and that the "main vein" turns to the west, no where Elmendorf and all the defend ants' experts say it does, but at a point in the black fissure over 120 feet further south. He said the ground had not been opened up to show the course west of the main vein, where as all the defendants' witnesses declared that the vein turned west at point B. and along the workings as shown in the plan. Mr. Bochmer's view supports the plaintiffs' contention in a double way. He agrees as to the continuation to the north of the black fissure and that there is no evidence of the alleged Star vein turning west into Silversmith ground at the point where the other experts of the defendants say it does.

Taking Mr. Bochmer's statement as correct that there is a turning to the vest of the Star vein when he says the

west of the Star vein where he says, the west, the witness and Elmendorf admitted this without dispute. It was impossible that Mr. Boohmer's "main vein" extending to the west through unexplored country, could by any conceivable means be identified with Elmendorf's course of the Star vein to the west turning at rolling B. If Boohmer is west turning at point B. If Bochmer is right, Elmendorf is wrong, and when Elmendorf says the two views are re-concilable he shatters his own reputation as a reliable witness. Mr. Bochmer said something entirely new when he found another turning point to the west the Star vein then the one sworn to to date by all the other defendants' wit-neses. The chief result is that the court must find there is no reliable evidence. of the continuation west of the Star vein at the point B, the northern turn-

ing point.

Bochmer declared frequently that the geological conditions found in the ed for in several possible ways and he merely favors or prefers one way above another. "Now." continued "the burden of proof here lies on the defendants, but as a matter of fact, while the defendants' witnesses differ the only sure evidence that has been offered to the court, evidence that has been proved to be correct by the new work done, has been th evidence Fowler, of Sizer and of Atwater 1 the plaintiffs." The general eviden of possible geological conditions in past ages, as offered by the defendants was of too dim and misty a character upon which to settle an important case like

the present.

The plaintiffs offered the court some thing stronger than "pure conjecture" of the Bochmer type.

The plaintiffs always contended for

the existence of drag ore along part the black fissure. Mr. Bodwell to d

Mr. Davis continuing said t tiffs had been ridiculed time for not producing samples of in court at the first trial. dozen or more samples are not ed Bochmer declined to swear or not the samples were dra not. If the plaintiffs prove dr the black fissure it is unque evidence of a fault, that is black fissure, is a fault fissure plaintiffs' cut off theory is conf the one hand and the continuit Star vein is disproved on the hence the importance of dr Counsel took up Mr. Bochmer reasons for his explanations of logical conditions found to exist mine workings and in them four sound evidence in plaintiffs' Running through this summ Bochmer's, counsel referred to diction by other expert evidence points as no signs being fo striation in the workings, the theoretical suggestions offered up others, and the want of any support the rest.

As to the black fissure being

fissure Mr. Davis referred to mendorf's photographs of t work in the southern extensio pared with Mr. Elmendorf's wel skill," and declared that Clor dence disproved all that Mr. lorf sought to prove. Mr. Clar independent witness. He swore piece of smooth faced rock with tached to it produced to the or week was a part of the footw smooth surface showing movem Elmendorf admits he made a

about the extension of a fissur south. Fowler, Sizer and Atw not make a mistake. That is t of the new work. Mr. Bochmer taken to further discredit Eli His. Bochmer's evidence can b no other way. As to the cont through the Silversmith of the S to the west the defendants were court on their own evidence.

As to drag ore in the black where it cuts off the Star vein a

the latter is thrown away to the Fowler, Sizer and Atwater swithe ore found along the direction throw, in the flussre, is drawn and the flussre, is drawn and the flussre, is drawn in the flussre, in the ore in place. One set of experi the other. On an equally in point, the extension or non-et of the south of the black fiss opinion of the first set of expleen found correct by the ne and the second set of experts little been found to have been been found to have been found mittedly been found to have been As to drag ore then, the I should have the benefit of the under these circumstances, reing that the onus of satisfying to on the points under consid upon the defendants.

In concluding his address M pressed upon the court the care sideration of the effect of the ne Mr. justice Morrison—"Of w have heard so little, now

Mr. Davis continuing, said 1 much of his argument upon we shown by the new work tracing feet of it back through the evidence. en at the original trial. The r showed exactly what the plain the court would be found if t were done. The court fully un what it was hoped would be p disproved by the new work. I the work was done and the recontention fully demonstrated contention fully demonstrated tan end of the defendants' contention urged along many lines possible. urged along many lines, possib the new work was done, but

longer argueable. S. S. Taylor, K.C., followed for the plaintiffs' going minusall the evidence touched generally Mr. Davis. He urged that ent hearing was an appeal on case and must be so consider stated the two contentions plaintiffs' on the one hand a fendants on the other and ceeded to take up the section evidence supporting the plai variable contention from the f

the present time.

Referring to one of the drift turn, counsel said that accord pert testimony crosscuts in ings were invariably marks, being run out to asce make up of the surrounding Practical miners, when in douthe course of the vein, run o cuts to test where they we Where they knew well what t following they did not run cro the point first indicated, the the point first indicated, the showed that the miners did I the course of the vein, althoug fendants' now claim the cours vein was perfectly clear. Tu Mr. Sizer's original evidence read extracts touching on w shown in the workings at thurn in the Star vein and where ness declared the vein was en minated, cutoff by the black fiertience showing the black fi evidence showing the black f tending to the south. The cort to the north, not being the Sta a bent-around course, but the sure only. At the first bend b during the first trial, only a r the workings could be seen owi lagging being in place there. then explained what would be the south if further work we Counsel followed the original given by the plaintiffs' witness first trial showing where the at the different levels came t angles to the black fissure, v ated by a fault fissure, that black fissure so designated—a throw of several hundred fe

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Mr. Taylor followed for the rest of the day and had not concluded when the court rose this evening. He follow-ed upon the broad lines laid out by Mr. Davis but going into the conflict of evidence, and the analysis of the whole case most minutely, giving chapter and verse for all his statements and incilentally showing that his careful and preparation and presentment of the plaintiffs' case must have entailed an ormous amount of hard steady work. His address was mainly a collection the various points of evidence taken from the hundreds of pages of matter lustrating the points upon which he

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he defendants say it does. Taking Mr. Bochmer's statement as west of the Star vein where he says, the Star vein must be 200 feet wide to the west, the witness and Elmendorf admitted this without dispute. It was impossible that Mr. Bochmer's "main vein" extending to the west through inexplored country, could by any conivable means be identified with Elwest turning at point B. If Bochmer is right, Elmendorf is wrong, and when Elmendorf says the two views are reoncilable he shatters his own reputation s a reliable witness. Mr. Bochmer said something entirely new when he found another turning point to the west of the Star vein then the one sworn to to date by all the other defendants' witeses. The chief result is that the court ust find there is no reliable evidence of the continuation west of the Star-vein at the point B, the northern turn-

Bochmer declared frequently that the cological conditions found in und under review could be accountfor in several possible ways and he erely favors or prefers one way above continued counsel the burden of proof here lies on the efendants, but as a matter of while the defendants' witnesses differ the only sure evidence that has been offered to the court, evidence that has been proved to be correct by the new work done, has been the evidence of Fowler, of Sizer and of Atwater plaintiffs." The general evidence of possible geological conditions in past iges, as offered by the defendants was too dim and misty a character upon which to settle an important case like

The plaintiffs offered the court somehing stronger than "pure conjecture the Bochmer type.

The plaintiffs always contended for existence of drag ore along part of black fissure. Mr. Bodwell to date has always denied the existence of drag ore, and has added that drag ore was something that all mining men know when they see it.
Mr. bodwell—I did not mean hand

samples. I mean't drag ore in the mine.

iffs had been ridiculed time and again r not producing samples of drag ore court at the first trial. When a en or more samples are now produc-Bochmer declined to swear whether not the samples were drag ore or If the plaintiffs prove drag ore in e black fissure it is unquestionable idence of a fault, that is that the ck fissure, is a fault fissure and the claintiffs' cut off theory is confirmed on the one hand and the continuity of the Star vein is disproved on the other, hence the importance of drag ore. (Sunsel took up Mr. Bochmer's seven sons for his explanations of the geocal conditions found to exist in the e workings and in them found much and evidence in plaintiffs' favor. ning through this summary of chmer's, counsel referred to contration by other expert evidence on such oints as no signs being found of triation in the workings, the vague pretical suggestions offered to propthers, and the want of any evidence

As to the black fissure being a fault fissure Mr. Davis referred to Mr. El-mendorf's photographs of the new ork in the southern extension, "prewith Mr. Elmendorf's well known skill," and declared that Clork's evience disproved all that Mr. Elmendorf sought to prove. Mr. Clark was an independent witness. He swore that the ere of smooth faced rock with ore attached to it produced to the court last week was a part of the footwall, the mooth surface showing movement.

Elmendorf admits he made a mistake about the extension of a fissure to ...e south. Fowler, Sizer and Atwater and not make a mistake. That is the effect of the new work. Mr. Bochmer must be taken to further discredit Elmendorf. His, Bochmer's evidence can be read in no other way. through the Silversmith of the Star vein west the defendants were out of court on their own evidence.

As to drag ore in the black fissure ere it cuts off the Star vein and when he latter is thrown away to the north Fowler, Sizer and Atwater swear that the ore found along the direction of the throw, in the flussre, is drag ore. Elmendorf, Parks and White say it is in place. One set of experts against the other. On an equally important oint, the extension or non-extension the south of the black fissure, opinion of the first set of experts has been found correct by the new work, and the second set of experts have admittedly been found to have been wrong. As to drag ore then, the plaintiffs should have the benefit of the doubt under these circumstances, remember ing that the onus of satisfying the court on the points under consideration was upon the defendants.

In concluding his address Mr. sed upon the court the careful con sideration of the effect of the new work.

Mr. justice Morrison—"Of which we have heard so little, now that it has

Mr. Davis continuing, said he based much of his argument upon what was shown by the new work tracing the effeet of it back through the evidence given at the original trial. The new work showed exactly what the plaintiffs told the court would be found if the work were done. The court fully understood what it was hoped would be proved o disproved by the new work. Now that the work was done and the plaintiffs ontention fully demonstrated there was an end of the defendants' contention, as urged along many lines, possible before the new work was done, but now no onger argueable.

S. S. Taylor, K.C., followed Mr. Davis the plaintiffs' going minutely all the evidence touched generally upon MF Davis He urged that the present hearing was an appeal on the whole case and must be so considered. stated the two contentions, of the plaintiffs' on the one hand and of the defendants on the other and then proceeded to take up the sections of the evidence supporting the plaintiffs' invariable contention from the first up to present time Referring to one of the drifts run off

No. 5 level just to the north of the first

turn, counsel said that according to expert testimony crosscuts in the work-128 were marks, being run out to ascertain the make up of the surrounding country. Practical miners, when in doubt as to he course of the vein, run out cross-uts to test where they were going. Where they knew well what they were following they did not run crosscuts. At point first indicated, the cross showed that the miners did not know the course of the vein, although the defendants' now claim the course of the vein was perfectly clear. Turning to Turning to Sizer's original evidence counsel read extracts touching on what was shown in the workings at the alleged turn in the Star vein and where the witness declared the vein was ended. terminated, cutoff by the black fissure and evidence showing the black fissure extending to the south. The continuation to the north, not being the Star vein on a bent-around course, but the black fis sure only. At the first bend before and during the first trial, only a portion of the workings could be seen owing to the lagging being in place there. Mr. Sizer then explained what would be found to the south if further work were done. Counsel followed the original evidence given by the plaintiffs' witnesses at the first trial showing where the Star vein the different levels came up at right angles to the black fissure, was terminated by a fault fissure, that is by the black fissure so designated—and that a throw of several hundred feet to the north occurred, along the line of which rag ore was found in the vein filling

Mr. justice Morrison objected to coundeliberately and coolly reading long extracts from the evidence. "We have heard it once, will have to read it Reading it now was of no as-

ways contended for was that the black

Mr. Davis continuing said the plain- ing material of the black fissure, the smooth sides indicating motion, but it was always admitted that at points in the admitted Star vein some black slickensides could be found, but only occasionally, as contrasted with that found along the whole length of the black fissure, the change from the vein to the fissure in the rock being always clearly discernible wherever contact was had. The make up of the black fissure as described by Sizer was dwelt on, the distinguishing points, as contracted with the admitted Star vein, being barren, only ore found being clearly drag ore and not ore in place, the vein filling containing cacite, but not spathic ron or anything that came up from the depths, crushed slates and ten times the amount of black slickensides, as is found in the Star vein.

What Sizer told the chief justice was visible to the eye in the workings when the learned chief justice visited he mine, was dwelt on in passing, and the evidence of expert Atwater was referred to as fully confirming expert Sizer on all points and absolutely without contradiction. The evidence of S. S. Fowler, more particularly upon the geological conditions at the apparent first turn of the Star vein, was referred to at some length as confirming and adding to Sizer's story. Fowler the vein turning was apparent but not real. Fowler was willing to test his opinion by the new work then asked for at the end of the second trial at Nelson. The work since done had proved that nstance.

The occurrances of ore in the 5th level and in the levels above and below around and near the alleged turning point as described by the workmen of the defendants' original evidence, was referred to at length, Mr. Taylor claiming that much of this class of evidence now turned out in the plaintiffs' favor. The meaning of the long barren stretch along No. 5 level where the black fissure is encountered and run along, as the plaintiffs' contend, was gone into very fully, counsel reading voluminous extracts from the evidence and from affidavits made by Byron N. White and Oscar White made in August, 1901. when this litigation first started, showing little or no ore along this stretch Later, at the trial, the defendants' experts say the ore is "practically continous, the contrast being sharp and not explainable under ordinary circumstan

Mr. Harris always believed in the exstence of the fault fissure, the black fissure, but at first he thought the fault was a small one and that the vein would be found nearby, extending on the west on the other side of the fissure. At the trial, however, this last contention was never advanced by the plaintiffs. For months the plaintiffs were unable to obtain a view of the mine workings, until at last the court ordered it. When a view was obtained the facts as alleged now by the plaintiffs were found to

Turning to the meaning of what was discovered by Fowler recently in the "hidden drift," Mr. Taylor said that it was not known that the mass of superncumbent porphyry said by the defendants to overhang the barren stretch and to account for its non-mineralization, did not exist in the position main tained for it, and this being so, the de-fendants' theory on this point was went out of court.

A dissection of Elmendorf's views on drag ore, what drag ore really is, and he fact that Elmendorf found no drag ore in any part of the workings occu-pied about half an hour of the court's

The plaintiffs' experts during the case were obliged to make out what would e found to be the case if new work were done, wholly from observed facts. They risked their reputations on what would be found. The new work was ione and the plaintiffs' experts have been justified in every statement they nade originally and this must have great weight with the court in weighng the value of the respective expert testimony, taking into account the stand taken by the defendants' experts when leave was asked to do the nev work, and their efforts now to "explain" what has been found to exist.

The balance of counsel's address was masterly analysis of other parts of at 5 o'clock the court adjourned for the

Victoria, April 18.—Before the full art today, the ninth day of the hearing of the appeal in Star vs. White, S. . Taylor, K.C., concluded his very able and exhaustive summary and analysis of the evidence in the case and then argued the legal aspect in its bearing the evidence, giving many authori-

ties governing the mineral claim law formerly in force in B. C. and still in rce so far as this litigation is con-Early in the afternoon Mr. Taylor ncluded and Mr. Bodwell at once commenced his address for the defendants the Ryron N. White Co., The learned ounsel spoke slowly at first, apparently under a certain amount of pressure. He caught up Mr. Taylor's closing sentences said that gentleman had repeatedly misled the court in his allusions as to what the evidence showed, his final ending being a good sample of the rest, and then turned his attention very deliberately to the methods employed by Mr. Davis in his attack on the defendants' expert testimony. Vituperation, abuse, and an absence of all appeal to reason, such as adopted by Mr. Davis did no appeal to him, Mr. Bodwell. Unless forced to he had no desire to follow along this line. In place of the onus being on the defendants to convince the court of the correctness of their contention, the burden of proof was on the plaintiffs to show that the learned chief justice was undoubtedly in error in his judgment. The defendants stood upon his judgment and admittedly it could not easily be thrust aside now. Mr. Bodwell laid the greatest stress upon Mr. Taylor replied that counsel desired to connect up sections of the evidence with the theory supported and size could not point out to the trial judge when in the mine what he desired to the mine workings and said that the size could not point out to the trial judge when in the mine what he desired in court existed there and could not point out to the trial judge when in the mine what he desired in court existed there and could not point out to the trial judge when in the mine what he desired in court existed there are could not point out to the trial judge when in the mine what he desired in court existed there are could not point out to the trial judge when in the mine what he desired in court existed there are could not point out to the trial judge when in the mine what he desired in court existed there are could not point out to the trial judge when in the mine what he desired in court existed there are could not point out to the trial judge when in the mine what he desired in court existed there are could not point out to the trial judge when in the mine what he desired in court existed there are could not point out to the trial judge when in the mine what he desired in court existed there are could not point out to the trial judge when in the mine what he desired in court exists and the court exists are could not point out to the trial judge when in the mine what he desired in court exists and the court exists are could not point out to the trial judge when in the mine what he desired in court exists are could not point out to the trial judge when in the mine what he desired in court exists are could not point out to the trial judge when in the mine what he desired in the court exists are could not point out to the trial judge when in the court exists are could not point out to the trial judge when in the court exists are could not point out to the trial judge when in the court exists are could not point out to the trial judge when in the court exists are could not point out to the trial judge when in t be readily seen by any one without techslickensided material was the dominat-nical knowledge. After dwelling at con-

siderable length along the lines indicated Mr. Bodwell turned his attention to the mass of evidence and proceeded i review very carefully from the defendants' standpoint, ridiculing the con-clusions arrived at by the plaintiffs' experts and asserting with many references the entirely consistent stand taken by the defendants' witnesses throughout all the many days of examination and consequently on Mr. Sizination and cross examination. Mr. Sizer came in for the giant portion of the er came in for the giant portion of the adverse criticism, but Mr. Fowler and Mr. Atwater were not overlooked. Mr. Davis gave a scornful sniff at one portion of Mr. Bodwell's address and drew down on himself a fair share of the learned counsel's wrath thereby. If Mr. Daviel' it bud. Bodwell did not follow Mr. Davis' "bludgeon" style of attack today he certainused the "rapier" effectively, giving thrust after thrust in his own inimitable fashion. When the court rose a

little after 5 p.m. Mr. Bodwell had not concluded his summary of the evidence. Continuing his address to the full court today on behalf of the plaintiffs, commenced yesterday morning, S. S. Taylor, K.C., gave at length the ore ccurrences in the workings as described by expert Atwater, the chief points being the absence of anything from the depths in the black fissure, the noncontinuity of Star vein, and the difference between the Star vein and the fault or black fissure. Then counsel took up the question of the continuance north of the black fissure as a separate independent fissure, particularly as demonstrated by the new work, and the non ontinuance of the alleged Star vein, or of any vein branching off to the west along the course of the fault fissure. That is the bend to the west of the inverted "S", the described course of the Star vein as maintained by the defend Taking up this last proposition ants. counsel enlarged upon the num cross-cuts,-interrogation marks of the miners in the progress of development, to be found at and along the points where the defendants endeavored prove the turning to the west, pointedly introduced Bochmer's evithe defendants' own witness when that expert declared against the turn of the vein as sworn to by the other experts of the defendants. An elaborate model and numerous photographs, recently taken were referred to as showing the real formation at "B" where the defendants' claim a turn to the west of the Star vein, and plaintiffs continuation on to the north lack fissure, the further continuance of the fissure in this direction being shown by the new work. If the fissure ontinued on in its course to the north, after showing for 12 feet, or if there was no turn to the west of any vein, in either instance the defendants were out of court. Wherever through the No level, the line of the black fissure is followed, the workings had to be timpered owing to the characteristic soft material of the fissure, and once off that line little or no timbering was necessary, a most conclusive proof of black fissure's existence along the black fissure's existence along the line claimed by the plaintiffs. Elmendorf claims a well defined inverted "S" shap-Star vein to the western limit of the adjoining Silversmith claim, the vein breaking to the west, around the "superncumbent mass of porphyry." Whereas the position of this porphyry mass is low known to be entirely different to that first supposel and no reason can now be assigned for the turn of the vein as originally suggested. The working miners were instructed to follow on the vein. Mr. Elmendorf swears the turn to the west could be easily seen at B. Yet the miners passed that point and followed for a distance really the line of the black fissure and then "groped" about, as shown by the numero cuts, to try and find ore, going on no vein though Mr. Elmendorf says the course of the turn is "plainly" vistore with well defined walls. Mr. Elmen-

find "walls" at any point they were wanted to substantiate his theory. Turning to the plaintiffs' evidence counsel reviewed the evidence of the exerts in favor of the contention that the black fissure continued on in a northerly direction, and what subsequently happened when the new work was done proving that Sizer's original contention had been abundantly proved past all possible contradiction. The chief justice had mistaken Mr. Sizer, when visiting the mine, as to the continuation of a vein from B west. The learned judge was convinced that Mr. Sizer did tell him there was a vein to be seen but the expert explicitly denies this, repudiated the statement in court later on, and epudiates it most emphatically The evidence of Fowler and Atwater confirming fully Mr. Sizer's testimony was then referred to and then turned to the question of apex and the surface showings generally There be clearly a wide difference tween the evidence on where the apex was to be found. The defendants, to suit an altered state of affairs, had through Mr. Bochmer, discovered a fresh apex. They had no difficulty in finding a new apex recently with feet of snow lying on the ground, and the alleged discovery of this new apex throws a shadow of discredit on all this class of the defendants' evidence. The defendants claimed all one vein, one general course and one apex. Covering two or more claims, plaintiffs claim that the "general course" of vein must be confined to one claim at a time. These were questions of law, said counsel, and he at once plunged into a legel discussion showing the difference beween the American and the old British lumbia statutes on the extra lateral ights provisions; the provincial Act of 1891 being referred to. Mr. Taylor's general law argument was limited to the contention that the "general course" of a vein to ascertain extra lateral rights, must be confined that general course on one claim only. If on more than one claim, then there was no limit, and the words "general course" might have a dozen different meanings as the vein twisted and turn-ed all over the country. Unless the course was confined to a single claim, its general course could never be ascertained with any certainty, for as it continued on both ways its "general

doorf had demonstrated his ability to

change. After the midday adjournment Mr. Taylor continued his legal argument on the extra lateral rights provisions under the old law. To succeed defendants must prove continuity and identity of Slocan Star vein from east end of Slocan Star claim to west end of Silversmith claim, and the burden of proof of this was wholly on the defendants. That is, they must satisfy the court beyond reasonable doubt that all the condition contemplated by the statute exist, fore they acquire the right to go into their neighbor's ground following their vein there. Authorities were quoted to sustain counsel's legal contention, and at 2.30 Mr. Taylor took his seat.

Mr. Bodwell then commenced his ad-

dress to the court for the defendants, Byron N. White et al. He commenced by attacking Mr. Taylor's closing se tence which he said was misleading and wrong in fact and was a sample of what Then turning to Mr. Davis' presenta tion. Mr. Bodwell said it was not a difficult matter for a counsel of Mr. known ability to quote disjointed sections of the evidence and utterly lead the court. Outside of this Davis' address consisted of carping criticism, a campaign of suggestion and in-uendo. Personally he, Mr. Bodwell, did not approve of this line of argument and he would not follow it. It was urged that the burden of proof lay upon the defendants, but the fact was the defendants had the judgment of the learned chief justice in their favor, a fact they had heard but little of in the argument so far, and it was for the plaintiffs to show that the chief justice was clearly The plaintiffs said, when ask ing for the new work, they undertook to convince the court that this new work would clear up all doubts in the matter; if it did not, then they, the plaintiffs, would depart and be no more heard. The plaintiffs could not have been said to have cleared up a particle of what was not known before by the new work. Nothing has been gained by he new work. Whether or not the plack fissure extends north or south or north and south, or whether it does not, does not affect the matter under review: When the chief justice visited the work-ing accompanied by Elmendorf and er, each side had its opportunity convince the learned judge of the corectness of one or other of the two heories. Then again Mr. Powler and Sear White accompanied the shief jusice on a second visit. Mr. Elmendorf's suggested hypnotic influence, if it exsted on the first instance, was not present on the second occasion. Was it to be believed that a man of the chief justice's character was so easily in-fluenced that with Mr. Sizer and Mr. Fowler at hand he could be coaxed away from what he actually saw by Mr. Elmenderf? What is not possible for any member of the court, without techical training, to see, is what could not be seen on the ground. It was all very well for Mr. Davis to abuse Mr. Elime dorf, but the plaintiffs had every opertunity to prove their case to chief justice that Mr. Elmendorf was wrong and that Mr. Sizer was right, and Mr. Sizer, when cuallenged by the learned judge, signally failed to point out what he said in court existed, or to show where Mr. Elmendorf was wrong in he had told the court dur trial. Mr. Sizer had suggested that the first original new work would show cer-tain things. He, later disputed this, and he was contradicted point blank on this point by the chief justice

Counsel read statements from Sizer's estimony invariably swearing that the sure, terminated, as one wall of a room terminates another. That is what Mr. Sizer thought he saw, whereas. it is shown clearly that the Star vein, all in ore turning around to the north, is see he ore lying against the wall and continuing along the so called black fis-sure for many feet. That is so unless every one of the defendants' witnesses can be described as wilful perjurers. That is what the chief justice saw; hat is what the what he says in his judgment he saw Mr. Sizer went to the point with the chief justice and falled to convince his lordship to any other conclusion than the turn and continued on to the north. that it was not cut off as Mr. Sizer de-clared it was. Other points, declared to exists by Mr. Sizer, he failed to show o the chief justice when called upon to o so in the mine workings.

Whatever Mr. Elmendorf swore existed, he was able to show to the learned udge on the visit of actual inspection. Mr. Sizer could draw pretty pictures court of what he said could be seen in the workings but he falled to point out the alleged formation to the chief justice. Further Mr. Sizer admittedly made mistakes at the first trial by declaring what would be found to exist behind works then hidden, but which were later overed by blasting. That is waat Mr. Sizer thought he saw, he never saw, ecause it never existed, as was later shown. He was, for some reason unable to understandingly see the actual onditions in the mine He found ore where no one else could and could not

find it where everyone else did. Counsel being challenged as to At-water's testimony retorted that per-sonally he laid no great stress on the evidence of an expert who could not tell the difference between calcite and porphyry, but some of his evidence was There was absolute contradiction originally at the trial as to whether or not there was ore in pit 19 at the surface. Sizer said there was no ore. On the court inspection Sizer is shown the ore in place, as is the court. Later. in court. Sizer is utterly unable to explain the finding of ore at this point, which he originally denied. Why? Because it put his then advanced theory out of court.

eastic laugh." "I am forced to retaliate n my comment of witnesses." Mr. justice Irving-Speak of the witnesses just as you please.

Mr. justice Morrison—It (the laugh plained of) has not reached the

Counsel objected to Mr. Davis' sar-

Mr. Bodwell continuing, said the chief

tice had no doubt whatever that Mr.

ture might well be looked for at the turning point. Such a fracture is found by the new work and the plaintiffs immediately declare it is an independent fissure and a fault fissure.

There is not a single condition relied upon by the plaintiffs to prove a fault fissure, that can not also be found in other parts of the levels except possibly the rather long barren stretch and the absence of spathic iron. There are plenty of barren spots all through the workings and spathic iron is always found with the ore. The only thing the plaintiffs can not get away from is the turning of the ore in place. The only way, the only possible way, the plain-tiffs can explain the ore in place is to designate it. "drag ore" and leave it at that, or to give a point blank denial of the existence of the ore. The chief jus-tice had ample proof offered him as to whether the ore seen is drag ore or ore in place and he finds that it is ore in

Ja er originally said the Silversmith

ve ... scopped at a certain point, it was to prove whether Mr. Sizer was right on this point that new work was ordered

here. The new work was done, the first new work and the vein was shown

continuing on. Then Mr. Sizer denied

Star vein. It was a case of ingenuity born of despair. There was nothing to

indicate a crack or a crevice at the

point; but Mr. Sizer took the gambler's chance; he had nothing to lose. If no

new work, not what he said would be found, but what the defendants said

might be found, a branch or spur of the

star vein breaking off in the most like-

issure going south or his case is lost,

whereas he can not find from any ad-

mittedly correct geological reasoning, any black fissure at all. The conditions

existing are all entirely against the ex-

stence of a fault fissure extending as

Mr. Sizer says it does. His theory is

actual conditions as "we see it and as

every unbiased person must see it's shows that the fissure claimed by the plaintiffs was made at the same time

the Star vein was, and was mineralized

from it. No other conclusion is pos-

In the upper workings above level No.

wore that the vein was terminated by

the black fissure, subsequent work, done after the first trial, showed the ore bend-

ng around the turn, and this fact is re-

the facts he observed, even if Mr. Sizer did not. Mr. Sizer's black fissure theory

fizzles out at this point. Where Mr. Sizer thought the black fissure existed

the footwall of the fissure, four feet of

the so-called black fissure, was ridicul-ed. The blackest kind of vein filling yet

found is shown in the Silversmith ver

away to the west.

The explanation of the mistakes made

es, spent days and days in the mos

nust be considered in arriving at the

onditions, found at any one point on

ome one level can not be taken to over-

throw the general conclusions to be reached as just stated. If the vein turned, as the defendants' claim, a frac-

defendants claim that all the wo

, at the first turn, where Mr.

erred to by the chief justice as

ly direction, mineralized or non-mine

lized. Mr. Sizer must find the

both ridiculous and impossible

fissure was found. He found, by

place. The defendants have never changed their original contention, neither have the experts called by the defendants changed their opinions during the case Mr. Elmendorf had never declared favor or not, of a fissure going on to the south. He said he saw no indication of a fissure existing. As to inconsishat the vein, all in ore, bent around tency, Mr. Bodwell referred to the plaintiffs' first idea of the vein exten ing right along across the porphyry nass until Mr. Sizer came to the resci Star vein butting into it, ceasing and booming out for 70 feet. The chief jus-tice was clear that the plaintiffs strove ingenuously to do away with condition hey could not account for

With confidence, Mr. Bodwell submit. ed the proposition that the porphyry ound throughout the mine and its re ation to the Star vein was one condi except by accepting the defendants theory. The porphyry was there in place before the vein was mineralized and this is shown by finding the miner alization in the porjhyry being found cut by the Star vein and by the Silversmith vetn in the west. This is proof onclusive that before the vein mineralized the porphyry was where it now is and in a cooled state. Mr how is, and in a cooled state. Mr. Fowler offered an ingenuous explanation, but promptly withdrew it when he found it would hurt the general view of the plaintiffs' case, and gets into trouble in so attempting to withdraw and give some other explanation. If the porphyry mass was where it is now found before the Star vein was mineralized, it is conclusive, or nearly so, proof that the Star vein bent around the porphyry as claimed by the defen-There was no contradiction between experts Elmendorf and Bochmer as to

the Star vein at the second turn. The difficulty arose from the inability of Mr. Davis and Mr. Taylor to appreciate and understand what Mr. Bochmer meant by what he actually said. The vein admittedly lies very flat at the turn and the miners in working followed the vein material around the turn, the main fissure turns further but it is all vein at this point. workings in the upper levels, all of which must be considered, clearly show the true course of the vein turning,

though in the No. 5 level, the turning is not so apparent. Elmendorf swears that he has seen the ore turning in the upper levels, Fowler, with characteristic recklessness, although he had never seen the upper levels at this point, says a fault or slip has occurred, and he says this just to account for the ore, and to square his position as to it.

The court then adjourned for the day, it being after 5 o'clock.

his former statement and is contradice-ted by the chief justice in his lordship's notes and in his judgment. Great cred-it is given Mr. Sizer for guessing right-ly that a fissure could be found going on to the south at the first turn of the Star vein it was a trace of framework.

(Special Corresp

Victoria, April, 19.—E. V. Bodwell, I.C., occupied the centre of the stage in the Star vs. White hearing before the full court all this, the tenth day, and had not finished his address on behalf of the defendants, the B. N. White Co., when the court adjourned this afternoon

Mr. Bodwell unquestionably heavily today on at least two main aspects of the case; the controvery, as shown in the evidence, between the chief justice, and expert Sizer for the plain-tiffs, resulting in the judge turning away from the experts summary, he, the expert, failing to show in the workings when the two experts and the judge visited them, what he said in judge visited them, what he said in court could plainly be seen there. This was contrasted with what Elmendorf for the defendants, did demonstrate to the judge at the mine workings. The The fact second point was the undisputed fact that the plaintiffs, throughout all their presentation of the case kept their observations practically confined to the lower level, and could not be coaxed to lay before the court the conditions as hown on the surface and on the upper nine workings, a review of which were essentially necessary to grasp properly the whole situation. In addition Mr. lodwell critically analysed a large portion of the evidence touching on the important parts of all the workings and arguing that the new work had made nothing clear that was not known and clear before the work was done. Continuing his address to the court

orphyry was disclosed.

The "dominating characteristic" of on behalf of the defendants, commenced vesterday, Mr. Bodwell cleared up son yesteruay, Mr. Bodwell cleared up some minor matters in connection with the position of the superincumbent mass of porphyry as shown by some of the stopes in the southern turn. Here, in the upper levels at one point where a small corner of ore had been left and where Mr. Sizer declared the wall of the black by Sizer, Fowler and Atwater were clearly due to lack of proper inspection of the mine workings, they having taken only a few days, comparatively speaking, to qualify themselves for speaking fissure was seen, the footwall being seen, Oscar White swore that after the first trial he caused this black fissure to be drilled into, and in place of the black correctly, and only examined parts of the mine, whereas, Elmendorf, Bochmer and the rest of the defendants' witnessfissure, porphyry was encountered as far as drilled in-four feet. The attention of the chief justice was particu-larly called to this instance of Mr. Sizcareful observation of all that could be learned from the mine workings. The larly called to this instance of Mr. Sizer's mistaken views on the existence of the black fissure, when as a matter of fact, four feet of porphyry was bored into, the porphyry continuing apparently across the whole face of the drift. Sizer had controverted all this evidence and so Mr. Bodwell, pointer in hand, went over numerous sketches and plans arrayed on the man stead and read all general conclusion, and any exceptional arrayed on the map steamd and read all the conflicting testimony bearing on the point, and argued in favor of its prov-ing Mr. Sizer clearly wrong in his con-tention. Mr. Elmendorf had stated at the first trial that if the little corner of ore seen standing in this stope were taken down and the work continued the ore would be found continuing on. This work was done and the ore found exact-ly as Mr. Elmendorf said it would be. Further, Elmendorf's evidence on this point was exactly in line with Mr. Boohmer's testimony given to the full court. The crack or crevice shown at this point in the turn is a branch fissure from the main Slocan Star vein which continues on its way north. All the new work done here merely shows the existence of this branch fissure. the existence of this branch fissure something never denied by the defendants, but shows no continuation of the black fissure as claimed by the plain-tiffs. "A fissure," said counsel, "extends just as far as you can see it. All the

> Coming to the surface showing, Mr. found in the new work to odwell said that Sizer. Elmendorf and the chief justice visited the point where an 8 foot excavation shows the Star ein turning around to the west. got into this excavation and walked around the curve or bend "on the vein," when the chief justice asked Size what vein this was he, Sizer, said it must be the Silversmith vein. The chief justice then asked Sizer to show the surface indications of the black fissure but Sizer was unable to point out evidences of his contention of what occurred underground. Counsel laid very great stress on this condition of affairs in the history of the litigation and referred to many extracts from the evidence to sub stantiate every statement made. Mr Bodwell read the judgment of the chie justice on this point wherein the learn-d judge declares Sizer admitted the vein turning around the bend and con-

experts agree as to this; it may extend further even that shown or it may pinch out a few feet further on, in any

event it is merely a branch fissure from the main fissure, the former is just

tinuing west along the surface, claimed that the outcrop of the black fissure was to be found to the east but was utterly unable to substantiate his view or to unable to substantiate his view of to point to any evidence of outerop of the black fissure. The conditions on the surface, continued counsel, clearly dis-proving the plaintiffs' contention that faulting occurred, that the black fissure is a fault fissure, and that at the south turn the vein to the west of the black fissure has been thrown 700 feet to the north. There is absolutely no the surface, the apex of the Star vein can be traced readily through the many surface pits referred to in the evidence, extending from the east end of the Slocan Star claim to the west end of the Silversmith claim. Mr. Bodwell devoted some little time to discussing nomer, a name originated to assist in describing a geological condition of affairs that could not be found to exist. The plaintiffs must prove a dislocation of the Star vein and this they have not done, nor can they do so by any evi-dence adduced in this action. The evidence of Bruce White was read

to show that no other vein has been found along the surface extending to the north and attention was directed to the fact that the plaintiffs had not offered any evidence on this point though they declare the black fissure is found on level 5 extending to the north as shown up in the new work.

Elmendorf's analysis of what is

shown by the surface showing was gone into very fully, Mr. Bodwell directing the court's attention sarcastically to the fact that the plaintiffs had said practically nothing about the surface show-ings in the presentation of their case to the court, either to the chief justice, or to the full court. While Mr. Bodwell read long extracts from the evidence, Mr. Lennie stationed himself at the plan and traced with a pointer the points touched upon by Mr. Bodwell, and in this way rapid progress was made. If a fault existed then the thou is from the Star vein to the Silve: 31 vein, a distance of 700 feet. The de-fendants did not admit a fault but if a fault does exist there is no doub the plaintiffs' evidence that the Sil ervein is the continuation westward of the Slocan Star vein; Size and Fowler were equally clear on this point.
All conditions in the two veins as the yn up are identical. Admitting this to be so that is, admitting a throw, the west end of the Slocan Star vein filling on to the eastern end of the Silversm vein, then the plaintiffs are out of court on their own showing and coun-sel gave a list of cases fitting into what the evidence shows in this case, giving the defendants extra lateral rights un-der existing contditions. Mr. Bodwell argued the faulting theory on the ex-press condition that in doing so he did not agree to it, but took it up on the plaintiffs' own presentation of the case. The apex was admittedly uninterrupted on the surface, and that being so, all that need be traced underground was the identity of the vein. That where the otherwise trespasser wants to go fol-lows down from his apex line on the surface. The defendants have always protested against all the attention being given to what is shown on the lower or 5th level, the plaintiffs have carefully kept away from most of the upper work-ings and altogether away from the sur-face. If there is anything in plaintiffs contention at all it would only show displacement on the lower level, leaving the apex line absolutely undisturbed, and leaving the defendants' extra lateral rights intact in consequence. The policy of the plaintiffs on this point was an attempt to play with the intelligence of the court, but it destroyed the plaintiffs' own contention.

After the midday adjournment Mr. Bodwell proceeded with comparisons of the identity of the Slocan Star and the Silversmith vein as made in the evidence by both sets of mining experts and by practical miners.

Counsel then dealt with the conditions at the second bend of the Star vein where it is shown going on to the west in Silversmith grounds. The minars knew they were following on the

west in Silversmith grounds. The min-ers knew they were following on the wein, the crosscuts done there were for the purpose of obtaining evidence for this trial not for the purpose as sug-gested by Mr. Taylor, of finding out where the vein was. The evidence on he new work going on to the north the new work going on to the north, shows only a crevice narrowing down and probably dying out a little further down. The new work here in no way shows the continuation of what the plaintiffs call the black fissure, and the defendants' the main Star vein. Coursel denied at length all the inuendoes thrown out by plaintiffs' counsel all through the case, that they, the defendants had lagged un any sections of the dants, had lagged up any sections of the workings to conceal what might be ound there; on the contrary the defendants had sought to expose on the workings all the disputed points so that a fair inspection could be had, both by the chief justice and by all the experts. When Mr. Sizer went through he was when Mr. Sizer we thinking he was accompanied by a miner, instructed to give him all necessary assistance in finding anything he wanted and when the chief justice was at the mine both Sizer and Elimendorf were present, and where it might be expected; the latter, the main fissure clearly on its course to the north and then to its turn to the both did so.

As to Fowler's testimonw of what is that the ore there was ore in place and under no conceivable circumstances could be described as drag ore as stated by Mr. Fowler. As to the bent up ends of the slates where the plaintiffs' claim cutoff of Star vein is seen, the slates bending or turning up as the so called black fissure is met, the whole evidence showed that while this is so, further inspection shows just the reverse position of the slates a little further on, the slates really going along in a waving formation up here, down there, and so on. This said Mr. Bodwell was a fair instance of the incomplete statements made by Sizer, just a portion of the truth given to fit in with the expert's contention, a contention which vanishes when the whole truth is brought out. This was seen and noted by the chief

justice on the occasion of his visit to the mine. Fowler's description of drag ore can only hold if a fault is allowed; it does not prove a fault; it is evidence of mo-tion within the vein, and on the contrary the experts clearly swear to the ore in the first turn being clearly ore in place having all the necessary indications and conditions. All that is op-posed to this is the flat statement of Fowler and Sizer that they say this is drag ore. The plaintiffs first denied ore continuing round the turn at the first bending point; they declared emphatically that the ore was ended here by the black fissure, cutoff sharply as one wallof a room sharply cuts off or terminates another wall. When brought face to face by the ore being shown ac-tually turning at the bend, the plaintiffs fell back on the drag ore theory as the only possible means out of an impossible condition, now the defendants were equally in a position to prove ants were equally in a position to prove that it was ore in place, the vein itself being seen actually bending around the turn and disposing of the cutoff theory most effectually. The comment of the chief justice on this section of the evi-

(Continued on Page Four

STAR VS. WHITE APPEAL

(Continued from Third Page)

dence was fully made clear to the court.
The ore found going on was 280 feet long, continuous and in place. Then Mr. Sizer submits another alternative

Mr. Atwater's inabaility to tell the Mr. Atwater's inabality to ten the difference between quartizite and por-phyry was noted by counsel, who said it accounted for the plaintiffs not lay-ing much stress on Mr. Atwater's testi-

Taking up the claimed difference between Bochmer and Elmendorf, Mr. Bodwell said the difference if any was not in anyway inconsistent with the one theory advanced by both. Bochmer said his theory was merely a possible explanation of the branch spurs or fissures going out, on the course of the main Star vein he is clearly in line with Elmendorf. It was a good sample of Mr. Bochmer's absolute honesty as a witness, his sincerity not being appreclated by Mr. Davis, who could only nderstand cast-iron experts of the Sizer

The position of the porphyry mass exactly accounts for the twisted and turned line of the Star vein as shown. The twists and turns laughed at by the plaintiffs, is exactly what would be expected under the observed geologica onditions as shown in the evidence.

Professor Parks' plans of the different mine workings, showing the wais throughout, and particularly at the turns, where they could be seen today and had been seen by the chief justice, were dwelt on at length as doing away with Mr. Davis' contention that only the ore with an apparent turn was found at the bend. Mr. Bodwell said he would stand on Elmendorf's description what could be seen at the mine, would stand on this testimony on El-mendorf's veracity and ability, as being an absolutely correct statement of fact. If Mr. Elmendorf's veracity was conceded there was an end of what the plaintiffs' contended for, an end of "ingenuity born of despair," as the chief justice says in his judgment. Counsel then read many extracts from the evidence showing that the Star vein could be traced on its bended course as shown on the main plan. Many other references were also given, nearly an our being taken up in giving the page of the evidence where testimony on cer-tain points could be found. The long barren stretch on No. 5 level some 1200 feet, was accounted for in various ways by counsel. On the surface this space reduced to 400 teet. In the intersurface the 1200 feet was also greatly reduced. As a matter of fact, the ore runs in pockets, sometimes found on one level but not above, sometimes above and not below, so that the actual barren stretch in the vein, at all levels, is not 1200 feet, but much less, not more than about 400 feet.

The more or less sharp discussion which took place at the first trial be-tween Mr. Sizer and the chief justice, after the visit of inspection to the mine, and the cross-examination of counsel, which followed, were gone into at length by Mr. Bodwell, who declared it proved the anihilation of Mr. Sizer an all his evidence. This last evidence wa all on what happens in the first bend i the vein, where the chief justice became convinced that the ore did ben around and that the plaintiffs' theor

Mr. Bodwell then stated that he would be unable to conclude his remarks a the present session and the court ac journed at 5 o'clock until Monday more

argument to the extra laterial right law of 1901, now repealed, but whice governs this case, the claims in dis pute being recored under the old lan

are given in extenso.

Section 31 provides: The lawful holder of a mineral claim shall have the exclusive right and possession call the surface included within the line of his location and of all veins and lode throughout their entire depth; the te or apex of which lies inside such surface nes extended downward vertically, although such veins or lodes may so far depart from a perpendicular in their the sertical side lines of such surface location: but his rights of possession to such outside part of such veins or lode shall be confined to such portions there of as lie between vertical planes drawn downward as described above, though the end lines of his location so contain ed in their own direction that such planes will interesect such exterior narts of such veins or lodes: and nothlocator or possessor of a vein or lode which extends in its downward course enter upon the surface of a claim owned or possessed by another; provided always, that a prior location on of a vein or lode shall have priority over a subsequent location on the same vein or lode though such subsequent location may be upon the apex of the vein or lode; and provided always, that in cases where the land in which such LE ROI SMELTER RECEIPTS claim is situate is lawfully owned or oc upied for other than mining purposes, the above section shall be read subject to the rights and interests of such owner or occupied. And it is hereby ex-pressly declared that a location laid crosswise of a vein or lode so that its centre line crosses the same, instead of following the course thereof, will se cure only so much of the vein or lode as it/actually crosses at the surface and the side lines thereof for the purpose of defining the rights of the owners. A location shall be deemed to have been laid crosswise when the smallest angle made by the centre line falling in the general course of the vein cr lode is

greater than 45 degrees. Section 32 provides: When two or mara veins or loces intersect or cross each other on their downward dip, priorshall govern and the prior vation shall be entitled to all ore or mineral contained within the space of net and in wall informed circles it is con-interection. Provided, however, that

intersection for the purpose of convenient working of the said subsequetn location and, provided also, that where two or more veins or lodes unite on their downward dip, the oldest or prior location shall take the vein or lode below the point of union, including all the spaces of inter

WEEK'S ORE SHIPMENTS RECORD TONNAGE SHIPPED FROM THESE DISTRICTS

REMARKABLE RUN OF THE GREEN-WOOD SMELTER

Two mines were added to the list of shippers this week; the B. C. Copper smelter at Greenwood has made a record run, close on to 10,000 tons, and the record mark in shipments for this district, over 43,000 tons, has been reached. A temporary set back will ensue over the unfortunate conditions in the coal districts but if these are speedily adjusted it is more than likely that both records esablished will be passed be-

fore many weeks.

Appended will be found the ore shipments and smelter receipts in detail for the pas

	 was son or	
BOUNDARY	Week	Year
MINE Granby	.19,836	178,060
Mother Lode	 6.808	53,649
Brooklyn	 1.440	23,643
Snowshoe	 2.699	20,756
Rawhide	 1.760	19,481
Sunset	 . 736	8,004
Emma	 	3,021
		1,803
Mountain Rose		1,358
B.C	 	990
Oro Denoro	 	896
Idaho		467
Providence		469
Morrison		53
Strathmore		21
Duncan		327
Other mines	 	321
Total	 .35,208	313,000

327	Other mines	
313,000	Total 35,208	
	ROSSLAND SHIPMENTS	
40,211	Le Rot 2,974	1
25,288	Centre Star 1,414	
6,645	Le Roi. No. 2 386	
577	White Bear 149	
2,200	White Bear, milled 500	
2,320	Other mines	
77,241	Total 5,423	1000

1	White Bear, milled 500	2,
8	Other mines	2,
5	Total 5,423	77,
300	KOOTENAY-SLOCAN SHIPME	NTS
-	Sullivan 600	9,
5	La Plata 46	1,
	La Plata, milled 425	6
8	St. Eugène 354	4,
В	Queen, milled 185	2,
-	Second Relief, milled 145	2,
е	Hunter V 107	1,
y I	Silver King 645	
	Queen Victoria 80	
1	Last Chance 22	
8	Sunset 31	
1	Idaho 2	6
,	American Boy 18	
t	Other mines	5,
68		

The total shipments from the mines in the above districts for the past week were 43,375 tons and for the year to date 326,143

dranby receipts	
Grand Forks, B.C.	
10 996	178,060
Granby 19,836	
Emma 200	1,179
Other mines	142
Total20,036	179.381
B. C. COPPER CO. RECEIP	TS
Greenwood, B.C.	
Mother Lode 6,808	58,619
Snowshoe 1,200	10,570
B.C 12	1.358
Emma 49	1,329
One Denore 814	990

Emma			40	1,329
	oro			990
				469
				636
	nes			•
Total			9,400	69,06
DOMIN	ION COP	PER CO	RECE	IPTS
201121	Boundary	Falls,	B.C.	
	Boundary	Falls,	B.C.	
Brooklyn	Boundary	Falls,	B.C. 1,440	\$3,643 19,48
Brooklyn Rawhide	Boundary	Falls,	B.C. 1,440 1,760	8 3,643
Brooklyn Rawhide Sunset	Boundary	Falls,	B.C. 1,440 1,760 736	\$3,643 19,483 8,00
Brooklyn Rawhide Sunset Mountain	Boundary	Falls,	B.C. 1,440 1,760 736 140	\$3,643 19,48

Rawhide 1,100	19, 101
Sunset 736	8,004
Mountain Rose 140	1,739
Idaho 384	896
Total 4,460	55,763
TRAIL SMELTER RECEIPTS	
Trail, B.C.	
Centre Star 1,414	25,288
Le Roi 336	20,508
Snowshoe 1,499	10,186
Le Roi. No. 2 386	6,645
St. Eugene 354	2,952
La Plata 46	1,177
Silver King 645	691
White Bear 149	577
Providence 74	467
Queen Victoria 80	352
Last Chance 22	274
Sunset 31	74
Strathmore 31	53
Idaho 26	26
Duncan 21	21
Duncan	18

merican Boy 18
 Other mines
 3,246

 Total
 5,132
 72,555
 HALL MINES SMELTER RECEIPTS Nelson, B.C. Hunter V.

First Thought'. Other mines 2.914 22,502 MARYSVILLE SMELTER RECEIPTS Marysville, B.C. 600 9,600 The total amount of receipts reported from the local and foreign mines for the

BELGIAN CABINET CRISIS

Minister of the Interior Troos May Form a New Cabinet
Brussels, April 23-King Leopold today held a lengthy conference with M. D. Troos, the minister of the interior, who has been attempting to form a new cabi-

out the night in Lacken park, owing to threats by the socialists to march on the palace. After midnight the socialists heid a meeting at which violent speeches were delivered, but the knowledge of the preserved a meeting at which violent speeches were delivered, but the knowledge of the pres-ence of troops in the park pessibly caused the leaders to change their minds.

Michel, April 26.-William Gall, a Slavonian, who disappeared from his home on Sunday last, was found dead this morning about three miles up the mountain. The cause of his disappearance and death is still a mystery to his friends. Much sympathy is felt on all sides for his wife and three children, who have just left Michel on a visit to their former home.

M. J. HENRY'S NURSERIES AND SEED HOUSES

Headquarters for Pacific Goast grown Garden, Field and Flower Seeds

Large stock of HOME-GROWN Fruit and Ornamental Trees now matured for future planting.

No expense, loss or delay of fumiga-

tion or inspection.
BEE SUPPLIES, Spray Pumps, Spraying Material, Greenhouse Plants, Cut We do business on our own grounds
—no rent to pay and are prepared to
meet all competition.
Catalogue free.

M. J. HENRY

FREE **ROYAL CROWN** SOAP

FOR SALE

Block V., Balfour ,12 lots Lot 3 and E 1-2 2, block 1, with buildlots block 44D., bearing fruit trees 2,500 160 acres Pass valley 5,000 Half interest 70 acres, 3 miles up Cot-

I. FRED HUME

NOTICE

NOTICE is hereby given that the regular of May, 1907, at the hour of 7 p.m. for the purpose of electing directors for the ensuing year, and such other business as S. L. MYERS, President.

LAND NOTICES

NOTICE is hereby given that 60 days after date I intend to apply to the Chief Commissioner of Lands and Works for ermission to purchase the following decribed lands, situated on the Slocan river, in West Kootenay district: Commencing at a post marked "A. L. McCulloch's N.W. orner post." being also the N.E. corner chains east; thence 80 chains south; thence 30 chains west; thence 40 chains hains to place of beginning, containing 160 acres April 20, 1907.

A. L. McCULLOCH. NOTICE is hereby given that 60 days after date I intend to apply to the Hon. the Chief Commissioner of Lands and Works for permission to purchase the fol-lowing described lands: Commencing at a post planted about two chains west of the northwest corner post of Lot 7704, thence

north 20 chains; thence east 20 chains; thence south 20 chains; thence west 20 chains, along the nor.h line of Lot 7704, to point of commencement, containing to act. more or less. GEO. M. GUNN.

Nelson, B. C., April 15th, 1907. NOTICE is hereby given that 60 days after date I intend to apply to the Chief Com-missioner of Lands and Works for per-4,224 mission to purchase the following describmission to purchase the following described lands: Commencing at a post placed near the S.E. corner of lot 2637 Gl., West Kootenay and marked "H.N.'s S.E. corer," thence north about 65 chains; thence west about 34 chains; thence southerly 1.502 about 80 chains: meandering along Koot-

enay lake to point of comm March 22nd. 1907.

NOTICE is hereby given that sixty days after date I intend to apply to the Chief Commissioner of Lands and Works for permission to purchase the following describ-ed lands, situate in the West Kootenay past week were 42,655 tons and for the District: Commencing at a post about 20 year to date 414,310 tons. lot 2542, thence south 40 chains; thence eas 20 chains; thence north 40 chains; thence containing 80 acres more or less.

H. NEWCOMEN.

HAROLD SELOUS. Nelson, Feb. 8, 1907. NOTICE is hereby given that 60 days after

date I intend to apply to the Chief Com-missioner of Lands and Works for perission to purchase the following de-

the subsequent location shall have the his task. Troops were encamped through the subsequent location shall have the his task. Troops were encamped through the subsequent location shall have the hight in Lasken park, owing to district: Commencing at a post marked of threats by the socialists to march on the "R. H. Ross," placed half a mile north of Commissioner of Lands and Works, at Victoria to purchase 160 acres of land on the east side of the Arrow lake, on Bates creek, and described as follows: Commenc-ing at a post marked "W.W.'s S.W. orwest; thence 40 chains south; thence 40 chains east to place of commencement.

Located the 4th day of April, 1907. ner," and planted at the southeast corner of lot 6903, thence 40 chains north; thence 40 chains east; thence 40 chains south;

Dated, March 27, 1907.

W. WALTON. FRANK ORANGE, Locator.

NOTICE is hereby given that 60 days after

date I intend to apply to the Hon, the Chief Commissoneir of Lands and Works for permission to purchase the following

described lands, in West Kootenay Dis-

trict, situate on the south side of the Columbia river, about 7 3-4 miles west from Robson, starting at an initial post marked

"R.A.H.," on the south side of the river, thence 10 chains east; thence 10 chains

south; thence 10 chains west; thence 10

chains north to the p'ace of commence-

said claim adjoining Cryderman's pur-

NOTICE is hereby given that 60 days after date I intend to apply to the Hon, the Chief Commissioner of Lands and Works for permission to purchase the following described lands, situate in West Kootenay district: Commencing at a post planted on the west side of Upper Arrow late.

lake, marked "W. O. Stevens' N. E. cor-ner," thence west 40 chains; thence south

80 chains; thence east 40 chains; thence

north along the western shore of Upper Arrow lake 80 chains, more or less, to the point of commencement, containing 320

NOTICE is hereby given that 60 days after

for permission to purchase the following described lands, in West Kootenay Dis-trict: Situate about 8 miles west from

VICTOR W. ODLUM.

NOTICE is hereby given that 60 days

following described lands, situate in West

Kootenay Dis rict: Commencing at a post

planted about five miles up Little 8 ocan

River, on the west side, running 80 chains south; thence 80 chains wes; thence 80

chains north; thence 80 chains east, to

M. E. M. ROGERSON. C. B. CUTTEN, Agent.

T. G. PROCTER
J. W. SMITH, Agent.

TIMBER NOTICES

NOTICE is hereby given that 30 days

after date I intend to apply to the Hon

the Chief Commissioner of Lands and Works for a special license to out and

arcibed lands in West Kootenay district:

oreek, marked "B. F. Reamy's northeast

carry away timber from

narked "M. E. M. Rogerson's land"

after date I intend to apply to the Hon.

W. O. STEVENS.

acres, more or less.

Dated April 18, 1907.

April 3rd, 1907.

April 3rd, 1907.

March 27, 1967.

March 27, 1907.

R. A. HOWE. Locator W. L. PAYNE.

R. H. ROSS ANGUS CURRY, Agent.

NOTICE is hereby given that 60 days after date I intend to apply to the Hon, the Chief Commissioner of Lands and Works district: Commencing at the southwest corner of Lot 482, thence south 60 chains; thence west 40 chains, more or less to the Kootenay river; thence following the shore of same river northeasterly or less.

Dated March 6, 1907. PATRICK SHERAN.

NOTICE is hereby given that 60 days after date I intend to apply to the Hor the Chief Commissioner of lands and Works for permission to purchase the fol-lowing described lands situate on the east side of Trout creek, Burton valley, pro-vince of British Columbia: Commencing at a post planted on the east side of Trout creek, adjoining W. Lovett's S.W. cor-ner post, about four miles from Burton City and marked "Wm. Fisher's N.W. corner post," thence 80 chains south, thence east 80 chains; thence north 80 chains; thence west 80 chains, 40 point of or less.

WM FISHER. W. H. HAMILTON, Agent, April 19, 1907.

NOTICE is hereby given that 60 days after date I intend to apply to the Hon, the Chief Commissioner of Lands and Works for permission to purchase the foilowing described land, situated on the west side of Kootenay river, and co of A. L. Stewart's abandoned pre-emp tion No. 759 and about one-eighth of mile north of Angus Curry's pre-emptio Commencing at a post marked "Sidney J. Cummings' southeast corner post," then north 40 chains; thence west 60 chains; thence south 40 chains; thence east 60 chains, to place of commencement, containing 240 acres more or less.

Dated this 23th day of February, 1907.

SIDNEY J. CUMMINGS. NOTICE is hereby given that sixty days after date I intend to apply to the Hon-the chief commissioner of Lands and Works for permission to purchase the fol-lowing described lands, situate in West Kootenay district: Commencing at a post marked by name "Gerald Rees' N.E. corner post," at the northwest corner of the purchase claim staked April 20th, 1906, by

NOTICE is hereby given that 60 days after date I intend to apply to the Hon. the Chief Commissioner of Lands and Works for permission to purchase the fol-lowing described lands in Kootenay dis-trict, B.C.: Commencing at a post marked "J. Cameron's S.E. corner post," said post being on the west side of Upper Arrow Chief Commissoneir of Lands and Works annual shareholders' meeting of the Lucky Boy Mining and Development Co., Ltd. of Eric. B.C., will be held at the Company's off ce in Eric on the 27th day shore in a southerly direction 60 chains more or less, to point of commenceme containing 60 acres, more or less. Dated this 11th day of March, 1907.

> NOTICE is hereby given that 60 days after date I intend to app'y to the Ho the Chief Commissioner of lands and Works for permission to purchase the fol-lowing described lands situate on the cast side of Trout creek, Burton valley, pro vince of British Columbia: Commencia at a post p'an ed on the east side of Tro creek, one mile south of Wm. Fisher's N.W. corner post, and one mile south of W. Lovett's S.W. corner post, and marked "W. A. Hamiiton's N.W. corner post," thence south 80 chains; thence east 8 chains; thence north 80 chains; thence west 80 chains, to point of commencement, containing 640 acres more or less.

W. A. HAMILTON W. H. HAMILTON, Agen April 19, 1907.

NOTICE is hereby given that 60 days after date I intend to apply to the Hon Works for permission to purchase the fo lowing described lands situate on the east side of Trout creek, Burton valley, pro vince of British Columbia: Commencing at a post planied on the east side of Trou rceek, three miles south of W. Lovett's S.W. corner post, and marked "W. S. Fisher's S.W. corner post," thence north 80 chains; thence east 80 chains; thence point of commencement, containing acres, more or less.

W. S. FISHER
W. H. HAMILTON, Agent April 19, 1907.

NOTICE is hereby given that sixty days after date I intend to apply to the Chief Commissioner of Lands and Works for per-NOTICE is hereby given that 60 days after date I intend to apply to the Hon. the chief commissioner of lands and works for mission to purchase the following land, on Kootenay lake shore, in West Koote-noy dis.rict: Commencing at a post mark-ed "T. G. Procter's S.W. corner," planted a special license to cut and carry away imber from the following described land at the S.E. corner of lot 1683, thence north Commencing at a post planted on the south, following meanderings of lake, west side of Lardo river, opposite S. W. corner of lot 827, marked A. E. Fowler's chains: thence west to point of commence N. E. corner, thence south 40 chains, then Dated this 11th day of April, 1907. west 40 chains, thence north 80 chains

NOTICE is hereby given that 80 days after date I intend to apply to the Hon. the Chief Commissioner of Lands and Works for permission to purchase the following described lands, situate in West Kootenay District: Commencing at a post marked "C. B. Cutten's southeast corner, and planted about six miles up Little Sio-can river, running north 80 chains; thence west 80 chains; thence south 80 chains; thence east 10 chains, to place of comiNo. 1 Limit—Commencing at a post planted about nine miles up Poplar creek, on the north side, about 150 feet from the ocener post," thence north 80 chains; thence 80 chains west; thence 80 chains south;

hence east 80 chains along west side of

Dated this 6th day of March. 190

CUTTEN

thence 80 chains east, to point of com-

No. 2 Limit - Com No. 2 Limit — Commencing at a post planted about 9 1-4 miles up Poplar creek, about a quarter of a mile westerly from No. 1 limit, marked "B. F. Reamy's southeast corner post," thence south 80 chains; htence west 80 chains; thence north 80 chains; thence east 80 chains to point of thence 40 chains west, to place of com-

No. 3 Limit — Commencing at a post planted on the second south tributary, about 1 1-4 miles up tributary, about 200 feet from creek, about 11 miles up Poplar creek, marked "B. F. Reamy's northwest corner post," thence west 40 chains; thence south 160 chains; thence east 40 chains; thence north 160 chains to point of com-Located April 12, 1907.

No. 4 Limit — Commencing at a post planted on the west side of the second south tributary, about one-quarter mile from the forks of Poplar creek, marked "B. F. Reamy's northeast corner post," thence north 80 chains; thence west 80 chains; thence south 80 chains; thence east so chains to point of commencement.

No. 5 Limit — Commencing at a post-planted on the east side, about 100 feet from Poplar creek, 14 miles up Poplar creek marked "B. F. Reamy's northeast corner post," thence east 80 chains; thence south 80 chains; thence west 80 chains; thence north 80 chains to point of com-

No. 6 Limit — Commencing at a post painted by No. 5 limit, about 14 miles up Poplar creek, marked "B. F. northwest corner post," thence 40 chains west; thence 160 chains south; thence 40 chains east; thence 160 chains north to oint of commencement,

Located April 15, 1907. B. F. REAMY.

NOTICE is hereby given that 60 days after NOTICE is hereby given that 60 days after date I intend to apply to the Hon. the Chief Commissioneir of Lands and Works for permission to purchase the following described lands, in West Kootenay District: Situate on the Lower Arrow lake, about 8 miles west from Robson, and known as McCormick's landing, said land being on the north shore of said lake, commencing at a post p anted at the northwest corner and known as "initial post G.B.," thence 10 chains east; thence 5 chains south; thence 10 chains west; thence 5 chains north to place of commencement, said to contain 20 acres more or less. TAKE NOTICE that 30 days from date intend to apply to the Hon. the Chief Commissioner of Lands and Works for a medial license to out and carry away Commencing at a post on the south side of the Nakusp and Sandon railway, near H. "M. J. Cameron's northeast corner post," thence south 80 chains; thence west 80 chains; thence north 80 chains; thence east said to contain 20 acres more or less,
4-8
G. BEAUMONT
Locator W. L, PAYNE. 80 chains to point of commencement. Dated this 11th day of March, 1907.

M. J. CAMERON, J. M. CAMERON, Agent NOTICE is hereby given that 60 days af-ter date I intend to apply to the Hon. the Chief Commissioner of Lands and NOTICE is hereby given that 30 days after date I intend to apply to the Hon. the Chief Commissioner of Lands and Works for permission to purchase the fol-lowing described lands, situate on the east side of the Columbia river, adjoining Bur-Works for a special license to cut and works for a special neesse to cut aim carry away timber from the following described lands, situate in West Kootenay district, Brilish Columbia, about seven and one half miles east of the Columbia river and just north of the international Boundary line, and situate on the South Part carekt that emprier into Pish creek. ton City on the south: Beginning at a post marked "J. G. Bilings' S.W. corner," running east 80 chains; thence north 40 chains: thence west 80 chains; thence outh 40 chains to point of commencement.

Dated March 22nd, 1907.

J. G. BILLINGS, Locator.

J. CAMERON, Agent. East creek that emptier into Fish creek, Fish creek emptying into the Pend d'Orielle river: Commencing at the southeast cor-ner post marked "R.G.," thence westerly along the international boundary line 8 chains; thence northerly 80 chains; thence easterly 80 chains; thence southerly 8

chains to the p'ace of beginning, containing 640 acres more or less.

Dated this 26th day of March, 1907.

Robson on the north side of the Columbla river, starting at the initial post mark-ed "J.H.R.," thence 10 chains east; thence NOTICE is hereby given that 30 days after Chief Commissioner of Lands and Works for a special license to cut and carry away (imber from the following described lands situate in West Kootenay district: 5 chains north; thence 10 chains west; thence 5 chains south to place of com-mencement, said to contain 15 acres more or less, adjoining Annable's purchase. 4-8 J. H. RINGROSE. Commencing at a post marked "O. L. Boynton's northeast corner." planted at the southeast corner of Lot 7693, Group 1. Locator W. L. PAYNE. thence south 40 chains: thence west 16 NOTICE is hereby given that 60 days chains; thence north 40 chains; thence east 160 chains to point of commencement.

2. Commencing at a post marked "O. L. after date I intend to apply to the Hon, the Chief Commissioner of Lands and Works for permission to purchase the Boynton's southeast corner," p'anted at following described lands, situate in West Kootenay District: Commencing at a post marked "Victor W. Odlum's southwest thence west 40 chains; thence north 160 chains: thence east 40 chains: thence south corner post," and planted west of Little

Slocan river, about six miles from the mouth, running north 80 cha'ns; thence J. R. BOYNTON, Agent. east 80 chains: thence south 80 chains Dated March 8th, 1-07. thence west 80 chains to place of com-mencement, containing 640 acres, more or less.

NOTICE is hereby given that 30 days after date we intend to apply to the Hon. the Chief Commissioner of Lands and Works for a special license to cut and carry away timber from the following deseribed lands, si uated in West Koote nay district: the Chief Commissioner of Lands and
Works for permission to purcha e the

No. 1 Limit-Commencing at a post planted one mi'e up and on the east side of the first south fork of Poplar creek, marked "C. O. Woodrow's and Jack Portgal's N.W. corner post," thence 80 chains south; thence 80 chains east; thence 80 chains north; thence 80 chains west to

JACK PORTGAL. No. 2 Limit — Commencing at a post planted 3 miles up and on the west bank of the first south and on the west bank of the first south fork of Poplar creek marked 'C. O. Woodrow's and Jack Port gal s S.W. corner post; thence 80 chain North; thence 80 chains east; thence 8 chains south; thence 80 chains west to Doint of commencement.
Located April 9th, 1907.
C. O. WOODROW.

JACK PORTGAL.

NOTICE is hereby given that 30 days after

Ohief Commissioner of Lands and Works for special licenses to cut and carry away timber from the following described lands, situate in the West Kootenay district;
Location No. 1—Commencing at a post planted about 20 rods west and 350 pacer north of the confluence of the South Fork of the Salmon river and Wilson creek, about 14 miles south of Salmo, B.C., thence west 80 chains; thence south 80 chains; thence east 80 chains; thence north 80 chains to point of commencement. Said point of commencement can be reached for Certificates of Improvements for from the said confluence of the South Fork of the Salmon river and Wilson above claims. creek by going west up a guich about 80 rods to a point where a trail, running in a northerly direction, has been blazed for about 250 paces.

Located March 9, 1907.

Location No. 2—Commencing at a post

west of the confluence of the North Fork of the South Fork of the Salmon river, about 20 miles south of Salmo, B.C., thence north 80 chains; thence east 80 chains; thence south 80 chains; thence west 80 chains, to point of commencement. About 700 paces north of said point of commencement will be found an earth slide about 50 feet in height, where the said South Fork of the Salmon River makes a turn, and where a small creek from the southwest

where a small creek from the southwest flows therein. Located March 16th, 1907. Location No. 3—Commencing at a post planted about 20 rods south and 80 chains east of the confluence of the North Fork of the South Fork of the Salmon riv and the South Fork of the Salmon river, about 20 miles south of Salmo, B.C., thence south 40 chains; thence west 160 chains, thence north 40 chains; thence east chains to point of commencement. Located March 16th, 1907.

PHIL BOSELY, Agent. N. BANGS.

NOTICE is hereby given that 30 days after date I intend to appy to the Hon. the Chief Commissioner of Lands and Works for a special license to cut and carry away timber from the following described lands, situate in West Kootenay district, on the East Fork of Mission creek, about 12 miles east of Rykerts, B.C. Timber Limit No. 1—Commencing at a post planted about 40 chains east of where the East Fork of Mission creek crosses the international boundary line and marked "Charles G. Reeder's southeast cor post," thence north 40 chains; thence west 40 chains; thence north 40 chains; thence west 80 chains; thence south 40 chains; thence south 40 chains; chains east 80 chains, to the place of com-

Located March 15th, A.D., 1907. CHARLES G. REEDER, Locator.

A. J. KENT, Agent. Timber Limit No. 2-Commencing at a post planted at Charles G. Reeder's south east corner post of timber limit No. 1, and marked "Charles G. Reeder's southnorth: thence 40 chains west: thence 40 chains north ; thence 40 chains west; thence 80 chains south; thence 40 chains east; thence 40 chains south to place of begin-

CHARLES G. REEDER, Locator.

A. J. KENT, Agent. TAKE NOTICE that 30 days from date I intend to apply to the Hon, the Chief Commissioner of Lands and Works for a special license to cut and carry away timber from the following described lands: Commencing at a post 40 chains south of H. Irwin's N.W. corner post and marked "M. J. Cameron's northwest corner post," thence east 80 chains; thence south 80 chains; thence west 80 chains; thence north

80 chains, to point of commencement.

Dated this lith day of March, 1907.

M. J. CAMERON,
J. M. CAMERON, Agent.

NOTICE is hereby given that 30 days after date I intend to apply to the Hon, the Chief Commissioner of Lands and Works for a special license to cut and carry away timber from the following described lands situate in West Kootenay district: Commencing at a post marked "P.J.G.'s N.W.C.," planted about 70 chains north of Summit lake, thence east 80 chains to the west boundary line of the On;ario and the west boundary line of the Oniario and Slocan Timber company's timber limits; thence south 80 chains; thence west 80 chains; thence north 80 chains to point.

Located March 29th, 1907. NOTICE is hereby given that 30 days after date I intend to apply to the Hon. the Chief Commissioner of Lands and: Works for a special license to cut and scribed lands, situate in West Kootenay, district: Commencing at a post planted at the south end of timber license 3°59, on Russell creek, thence 60 chains south, along J. T. Burgess' timber claim; thence 4 chains west; thence 60 chains south; thence 40 chains west; thence 100 chains north; thence 80 chains east, to place of com-

GEORGE A. HUNT. Dated this 15th day of March, 1907.

NOTICE is hereby given that 30: days the Chief Commissioner of Lands and Works for a special license to cut and earry away timber from the following described lands, situate in West Kootenay district. British Columbia: about eight South East creek, that empties into Fish creek, and adjoins the piece of land on the east located by Ralph Gillispie: Commenceast located by Ralph Gillispie; Commenc-ing at a post marked "C.E.L." on the southwest corner, thence east 80 chains; thence north 80 chains; thence west 80-chains; thence south 80 chains to the place of beginning, containing 640 acres, more

Dated, this 26th day or March, 1907. C. E. LEGG. RALPH GILLISPIE, Agent

NOTICE is hereby given that three months. after date application will be made to the Lieutenant-Governor in Council, by the "Yale-Kootenay Ice, Fruit, Fuel and name of the Company to the "Kootenay Ice and Fuel Company, Limited,"
Dated this 10th day of April, A.D., 1907.
ARCHIE MAINWARING-JOHNSON. Solicitor for the Company, Nelson, B.C.

The Eve. Ell and Eye Fraction Mineral Claims; situate in the Slocan Div of West Kootenay District-Located on Robinson creek.

TAKE NOTICE that I, J. Murray Mc-

Gregor, Free Miner's Certificate No. B1615, intend, sixty days from the date. hereof to apply to the Mining Recorder purpose of obtaining Crown Grants of the

And further take notice, that action under section 37, must be commenced be-fore the issuance of such Certificates of improvements.

Dated this 2nd day of April, 1907.

AMERICAN

VOL. 6

Effect of Santo Treaty With Just Ratifi

United States to Have Chare Revenues and to Arrang ment of American Cr

Santo Domingo, Republ Domingo, May 3.-The new tween the United States a mingo intended to replace which has ben pending be ed States senate for the l was ratified by the Domin The Dominican treaty

departure in the relations States to the smaller rep western hemisphere, for in Santo Domingo, the Unite now become legally a trus ancial sense and in the dis new duties must go so far serevation of order and the ing discouragement of rev incident to the control of house and the collection of lic's revenues. The treaty really had i

revolution. While the An ernment was pressing for a the claims of its citizens a Domingo in December, 19 Morales, being beset by Domingo in December, 1su Morales, being beset by re in the hope of obtaining the port of the United States, an agreement with captain of the American navy, und of which the Dominican curwere to be occupied by the and the foreign indebtedar country discharged from Rejected at Washington, the gave place March 31, 1995, vivendi, which has operate time. This placed American charge and provided for New York of 55 per cent of receipts for the benefit of can creditions. The modus not save Morales from polithe was overcome and deporterolutionists and his vigeneral Caceres was installed deat. But the modus viven very beneficially so far as public's finances were concoming did it lead to the dep York of \$3,000,000, which we placed to the credit of the government, but that gove had more available money period of the operation of vivendi than at any other histort. This resulted for

vivendi than at any other history. This resulted for economical administration suppression of smuggling couragement of business. can government also finds is session of four fine coast g built in the United States, an effective force for the the customs revenues and the customs revenues and all public uses. The subs modus vivendi in the shap was pending before the U senate when secretary Ro office. Recognizing the for jections that developed by tion, he set about recastin ment and February 19 last which has just been ratific mitted to the senate.

The way had been paved

ment between Frederico Ve Dominican minister of fina creditors of the republic, latter agreed to a 50 per ce in their claims if these we cash. A banking house u advance the money for this cepting for the \$20,000,000 for year bonds, which will promptly issued, with the re of the creditors of Santo D be represented by this sing firm. The new treaty recits toool this agreement and the ment between Frederico firm. The new treaty recite tocol this agreement and the for the settlement of the dvides in its first article for ment by the president of States of a receiver of custlect the Dominican revenue the bonds are outstanding, iously estimated at from 20 This collector is to pay the the receivership, the interpretation of the bonds and the annual sums amortization of the bonds at to turn the remainder of to turn the remainder of over to the Dominican gove the first day of each month \$100,000 to the fiscal agent If the customs receipts er 000 annually then one hal plus shall be applied to

Article 2 guarantees the the United States to the re-

Articles 3 pledges the Do nor to modify its import d the consent of the United Colonel George R. Colto acting as the receiver of 1905, but he will be relie