

Shoe Co. Ltd.
AND RETAIL)
d Shoes,
oots, Etc.

ers in Boots and Shoes in the
a of every description of Boots
etc. in each of the following
a Specialty. Letter Orders
to Catalogue to

Shoe Co. Ltd.
A. B. C.
naimo, B.C.

r Go., Ltd.
Smelters of
d Silver Ores.

orks at
ER ISLAND, B. C.

N. Ry. or the sea.

THOS. KIDDIE
Smelter Manager.

Borax Hair Wash

and school children. Used once by
5c., 6 for 25c. Two packages by

anist and Druggist, 98 Government St.,
Near Yates St., Victoria, B. C.

lice is hereby given that 30 days after
I intend to make application to the
able Chief Commissioner of Lands
Works for a special license to cut and
away timber from the following de-
ed lands: Commencing at a stake
bank of River about 3 miles east
of the head of Orford Bay, on the
of Bear River, on about 3 miles
of Inlet, thence west 80 chains, thence
east 80 chains, thence south 80 chains,
thence west 80 chains, thence west
to point of commencement.

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LORD DUNDONALD VISITS TORONTO

His Reply to an Address from Citizens... Toronto, July 16.—Lord Dundonald has tendered a great reception in Massey square by the citizens of Toronto last night...

SOCIETY WEDDING IN CHRIST CHURCH

Fashionable Event Saturday Evening... Mr. John Rickett, silver scent bottles, Mrs. Arthur MacCallum, bon bon dish...

THE VISITORS WON AFTER HOT FIGHT

Exciting Lacrosse Here on Saturday... Vancouver had very narrow margin—Yachting and Cricket—Bays for Portland...

BASEBALL

Fernwoods, O. Hillside, 2... On Saturday a match was contested between the Fernwood and Hillside baseball teams at Oak Bay...

REPAIRING THE DRIARD

Workmen Began Operations on Monday... The first work on the drier was done on Monday morning...

WAGE SCALE HAS BEEN DECIDED ON

Trouble Between Cannery and Indians Has Been Settled—Fish Are Running Well... Differences between the cannery and Indians in the North, which threatened to seriously limit the fish output...

INDIANS SUFFERING

Reported That Natives of Felly River District Are in Want—Northern... Indians on the lower Felly, according to Henry Phillips, freeman of the Yukon...

STUCK ROCK IN NARROWS SUNDAY

Princess Victoria Has Been Injured... Will Have to Go on Ways Here—Will Be Laid Up for About Ten Days... Mistrust overtook the magnificent C. P. R. steamship Princess Victoria...

RAILWAY BILL HAS BEEN ASSENTED TO

Has Now Become Law—Amputation Factory to Be Established at Ottawa... Ottawa, July 13.—The National Amputation Bill...

SOLDIERS USED BAYONETS

Two Frenchmen Killed and Several Wounded in Fight with Japs... Tientsin, July 16.—Two French soldiers were killed and others were wounded in a drunken brawl in a native section of Shan Kai Kwan last night...

WILL BE RELEASED

Ottawa, July 16.—Samuel Thompson, Kerr and Colquhoun, connected with the municipal election troubles in Toronto, are to be released... A recommendation to this effect has been signed by the Minister of Justice.

AGENTS FOR DOMINION

Western Fuel Company Will Sell Its Coal on the San Francisco Market... The following dispatch has been received from San Francisco: For the purpose of stimulating the market...

BARRETT PICNIC

Annual Outing of Yorkshire Society Held on Saturday at Oak Bay... The Yorkshire Society's annual picnic was held last Saturday afternoon on Oak Bay...

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An Interesting Game... In a match between a Victoria club team and the United Bank aggregation on Saturday on the grounds adjoining the Jubilee hospital...

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VERDICT GIVEN AGAINST UNION

CENTRE STAR WINS SUIT FOR DAMAGES

Jury Assesses It at \$12,500, Finding There Was Malicious Conspiracy at Rossland.

(From Friday's Daily.)

Upon the conclusion of the plaintiff's case in Centre Star vs. Rossland Miners' Union, before Mr. Justice Duff and a jury yesterday afternoon, S. S. Taylor, K. C., acting for the defendants, said that no witnesses would be called for the defence.

This morning Sir Charles Hibbert Tupper, K. C., began his address to the jury on behalf of the plaintiff company. In the course of it he remarked that the important feature in the case, he said, was whether or not the cause of this strike was a palpably sham excuse for an unjust union.

The attitude of the defendants and their counsel was to keep before the jury the fact that the plaintiff company was a corporation, and that the union was not.

Referring to the disappearance of the minute book of the Carpenters' and Joiners' Union, he said it was unsatisfactory. It clearly prompted the belief that the book had been spirited away.

The books of the Rossland Miners' Union had been found by the plaintiff company. He said that a perusal of the books proved that the affidavit was true in every particular.

Referring to the affidavit of the secretary of the union, given before the books were produced, denying that there was any attempt to surround the affairs with mystery, and to keep the minutes secret, he said that the Rossland Miners' Union, No. 38, was an unincorporated body.

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untrue, and that they were one and the same organization. The strike at Rossland was engineered by the Western Federation of Miners and by Wilkes. It was even accorded the minutes done principally in the benefit of the Northport workers, and not the muckers of Rossland.

The address was not completed when the court adjourned at 1 o'clock.

(From Saturday's Daily.)

Continuing his argument to the jury yesterday afternoon for the plaintiff company in Centre Star vs. Rossland Miners' Union, Sir Chas. Hibbert Tupper said that the strike was an illegal one. It was a wantonly and malicious strike. It was not brought about by the men themselves, but out of sympathy for trouble in another place. Wilkes felt very proud of the strike. It was intended to be a "general" campaign against the mines at Rossland.

Describing the system of picketing and terrorizing from the standpoint of his contention, Sir Hibbert held that by the Beattie-Collisro incident it was proved that British justice would not permit the kind of action which might be allowed in parts of the United States. It was then the back of the strike was broken, and it was little wonder that property would be unmolested. He urged the jury not to forget the responsibility they had in deciding whether or not this Western Federation of Miners or the agitators in it should be held liable for the damages done to the plaintiff company.

The amount of damages was not the point which was sought. A verdict with damages would, however, result in preventing a repetition of such an affair as had happened at Rossland. This was not a vindictive action, but an attempt to harass or embarrass anyone.

Against the charge of a definite plan of coercion, Mr. Taylor contended that in six months there was evidence of only two police court cases. In spite of all this system of terrorism there was little uproar. It spoke well for these men, and Sir Hibbert was correct in representing that the amount of damages was not the point which was sought.

Mr. Taylor explained that when he made the affidavit as to the reference to the issues were in no wise the same as they were at present. The action of Sir Hibbert was cowardly in this matter. He had disclosed all that was asked for according to the issues then at stake.

Mr. Taylor wanted to know where the documents from the side of the mining union were. Where were the accounts and the letters written in connection with the men who really began the strike. Why was E. B. Kirby, the mine manager, not here to give evidence, as he had taken the books to the court?

There were only two things in the case. Was the strike justifiable, and was any legal right of the Centre Star violated? No matter what the conspiracy, if the men had the legal right to go out on the morning of the strike then there was no claim. If the Centre Star could discharge them or they could leave, then there could not be any damage.

The matter of fights in the city, etc., had nothing to do with this case. It was a matter which malice there was against the Centre Star company, that had nothing to do with the case. Out of the contract system alone could any claim come. But this applied to the staff only. The breaking off of that did not interfere with the Centre Star, for the company could resume the work again whenever they chose.

He held that any combination of men was legal according to law, whether registered or not. The strike was declared in a proper manner, namely, by a three-quarters vote. But the way by which a strike was declared had no concern for the Centre Star. That was a question of inferior arrangements in the union. The three-quarters vote was interpreted by

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Ask for the Octagon Star

Wilkes and other leaders, and unconfronted, tried this applied to those present at the meeting. The strike was endorsed July 3rd, the vote taken July 4th, and approved July 11th.

Coming to the contention that the strike was due to the Northport trouble, Mr. Taylor said it likewise had nothing to do with this. He cited the history of the proposed increase in the muckers' wages from \$2.50 to \$3.00, which began in April. Both issues likely entered into the accounts produced between the strike money received and the disbursements. This perhaps was a reason why some of these leaders did not go into the box and make clear everything.

There was no actual damage proved against the Centre Star, excepting what was mined as well one time as another. The employees were cut down to a very low number. If a mine shuts down in connection with a strike, the shut down is an incident of the strike. If the men have the right to strike, whether they had a meeting or not, then no damage could follow.

The mining company never attempted to open the door to the defendants. Applicants for work were refused work. Pickets, even if they existed, could not interfere with the Centre Star when it did not want workers. The Centre Star could not collect for damages done to the Le Roi. The interference with the Le Roi in bringing in men to work was wrong. The men who were mixed up in the Beattie incident did wrong. These matters were not the point which was sought.

On July 13th, right after the strike, manager Kirby asked leave to allow the diamond drill men to be employed. Mr. Taylor held that a sympathetic strike in its broadest terms was lawful. It was not a question of whether the right of men to quit work might be clear, yet the question of whether or not they were justified in inducing others to quit work was a question for the jury to decide.

On the question of damages, Mr. Taylor held there must be direct evidence as to what was done. In consequence of this, he contended that the damages were not the point which was sought. A verdict with damages would, however, result in preventing a repetition of such an affair as had happened at Rossland.

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with this union. Against others there was no case established. His Lordship, addressing the jury, said that there was little chance of finishing the case even with a night session. The legislature at the last session had imposed an additional duty on the judge of preparing his case without the assistance of counsel by a clause allowing that an appeal might be taken on the ground of the charge being improper even if exception were not taken at the time it was delivered. He said he even looked into a few legal points in connection with the matter.

His Lordship addressing himself to the jury asked whether they wished to sit the following day or to adjourn until Monday. After deliberating the jury decided to sit this morning.

Court resumed at 10 o'clock this morning in the Centre Star vs. Rossland Miners' Union trial before Mr. Justice Duff. The case was continued from the previous day. The plaintiff company was represented by Sir Charles Hibbert Tupper, K. C., and the defendant by S. S. Taylor, K. C.

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from doing what they lawfully were allowed to do. These defendants were persistently following a person from place to place, following with others any person along a street or road and besetting and watching a person.

In the Horness case, where a miner was brought in by the Le Roi Company, they had very direct evidence that this man was followed about from place to place. There was no difficulty in coming to the conclusion that things were done with respect to the men coming from Winnipeg which would be unlawful under the act. If they concluded that these things were done pursuant to the original arrangement, then they could not separate these directly concerned from the union which would have to bear the responsibility. They did not require direct resolutions, etc., in such a matter.

Another feature which would make the act contrary to law was the constituting of what would be called a nuisance. This was an actionable wrong apart from conspiracy altogether. Under nuisance a boycott which became a terror might be included. The congregating of large bodies so as to impede trade from whatever cause might also constitute a nuisance. A thing which one man might do and be perfectly within the law, which if done by a large number, and because it was done by a large number became a legal wrong. This entered into this action. The Rossland Miners' Union was evidence to show was afflicted with the Western Federation of Miners. From the evidence they might draw conclusions as to the methods used by the Western Federation of Miners. This included the use of the "black list" and the sending of photographs to identify persons so placed. There was evidence as to the way the men who shared a disposition to go to work were treated.

The jury would have to decide whether or not a state of things was established which constituted a boycott towards the Centre Star with respect to getting labor. The jury would have to decide whether they thought when the strike was planned that these things were contemplated. If they decided it was then the act followed by the defendants. If the plaintiffs agreed to do, and did unlawful acts then they were liable. There was, he thought, likely considerable misunderstanding as to what constituted a legal act in connection with these troubles. It made no difference, however, whether they intentionally did the unlawful things or unintentionally.

It was urged that the defendants induced men to quit plaintiffs' employ, and induced others from going to work for the purpose of inducing the plaintiffs to accept a higher wage. The plaintiffs contended that the strike was for the purpose of increased pay for the miners and shorter hours for the carpenters, that it was in the interests of the defendants and was not directed towards inducing the plaintiffs.

Much would depend, therefore, under the head of justification and excuse, as to whether the design was to get better terms, and not for the injury of the employer. If the former, and no unlawful acts were done, then the men were within their rights. There was evidence as to whether the defendants had been induced to quit their employ, and whether the carpenters went out to assist the miners' Union only in order to bring pressure on the employers to grant the demands of the miners.

Mr. Justice Duff had not concluded his charge when the Times went to press. (From Monday's Daily.) The trial of Centre Star vs. Rossland Miners' Union, at Le Roi, was concluded late yesterday afternoon. The defendants were found guilty of maliciously conspiring together to molest and injure the plaintiffs and other mine owners of Rossland in their business by unlawful means. The special jury in the case assessed the damages due the plaintiff company at \$12,500.

The details of the judgment will be detailed later by Mr. Justice Duff. The trial judge in the case. Written arguments on each side were submitted. The defendants held guilty under the finding of the jury of the Rossland Miners' Union, No. 38, Western Federation of Miners, Rossland Branch, the Carpenters' and Joiners' Union, No. 1, of Rossland, and individually the following officers of these unions: Ruper Bulmer, W. G. Preston, Peter B. McDonald, John McLaren, T. M. Beattie and James Wilkes.

An appeal, it is fully expected, will be taken against the decision. The jury found that nothing had been done to induce men who had scattered into contracts with the plaintiffs to break such contracts. On this point the defendants think they have good ground when it comes before the full court.

On Saturday his charge to the jury, Mr. Justice Duff, after the hour when the Times went to press, referred to the cause of the miners' strike. He said that the defendants had entered into contracts with the plaintiffs to break such contracts.

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of the vote and the decision of what constituted a three-fourths vote. He alluded to the fact that though these men were charged with serious matters as that of committing illegal acts, etc., yet they did not think it worth while to go in the box and face the jury by giving evidence in their own behalf. The fact that they had given evidence some years before under the conditions under which evidence for discovery was taken was not a very strong reason for not going into the box and explaining matters.

If the vote was not properly taken then the construction was open, that coercion might have been employed, and that the strike being declared in this illegal way was for the aggrandizement of the Denver organization.

This was a very important feature of the case. There was evidence to show that about 300 men voted on this strike, and that about 1,000 men went out on strike. Why did these men who were not members of the union go out? Did they do so in order that the muckers should get increased pay or that these men brought about a condition of affairs such as to impel them to abstain from work for fear of the consequences which such an organization might enforce? The exact language used did not alone constitute the offence.

Before finding the defendants liable to damages they must find that there was pecuniary loss. The stoppage of such works for a continued period must result in a substantial loss as thought. Vindictive damages or damages for the full amount was not asked. The plaintiffs only asked for such substantial damages as would mark that there had been wrong done.

He asked the jury to find whether or not the business of the Western Federation of Miners, the corporation, was carried on under the name of the Rossland Miners' Union. This point it might be well to decide.

He reminded the jury to decide the question upon the law without considering the suggestion of Mr. Taylor as to the consequences of giving judgment against the defendants, by which they lost their property or of Sir Hibbert that Sir Justice Duff should be administered in Rossland as in other parts of the British Empire.

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mines, and the railway stations in Rossland. (From Monday's Daily.) Answer—Yes. 5. Did the defendants, Rupert Bulmer, William L. McDonald, Frank Woodside, W. G. Preston, Peter B. McDonald, John McLaren, T. M. Beattie and James Wilkes, or any two of them, maintain, or assist in maintaining, the strike by unlawful means; that is to say: By any and which of the means referred to in question No. 4? Answer—Yes; all of them, by means of A, C, D and E.

6. Did the said principal defendants, and the members of the Rossland Miners' Union, or any and which of them, conspire with each other to do any and which of the things mentioned in said question No. 4? Answer—Yes; all of them except section B.

7. Did the defendants and the members of the Rossland Miners' Union, or any and which of them, unlawfully and maliciously conspire together to molest and intimidate the plaintiffs in the carrying on of their business, and were the plaintiffs so molested and injured? Answer—Yes.

8. Did the plaintiffs sustain any substantial damages? Answer—Yes.

9. The amount? Answer—\$12,500.

Mr. Justice Duff in dismissing the jury took occasion to thank them for the attention they had given the case. It was an important public duty they had performed. While it might be the question of the protection of the property of A or B to-day it might to-morrow be the protection of their own property. It was, therefore, an important position they had been called upon to fill. He would recommend, he said, that they all be exempted for four years from duty as special jurors.

The jury was then dismissed. It was then agreed with counsel that argument as to judgment should be submitted by counsel. A. C. Gall, for the plaintiffs, and S. S. Taylor, K. C., for the defendants, by July 28th. Mr. Taylor's reply is to be in Mr. Gall's hands August 7th, and August 11th Mr. Gall's reply is to be submitted.

THE LATE PAUL KRUGER. Gen. Botha Selects July 17th as a Day of Mourning. Pretoria, Transvaal, July 16.—General Louis Botha, former commander-in-chief of the Boer forces, has publicly requested all officers, officials and burghers of the late South African republic, to observe July 17th as a day of mourning for the late President Kruger. He also expressed the hope that all old inhabitants would don mourning for a month.

Gen. Botha pays tribute to the "ex-president for his energy and his sacrifice to make the African people a nation, and concludes: "His death is the sadder because he was not permitted to spend his last days in his own country. We shall always feel this deeply, but will keep silent."

VICTIM OF THUGS. Telegraph Superintendent Dies From Injuries Received Last November. Chicago, July 16.—Edward D. Bangs, superintendent of the city lines of the Western Union Telegraph Company, who is supposed to have been beaten by thugs on the morning of November 28th of last year, is dead at his home of concussion of the brain. Death was a direct result of the injury suffered in November. Mr. Bangs was found unconscious on the street early on the morning of the supposed attack, and the police, thinking him to be intoxicated, placed him in a cell, where he remained for several hours without medical attendance. No clue was ever found to the identity of the assailants.

BOUNDARY ORE SHIPMENTS. Phoenix, B. C., July 16.—The Granby company's mines have shipped over 300,000 tons of ore this year, although the Boundary tonnage for the week is not up to its normal level, as the Granby smelter is operating but four furnaces. Shipments for the past week were as follows: Granby mines, to Granby smelter, \$4,000 tons; Mother Lode, to Greenwood smelter, 2,500 tons; Emma, to Trill and Nelson smelters, 770 tons; Ore Denora, to Granby smelter, 100 tons; total for week, 11,330 tons; total for year to date, 431,673 tons. During the last week the Granby smelter treated 8,210 tons, making a total of 322,621 tons for the year.

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Commemorating a stake planted at
northwest corner of Lot 1, thence
north 80 chains, thence east 40 chains,
thence south 80 chains, thence west
80 chains to place of commencement.

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80 chains to place of commencement.

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