IS THE **00d** BEST

marked "Lorenzo Alexander's S.W. mner post," thence 40 chain snorth; thence chains east; thence 40 chains south: nce 160 chains west to place of Dated July 19, 1907

LORENZO ALEXANDER. J. H. DAWSON, Agent.

VELSON LAND DISTRICT. DISTRICT OF WEST KOOTENAY, B.C. AKE NOTICE that Fred A. Kribs of ortland, Ore., occupation t mber merchana itends to apply for a special timber li-ense aver the following described lands: Commencing at a post planted about 20 ds west and 350 paces north of the con-uence of the South Fork of the Salmon iver and Wilson creek, about 14 miles outh of Salmo, B.C., thence west 80 hains; thence south 80 chains; thence east 0 chains; thence north 80 chains to point commencement, and containing 640 acres e or less. Said point of commen in be reached from said confluence of the buth Fork of the Salmon river and Wiln creek by going west up a gulch about ods to a point where a trail running a northerly direction has been blazed about 350 paces. FRED A. KRIBS.

PHIL. BOSBY, Agent,

OTICE is nereby given that 30 days after date we intend to apply to the Hon. he Chief Commissioner of Lands and orks for a special license to cut and ry away timber from the following de-bed lands, situated in West Koote-No. 1 Limit-Commencing at a post lanted one mile up and on the east side f the first south fork of Poplar creek, rked "C. O. Woodrow's and Jack Portal's N.W. corner post." thence 30 chains buth; thence 30 chains east; thence 30 hains north; thence 30 chains west to int of commencement.

Located April 9th, 1907. C. O. WOODROW. JACK PORTGAL.

NOTICE

TO LOUIS ERNST AND WILLIAM EL-

TAKE NOTICE that the Governor and Company of Adventurers of England, ading into Hudson's Bay, have com-enced an action against you for payment of the sum of \$3600 and interest, the amount to them under and by virtue of an ag-ment for sale to you of Section 26, Townip 10. Range 3, west of the fifth Meridian i the province of Alberta, and in default of payment of this said sum, that your uity (if any) in the said lands may be sed and that the said Govern many of Adventurers of England trad g inth Hudson's Bay, may recover pos ion of said lands. If you dispute the aid claims either in whole or in part, you o, on or before the First day of October, .D., 1907, cause to be entered for you in office of the Clerk of the Supreme urt of the North West Territories, at algary, an Appearance and within six ays thereafter file with the said Cleri statement of the grounds on which said spute is based and take notice that in lefault of your so doing, the said Gover-or and Company of Adventurers of Engand trading into Hudson's Bay may pro ceed in their said action and julgment may be given in your absence and without urther notice to you, pursuant to the order of the Hon. Mr. Justice Stuart Dated at Calgary, Alberta, this 10th day August, 1907.

JONES, NICHOLS & PESCOD. Plaintiffs' Advocates.

LAND REGISTRY ACT

TAKE NOTICE that an application has been made to register Mary Ann Sturgeon as the owner in Fee Simple under two several tax sale Deeds from R. J tenson, Collector of the Slocan Assess ment District to C. V. Gagnon, bearing date the 21st day of November, 1906, and the 22nd day of August, 1905, respectively, of all and singular those certain parcels and tracts of land and premises situate, ying and being in the District of Kootenay in the Province of British Columbia, morearticularly known an ddescribed as All minerals, precious and base, save oal and petroleum, under lots four thousand four hudred and seventy (4.470) "Mounain Chief No. 3" Mineral Claim, and four nousand four hundred and seventy-one (4.471) "Sarnia" Mineral Claim, both in broup One in the District of Kootenay. And said minerals have been transferred the said C. V. Gagnon and the said

fary Ann Sturgeon. You and each of you are requested to est the claim of the tax purchases rithin fourteen days from the date of the service of this notice upon you, and in lefault of a caveat of certificate of his pendens being filed within such period, your will be forever estopped and debarred from setting up any claim to or in respect of the said land, and I shall register Mary Ann Sturgeon as the owner thereof. DATED at the Land Registry Office, Nelson, Province of British Columbia, this 23rd day of July, A.D., 1907

District Registrar. ALFRED HILL WILSON HILL FLORENCE L. MCINNES ROBERT SCOTT LENNIE JOSEPH STURGEON

DONALD MCDONNELL

FOR

ROYAL CROWN

SOAP

WRAPPERS

Drop us a post card asking for a cate

1018 Westminster Road, Vancouver.

B.. C.

FREE

H. T. MACLEOD.

MAY SUGGEED Arbitration Court in Session

VOL. 6

Yesterday

COMPROMISE IS IN SIGHT

FURTHER HEARING IN THE CASE OF THE CONSOLIDATED COM-PANY AND ITS EMPLOYEES AT THE ST. EUGENE-AN INFOR-MAL SITTING.

The arbitration board under the Lemieux Act in the case of the appli-

cation of the employees of the St. Eugene mine for an increase in wages and a counter application by the co pany for a reduction in wages, held a sitting in the court house yesterday at 10 o'clock in the morning. This was the first sitting of the board in Nelson, but a good deal of evidence has already been taken in Movie. Judge P. E. Wil-son of East Kootenay presided, the other arbitrators being J. A. Harvey on the part of the company and S. S. Taylor on the part of the men., The proceedings throughout were characterized with informality, no characterized with informanity, no counsel being permitted on either side. The sittings, after the taking of the evidence of one witness, were adjourn-ed until December 19th and the hope was expressed by the board that in the was expressed by the board that in the meantime an endeavor would be made, under the light of the facts that, had already been elicited, for an adjourn-ment of the difficulty in which case, all ment of the difficulty in which case and that would be necessary to be done would be to make a formal report to the board of the end of the trouble. At the opening it appeared that the issue before the court was whether the men at Moyie are to get the scale in the Boundary just before the men at Moyie are to get the scale in force in the Boundary just before the close down, or the wage paid in the spring months of the year. The Moyie miners are getting a scale that is neither one nor the other. Machine nien are being paid \$4 a day and mucke's \$3.25. The men want an increase on the part of the muckers to \$3.50 day whereas the company desire that the muckers should be reduced to \$3 and the machine men to \$3.50, all other wages being governed in propor-

tionate scale. Thomas Kelly, secretary of the Moyle Miners union, asked at the opening for an adjournment. This he did on the ground that Ernest Mills of Greenwood who had been managing the case of the miners from the outset was not able to be present. He belonged to the excutive of the Western Federation of Miners which was holding a meeting at Denver, Col., "on December 2. That meeting might be protracted and Mr. Kelly therefore asked for a three week adjournment. He urged that for the last two years two of the chief officers of the Federation, Moyer and Pettibone, ad been unable to attend the meetings of the executive of their society. This the first occasion on which they would be able to do so and therefor t was imperative, to a certain extent, that as many members of the executive as was possible, should attend the mpending meeting. Mr. Mills was chief counsel of the men practically the in the important case that was now being tried. He had handled the case from the outset and, therefore, the men felt at a loss in an endeavor to the case without him. Kelly further urged that, after all, the Lemieux Act, under which the present court was being held, was in its triat stage. At first the men had lookea with suspicion upon it and though, perhaps, there was not the same suspicion that had existed at its inception now yet the public view of, it, as far as the working men were concerned, would be argely influenced by the outcome of present instance of its workings, idge Wilson said that he was personally inclined to adjourn the

inasmuch as the act looked rather to onciliation as its chief usefulness Arbitration, while desirable, should not cause friction. If the company had been deprived of the services of W. H. Aldriage they would possibly have liked to have an adjournment. The judge then proceeded to compliment both sides not only upon the fair way in which they had presented their arguwhich they had presented their algo-ments since the inception of the board, barely two months ago, but on the legal acumen, if not knowledge, which either side had exhibited before, an acumen which, so the judge averred, he was not always aware of when listening to cases presented by the men

of the gown. On the other hand S. S. Taylor, who was chosen by the men as the arbi-trator, was opposed to the adjournment, if it was to come from the court. He believed that the issue of the case. as Mr. Kelly had argued, would have its influence upon the Kootenay public. profedings were vexatiously drawn would be a serious drawbar, to the working and to the usefulnes of the Lemieux act. Hence he wo see that the company agreed to the adjournment and so take the onus off, the shoulders of the board, 1.1.1. W. H. Aldridge said that an adjourn-ment might prejudice his own side. There he had missed the general meet- Hecia and whether or not there did or

the arbitrat on, but later cn would have to go east. Moreover his star witness, R. H. Stewart, manager of the have to go east. Moreover his stat-witness, R. H. Stewar, manager of the company's mines, was leaving for the east in a month's time and would be absent several weeks. He would, therefore, like to have his evidence taken. Mr. Aldridge went on to say that he thought the present time a highly propitious one for the settle-ment of the dispute inasmuch as since the last sitting of the court of aritra-tion many things had bappened. Butte had gone back to its old scale, the Coeur d'Alenes were working on the old \$2.50 a day, while the Boundary had closed down. He thought that these facts should be taken into considera-tion and a solution of the difficulty would not be particularly difficult to be arrived at. The men had asked for an increase in wages on certain lines and on certain reasons. What these reasons were could be seen by referring to a letter received by his company. reasons were could be seen by retaring to a letter received by his company, the letter being then and there pro-duced. This letter, which was written from Phoenix on April 7 last and signed by a committee of miners, asked fo ed by a committee of miners, asked the an increase on the grounds of general prosperity, increased cost of living, high price of copper and because the wages of the men had not been increased for a long time past. Mr. Aldridge main-tained that the general prosperity was non-existent, that the increased cost of non-existent, that the increased cost of living was a matter of figures which had already been presented to the beard, that the price of copper was abnormal and that wages had been increased inasmuch as the hours of

Increased inastitution as the form ten to eight, equivalent, in Mr. Aldridge's opinion, to an increase of 25 per cent. To this secretary Kelly replied that the increase in wages had been asked the increase in wages had been aake for at a time when the price of copper was higher than it was today, and fur-ther maintained that if the price of copper were abnormal in the earlier months of the year it was also abnormal copper were abnormal in the entre-months of the year it was also abnormal at the present. Taking up the question of an increase in wages Mr. Kelly pointed out that if the miners were put back to the scale of \$3.50 a day they were put back to a scale which had been in force for nine years with-out a raise. It was true that the other side claimed that the reduction in point of hours was an increase in wages but he maintained that men could do as much in eight hours as they could in ten, and that, therefore, there had been no such increase and hence his arguments still field good. There was some discussion on this point, informally conducted between the board and the representatives, J A. Harvey and S. S. Taylor, both of the latter pointing out that there must the latter pointing out that there must be a limit somewhere as to the proper number of hours a man could advantageously work in a day, year in and year out, not taking special stretches

of work. It was then agreed that the board should djourn, but that as R. H. Stewart was called away to the east his evidence should

taken before adjournment. Manager Stewart of the company's mines was then called. . Mr. Stewart first showed that the average of tonnage extracted per man in the St. Eugene or 'n Rossland was one and a quarter to one and a half tons a day. In the Snowshoe, a Boundary mine, the amount per man ran from three to six tons, and would be around five tons. His next point was that the Butte miners had gone back to \$3.50 a day, Cammet and Hecla five to ten per cent, the Copper Queen, Arizona, was working two-thirds of its force at about 15 per cent reduction of wages. Now the Boundary had closed down and the wages at the St. Eugene were at the present time higher than else-where. Also the company gave the men very chance under the Workmen's Compensation act, reporting every case of injury, however sight, so long as a man was aid off a shift. Mr. Stewart then showed that the price of metals had fallen consideraby, giving

the quotations of Nov. 27, silver, 57-3-8; lead, £16 15s.; copper 13 1-2. Testifying as to the eight hour law, Mr Stewart thought it was palpable on the face of the matter that a man could not d as much work in eight hours as he might

e able to do in ten hours Secretary Kelly then asked some que tion as to the yaue of the ore as between the ores of the Boundary and those of the St. Eugene, seeking, to show that if the men broke down larger amounts in the Boundary than in East Kootenay, yet the company got proprotionate y greater re-cepts. To this the witness replied that the witness replied that this was the cas a certa'n extent but as the St. Eugtene had to concentrate its ore and tlost 20 per ent of the values, therefore the diffr wos not three to one. In fact there was but little difference in the gene a reau't beween the cost of production and the profit In reply to S. S. Taylor, Mr. Stewart sa d there had been no threat of a shut doy of the Rossland mines. The action in tak ing a reduced wage had been voluntary of the part of the miners and this, he understood, had a so been the case with regard

to the Trail smelter. Mr. Aldridge said the men of Rossland had come to the mine officials and had asked centain vrey leading questions and had got straight answers. The Snowshoe had closed down because there was no

A talk between Mr. Stewart and Mr. Tay lor efficited that costs of production had If that public were to believe that these fallen but had fal en since the inauguration of the eight hour law, not necessarily because of it. So many improvements ha been made of late that it was very hard to compare the difference in results be tween the eight and ten hour day. Witness said that men on long contracts pro duced more than on day labor that There was some talk as to whether o not there was a strike at the Calumet and

ing of his company in order to attend did not exist the same conditions at the



COMMERCE OF PACIFIC GOVERNMENT OF TOKIO HAD NO OBJECTION TO EXPORTING HUNDREDS TO FILL LABOUR WANTS OF B. C. RAILWAYS, MILLS AND MINES.

Vancouver, Nov. 29 .- According to

the testimony of Gotoh, manager of the Canadian Nippon Supply company, before commissioner King today, it appears that enterprising, Japanese on both sides of the Pacific got busy immediately upon the signing of the present treaty with Japan, which they claimed wiped out all previously exist-

ent treaty with Japan, which they claimed wiped out all previously exist-ing restrictions of immigration. Gotoh admitted that from last June to September, 1400 Japanese laborers had been brought direct from Japan by his company for work on the rall-ways, mills and mines. He said his company was not bringing in any now, since there was a surplus on hand. Gotoh's first plunge in immigration work followed the receipt of a letter from the late E. G. Russell, intimating that the G. T. P. would require fiv-thousand men for its work on the coast. He made a trip to Tokio on this business and effected connections there. He stated that the arrangements for immigrants were made with the fu-knowledge of the local consul and the Japanese government, all that was i quired was the assurance that the men would be provided with employment. The witness said duplicate agree-ments with each of the six companies, with whom the men were placed, were and sent to Yokohama. The local con-cerns who took the fourteen hundred arriving from June to September were the B. C. General Contract company; the C. P. R.; McDonnell, Goosski & Co; the Wellington Colliery, and the saw mills in Kootenay. An interesting fact was disclosed when the witness stated that his part-ner, Yosh, was the private secretary

when the witness stated that his part ner, Yoshi, was the private secretary to consul Morikawa before the organi zation of the company. Much of the above testimony was

forced from the witness by commi sioner King, who read translations of the documents taken from the con the documents taken from the com-pany's office. At the conclusion Mr. King said he considered the object of the commission was completed and there was no need to call more witesses. Charles Wilson, K.C., asked for

adjournment until tomorrow so that he could examine Gotoh and possibly call local men connected with the Nippon company.

Vancouver, Nov. 29-How the Japanes foreign office has evaded the treaty limitation that no more than 500 Japanese would be permitted to come to Canada in a single year, was the chief feature of the promised admissions by Sarioa Gotoh oh he frankly made good today. what is probably the final session of the immigration inquiry.

Gotoh said in effect: " Iexpected to get large contracts with the railwyas and had a promise from the late E. G . Russell for 5000 men for the G.T.P.. We formed Canadian-Nippon company here, with a branch in Tokio. I also had relatives in the Tokio Immigration company. We fin ally got over the difficulty of the treaty limitation by sending a duplicate of the agreement which we would make with a company here. That duplicate bore the signature of the local Japanese cons which the foreign office required, that they would know that the outgoing Jap laborers were going to be ef and would not become public charges Then we got the laborers.

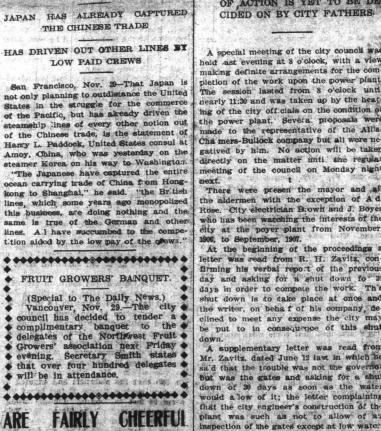
FIRE AT CODY

Business Portion of Wyoming Town in Destroyed-Loss \$100.000. Butte, Nov. 29 .- A telephone message from Cody, Wyo., says that practically

the entire business portion of the town was destroyed by fire this morning. The loss is estimated at \$100,000. opper Queen, Arizona, explanatory po sibly of the drop in wages To secretary Kely witness said that if

the wages were reduced in the Boundary that might make the difference between profit and loss and the mines might resume, Mr. Aldridge quoted a newspaper inter-

view from manager McAllister of the Greenwood smelter in which the causes of shut down were set to the cost of supplie and of transportation and abor, taken in onjunction with the price of copper. This ended the taking of evidence and the court adjourned to meet again on Dec. 19. Mr. Aldridge promised that he would try to enter into negotiations with the Moyie Miners union at Moyie, Mr. Kelly being unable to speak for the whole co especially in the absence of M Mills? A short conference afterwards took place between the representatives both sides and it seems I kely that the d'fferences my be adjusted in the near futu e.



THE WEEKLY NEWS

CHANCE FOR NELSON.

NELSON, B. C., SATURDAY, NOVEMBER 30, 1907

PROSPECTS FOR CANADIAN TRADE IMPROVING

BANK CLEARINGS FOR THE PAST SEVEN DAYS

Montreal, Nov. 29-Bradstreets tomo.row will say: Canadian trade reports are fairly che ful despite the continued stringency in money. As regards this atter matter however, the feeling is that an improven may be looked for shartly. Canadian failures for the week number 36 as against 35 last week and 25 in this

week last year. Bank clearings for the week with the respective increase and decrease for the

ame period a year ago al	o are as tonows.	
的复数运动和空气 化二氯化 化化氯化		Dec
Iontreal \$29.09	5,000	7.
'oronto 21,60		21.
Vinn peg 15,06	1,000 5.0	S. 18.00
ancouver 3,58	6.9	6 ·
Mtawa 2,86	L,000	9.1
Ialifax 1,78	5,000 1.3	1.4.
uebec 2,33	7,000 31.6	A.A.A.
familton 1,55	8,000 3.5	e.4.4
t. John	3,000 .8	20.24
ondon 1,12		2.
lictoria 1,00	1,000	and and

· ······ NOW AN OLD STORY.

A telegram was received in Nelson yesterday from R. G. Tatlow • announcing the receipt of a cablgram from London from R. M. Palmer stating that at the ex- hibit of the Royal Horticultura society the province of British
 Columbia , had , obtained , a-, gold · medal- for its fruit exhibit and that thirteen silver, and bronze
 medals had also been awarded to • individual exhibitors. AND TRACK

- ------

BANK MANAGER DEAD. Montreal, Nov. 9 .- F. H. Mathewson local manager of the Canadian Bank of Commerce, who was stricken with or commerce, who was stricten with heart failure as the result of his horse running away on Wednesday evening, died this morning. Deceased had been for years a most prominent figure in

Canadian cities and was looked on as the logical successor to Alex Laird, when the latter should retire from the general managership of the Canadian Bank of Commerce, Prior to his appointment as manager of the Montreal branch of the bank, Mr. Mathewson was for thirteen years manager of the Winnipeg branch.

BIG RAILWA YORDER Montrea', Nov. 29-The Grand Trunk aliway today placed orders for 100 freight and passenger engines, with the different Canadian and United States builders. The cost will be about \$1,500,000 and delivery i to be completed the first nine months of next year.

ACCIDENTALLY, SHOT Wietoria Nev. 129 Ma El Knapp oc. Du luth, manager will this Red (Chifs Lands company, who have large interest on Vancouver island, accidentally shot himse f in the leg with a revolver, whie out walking.

A LONG TALK City Council, Again, Discuss

ZAVITZ CONCEDES LITTLE

Power Plant

INSTALLING COMPANY AND CITY CIDED ON BY CITY FATHERS.

A special meeting of the city council was held ast evening at 8 o'clock, with a view making definite arrangements for the completion of the work upon the power plant The session lasted from 8 o'clock unti-nearly 11:30 and was taken up by the hear ing of the city off cials on the condition of the power plant. Severa proposals were made to the representative of the Allis-Chs mers-Bullock company but all were negatived by him. No action will be taken directly on the matter until the regular meeting of the council on Monday night

meeting of the council of accord of the addermen with the exception of A d. Rose. City electrician Bown and J. Boyes who has been watching the interests of the who has been watching the increases of the city at the poyer plant from November 1906, to September, 1907. At the beginning of the proceedings a letter was read from R. H. Zavitz, con-

the writer, on beha f of his company, de-clined to meet any expense the city may be put to in consequence of this shud down. A supplementary letter was read from Mr. Zavitz, dated June 12 last in which he said that the trouble was not the governor but was the gates and asking for a shut down of 30 days as soon as the water would a low of it; the letter complaining that the city engineer's construction of the plant was such as not to allow of at inspection of the gates except at low water. To this the city had replied on June 20 asking thant a new governor be installed

to may she diy had repled on sume as aking theat a new governor be installed before any shut down should be asked for. The mayor showed according to the spi-clfications of the machinery that the water gate should fit so tightly. That there should be no leakage and hence the plant should be no leakage and hence the could be shut down immediately I gate were pared down and d d no that tightly, there would be a leakage and consequently the generator would not run for half an hour or more. Hence the counshould think carefully before giving the deshred permission. J. Boyes then was asked to give a report

and accordingly went into several faults of consctruction. This included some bent polts in the gates, a shaft that had to be stretched, faulty thrust and bearings, a governor that had to have an auxiliary or helper to enable it to do its work, that or neaper to enable it to do its work that and a fly bal which was not certain in its action, something that might cause a terrific catastrophe, and de ective rotatoryi pump. Mr. Boyes recommended a stronger governor which woud take care of the friction of the water gates, which friction would neases it decrease with time. As would necessarily decrease with time. As the draught tube, Br. Boyes sa'd that it was defective in the manner of its speciwards. Mr. Pfau had examined the the water having been taken out ofr that purpose. Mr. Boyes was of the opinion that a governor doubly as strong wou d work the gates with lots of margin. He did not think that the grinding down o the gates would be effective. He admitte however, that an auxiliary had been in

stall which woud double the power of the governor. Electrician Brown said that if a prope governor, costing about \$3000, were installe the gates could be worked, without shut

A d. Annable said itt would be cheape to install a new governor than to shut down for 30 days. Ald. Inving thought th ecounc'l should otify Mr. Zavitz that it was not satis-

fied with his explanation and, therefore the pant should not be shut down. Ald. Irving said that as the plant had not been taken over, the company possibly had the power to shut down if they so

desired.

Ald. Selous thought Mr. Zavitz should be called before proceeding to extremeties. Mr. Zavitz was thn called and listene to an explanation by Mr. Boyes, as to test of the gates being made by Mr. Pfau. After its conclusion Mr. Zavitz said that th's experiment which, he declared wa not a proper, or a torc test, confirmed his be ief that the trouble was with the gates and not with the governor. eH was further of the opinion that the

governor could govern he gates up to their full opening. Mr. Boyes d'ffered-the governor was no

enough. Ald. Selous said that M.r Pfau was ac knowledged as the chief governor expert of the company and yet he had confessed the governor was weak. Mr. Zav'tz rep'ied that Mr. Pfau had come to his conclusion without a tore test. The difficulty of the council was to understand why this acknowledged should have failed to make such an obvious test. This Mr. Zavitz could not explain and yet the council was asked to act upon the matter is " ... Mr. Zavitz reiterated his opinion which. be declared, was based on three weeks of careful tests

Mayor Gillett asked if Mr. Zavitz on behalf of his company, was propared, in came his reduction of the water gate fric-tion, failed of efficacy, to foot any fur-tion, failed of efficacy to foot any fur-

tion, failed of efficacy, to foot any fur-ther expense the city might be put to in consequence. Mr. Zavits said he was not so prohated A.d. Selous said the position was dual the city preferred a new governor before a shut down and the company a shut down before a new governor. Mr. Zavits wanted his own way, which would cost the city \$600 and yet would not guaran-tee the city against further expense if his own way proved not to be correct. Aithough Mr. Zavitz admitted that if his way was not successful a new governor way was not success would be imperative.

STALLING COMPANY AND CITY OFFICIALS DISAGREE-COURSE OF ACTION IS YET TO BE DE-CIDED ON BY CITY FATHERS. Mr. Zavitz objected on the ground that the projosed new governor would not do its work, it would not be at hand for

several months, whereas his own proposal meant the city would have a power plant meant the city would have a power within 30 days. E cetrician Brown thought that teh fric-tion was not in the gates or vanes but in danger of leakage which would occur if

Che gates were ground down. Mr. Zavitz agreed. Mayor Gillett proposed arbitration with a third pasty. Mr. Zavitz said that the city could arwir. Zavidz said that the city could ar-bitrate at its own cost. He was convinced he was right. He then retired and thet council held a shor conference, in which the shifting ring, hence there was not a the mayor was empowered to get turther evidence as to the city's position and to report at Monday's meeting.

HORNET'S NEST.

Calgary Alderman Charges City With Graft and Corruption.

Graft and Corruption. Calgary, Nov. 29.—At a "mens" own." meeting, held at one of the churches precently, exaiderman Hint openly charged the officials of the city with graft and corruption. It has stirred up a hornet's nest and the city council has voted five hundred dollars to cover the cost of an investigation. Hunt is not nearly so strong in his statements since he has found that a thorough in-vestigation is to be made. Judge Sur-art will conduct the investigation and the expenses of any witnesses will be the expenses of any witnesses will met by the city council.

FLORENCE NIGHTINGALE ontdon, Nov 29-Forence Nigh English philanthropist, has be the English philanthropist, has been un-contained with the order of merit by king She is the frist woman to result this distinction, which up to the present time has been bestowed only upon 19 men each of marked prominence time has been bestowed men, each of marked pron

RIDNAPPED A MARQUIS

Napes, Nov. 29-The kidnapping of mat Aug es, Nov. 22-The authorping of ma-quis Gluseppe Citro, a cousin and aide of the king, who, after being toriured and compelled to give up \$5000 was released by his captors ,has caused much astonish-ment through the discovery that the organizer of the plot is in reality a police man. On being arrested he confessed. Th The British embasy is interested in the case as marquis Citro is a trusted anti-quarian for sovereigns, includ'n king Edward.

TO CURE LEPROSY.

Honolulu, Nov. 29.—The board of health, on the petition of twenty-seven of the lepers, have agreed to appoint J. L. Wallach to attempt the treatment of L. warrach to accompt the leper settle-twelve lepers from the leper settle-ment. This is the rsult of an agitation w Wallach and his friends months, during which he has per ently asserted that he can cure len and has aroused the hopes of lepers and their friends.

LIBERAL CANDIDATE

Macleod, Nov. 29-The liberal conven or the new constituency of Mac eod which xtends north within six miles of Calgaty, and west to the boundary of British Col umbla, was held yesterday. On the first ballot nine names were brought forward, six of these retired. On the second ballot . B. Macdona d of H gh River, was cho n as the candidate.

REASONABLE LEGISLATION.

Toronto, Nov. 29.— The insurance companies of Canada are considering the presentation to the dominion govnsidering ernment of a giant petition of policy holders, requesting what the companies call "reasonable legislation," and ob-jecting to some at least of the clauses of the proposed draft insurance ill.

CAN'T AFFORD IT.

CANT APPORD 17. Regina, Nov. 29.—County judge E. C. McLeory will probably not accept the appointment given him last week by the dominion government. He is a Moosomin lawyer and states that the salary as district court judge, which is only \$4,500, is not enough to warrant him discontinuing his practice and moving to Saskaton. moving to Saskatoon.

DOMINION BANK

Terbnic, Nov. 29-A meeting of the board of directors of the Dominion bank was he'd at the head office here th's morning, for the reorganization of the bank staff, Among the changes is the appoint-ment of L. W. Hamben manager, Calgary branch, to the managership of the Vancouver branch, to be opened in a few days.

SHORT IN ACCOUNTS. Bt. John, N. B.; Nov. 29.+1 The report of the auditor on the Portage city chamberlain's office shows some \$11,007 naccounted for on November

S.

ENFORCE LAW Diseased Japanese Not Al-

NO. 31

lowed to Land

NOSSE MAKES COMPLAINT

RAILWAY COMMISSION WAITING FOR REPORTS OF WESTERN BOARDS OF TRADE-STATE DINNER AT THE OPENING OF PARLIAMENT.

(Special to The Daily News)

Ottawa, Nov. 29.-Japanese consulgeneral Nosse complained to the immi-gration department today that a number of Japanese holding passports were not allowed to land at Victoria.

not allowed to land at Victoria. Hitherto it has been the habit to al-low diseased immigrants to land at Victoria for treatment. In this way the steamship companies have been work-ing off a large number of this class. The dominion government has there-fore decided to permit no more diseased immigrants to get off the steamers. This is the system pursued in the United States. The Japanese in future tented States. The Japanese in future tented States, associate or no passports, as the privilege hitherto granted diseased immigrants has been abused.

Ottawa. Nov. 29.—The government's annuity bill is practically in the same terms as that which Mr. Cartwright introduced in the senate last year. Its purpose is to encourage thrift and av-ing among the working classes of the country and give the beneficiaries an income after they have reached the age

income after they have reached t of 60 or 65. About a hundred guests attend state dimer is government dou night. After the toss' of the kill honored, Lauritr drew attention fact that the day was Earl Give day, and proposed the health excellency which was drank with thestare

Ottawa suring the week February 24th, has decided for varior reasons to throw the competition ope to the whole of Canada and New foundland, irrespective of province The committee, however, reserve the right to reduce the number of entries form any one offly or province in case right to reduce the number of entries from any one city, or province, in case the total number of enries exceeds the number which can be conveniently han-dled during the week of competition at Ottawa. All entries, therefore, instead of bing forwarded to the mairman ef the respective provinces anay in future be sent to F. C. T. O'Ara, honorary scoretary, Ottawa. The two bandsome trophies at present held by Winnipeg and Quebec will again be offered. Ma Hardwell, chief traffic officer of the railway commission, is looking into the new freight rates, while the com-plaints of the board of trade from the west. It is likely that chairman Kil-lam will go to Winnipeg early in Janlam will go to Winnipeg early in Jan-uary to hear the evidence of the ques-tion. He will be too busy to go away

The senate chamber of parlia The senate character of particular is tonight a scene of brilliance, as it is also the governor general's drawing room, as is usual on the opening of the session. This is one of the most splen-did functions of the capital's season in did functions of the capital's season in society and the event is more than usu-ally well attended by ministers, sena-tors, members, officials and cifizeens with their wives, daughters and rela-tives. Visitors from far and near have crowded in to see the scene, unique on attest contingent, of a state drawing roome room Titto had bite. T

FOUND GUILTY

Defendants in London Bribery Case Con-victed by Judge Winchester Toronto, Nev. 28-John Gorman, and the other three defendants in the London bri-conspiracy by judge Winchester, who granted a reserve case for the court of granted a reverse case for the court of appeals of the question of jurisdiction. In the event of the higher court upholding judge Winchester's ruling as to his hav-ing a right to hear the case, the four prisoners will come up for sentence, on the first Tuesday in March, at the spring assizes. Meantime they are out on ball which was renewed at the termination o oday's session.

MOIR AND BURNS.

Fight Will Take Place in London on December 2nd-Next Monday. December 2nd-Next Monday. London, Nov. 29.—The fight for the heavy weight championship of world between Tonimy Burns, America, and "Gunner" Ojim Moir, England, is scheduled to take place at the National Sporting club on December 2nd. The even is excliding the livelest interest. Here, and high prices are being offered for seafs. The public, however, will have little chance of viewing the fight as members of the club will occupy all the space. The betting this afternoon was 5 to 4 on Burns who expects to enter the ring weighing between 168 enter the ring weighing between 168 and 175 pounds. Moir will weigh in at about 180 pounds.

ext of Decision in Case of Star vs. White



ALSO FINDING OF MR. JUSTICE MORRISON WHO DECIDES IN FAVOR OF THE DEFENDANT. COMPANY-OTHER JUDGMENT NOT RECEIVED.

al Maria

The decision of the full court of B. C. in the famous extralaieral rights case of Star vs. White, in which John M. Harris is successful, has created widespread interest. The Daily News published the result of the finding in Mr. Harris' favor on Sunday morning and in response to may requests will pub-

lish the delivered judgments in full. Mr. justice Irving's judgment is a lengthy one, covering some 26 very pages of closely type-written matter, and consequently its reproduction will be in instalments. Mr. justice Morrison's finding is comparatively brief and the judgment of Mr. justice Martin and the judgment of Mr. ju is not yet at hand having only yester day been handed to the registrar. Appended will be found the first instalment of Mr. justice Irving's judgment, which covers a resume of the itigation up to the time of the second

trial before the full court. In the published judgment some liberties are taken with the text, such as the omission of the page references in the evidence only intelligible to counsel, ut otherwise the decision is printed in its entirity.

Judgment of Irving, J. This is, in one sense, an appeal from the chief justice, but owing to the turn exents took after he had delivered his judgment, we are called upon to de cide the case upon evidence not adduced before him. The plaintiffs, who are the owners

of the Rabbit Paw and Heber Fraction mineral claims issued a writ on 31st July, 1901, to restrain the defendants from treepassing on their claims, and

for damages. The defendants justified the trespass complained of under the authority of section 31 of the Mineral Act 1891, which conferred upon them certain extralateral rights in respect of a extended through laims called the Slocan Star and Sil-

claims cannot intervaly. whe plaintiffs' case, as put forward at the risk held in February, 1904, was that this vein in respect of which the that this vein in respect of which the defendants claimed that extralateral defendants claimed that extralateral rights had been "faulted" by a fissure vein near the westerly end line of the Slocan Siar mine, and that the de-fendants' vein instead of being a continuous vein consisted of two s and diskinct veins, viz.: the Shocan Star vein, broken as already stated at the westerly end of the Shocan Star claim , d the Silversmith vein; the

black fissure. There is also another section of the defendants' alleged vein to be men-tioned, viz.; that portion lying to the west of the so-called black fissure, and west of the site with the Silversmith connecting it with the Silversmith vein. This portion, the plaintiffs say, is not vein matter, nor mineralized in any way. The trespass complained of wa

committed in June, 1900, and consisted committed in June, 1900, and consistent of taking ore from the stopes to the west of the end line of the Slocan Star mineral claim. The defendants alleged in evidence.

that they were not aware that they had gone beyond their end line until gone beyond their end inte unon no work had been done on the Sliver-smith claim; on the Slocan Star claim the apex pits had not been continued rthwest beyond pit 19; levels 1, 2 and 3 were as they are today; No. 4 tunnel had not been run into the Silversmith, nor had the upraise to run into the pit 19 on the surface from No. 4 been . 5, level had only reached a short distance into the Heber Fraction, say about station 1, and the winze was being sunk from the No. 5 level be

low, for prospecting purposes. When therefore, the Slocan Star people were informed that they were outside of the westerly end line of the Slocan Star in an ore-bearing vicinity, we can assume that there was some consideration given as to how this apparent trespass was to be justified. statute conferring extralateral rights which would justify them going utside of their side lines gave them o excuse for going beyond the end line of their claim. Their justification must therefore be sought in shewing that they were following down on the dip of the Silversmith vein through the side lines of that claim; with a view to establishing this connection they, in the spring of 1891, commenced to trace the outcrop by digging the surface pits from pit 19 on, in a northwesterly direction so as to connect up, on the surface, the Slocan Star vein with the Siversmith vein, and in June they started to run No. 4 Silversmith tunnel in from station 48 in a southwesterly direction, and they continued to drift on their No. 5 level so as to connect the two claims underground. At the date of the issue of the writ. 31st July, 1901, No. 4 level of the Star ched station 18, the face of No. 5 level was at 21. No. 4 tunnel on the Silversmith would be in only some 100

or lodes in the Heber Fraction lying to the west of the Slocan Star end line. think this is a fact of some importance, because work done after issued or after trespass committed, should be scanned with some degree of suspicion. I do not want to press this principle too far, but in considering an argument put forward by the defendants' leading exponent, Mr. Elmen-dorf, in support of his contention that the Slocan S'ar was a continuous vein. viz.: that the best proof of continuity was that the ore bodies in the Silver-smith had been reached by the miners running No. 5 drift without any connection from above to guide them and to knowledge of where the ore existed (at 52-3 on No. 5 Silversmith) notwithstanding withstanding the very irregularity of form of the drift itself, one should renember that although the workings in mine (Morrison, p. 417, cap. 318) made in mining operations and not in support of litigation, are generally im-portant as evidence of any facts which may be inferred from them; that in-ference cannot be drawn with confi-dence where the work has been done. after litigation for purposes of

action. After the writ was issued there was an application for an injunction and some affidavits filed. Those proceed-ings have been referred to in connec-tion with Mr. Oscar White's credibility, se that matter will be deal with home as that matter will be dealt with later, it will be sufficient to state now, that in resisting that application, he, Oscar White, on the 31st of August, 1901, of ore taken from the ground claimed by the plintiffs did not exceed the net value of \$500, and that Byron White in an affidavit of same date said the amount of ore excavated in all from the ground of the Rabbit Paw and Fraction amounted to, in his belef, the sum of \$500. This statement by Byron White, as to value, was based on information furnished by Oscar White,

In the autumn of that year the de-In the artitum of that year the de-fendents discovered considerable ore in No. 4 Silversmith about 140 feet from the portal, between stations 11 and 13. At that time the drift which was being run in a northerly direction from the Heber Fraction had reached station 29; on No. 5 level

during the examination of Mr. Harris, for discovery, in October, 1903, before trial, an indication of the plaintiffs" line of attack was given, he then ex-pressed an opinion that the Slocan Star vein instead of turning to the north continued on in a straight ling across file prophy with and in this way caught the Same star wing According to his content of the star way caught the Same star wing According to his star wing According the star wing According to his star wing According to his star wing According the star wing According to his star wing According the his way caught the star wing According the his way according According to his theory the Silversmith vein was an independent parallel vein some 850 feet to the north (1291, 1063-4). After the plaintiff's experts had obtained inspec-tion of the mine (viz.; on 4th Febru-ary, 1904) the theory that the Slocan of, testing Sizer's black fissure theory,

material in which they ran between the winze and station B on the ith level, is the filling of the black fissure. On the other hand the defendants say the drift on No. 5 level, between the winze and B, is in their vein, that the Slocan Star vein continues from the winze to B. and there turns. The filling they say vein matter, and that its crushed appearance is the result of movement in the vein but the movement has not interfered with the continuity of the vein, which they claim they have followed in their work-

The defendants contend that there may be a fault in the vein, but that a fault in. the vein does not necessarily prevent the vein from being continuous.

When the trial opened on the 12th February, 1904, the defendants upon whom the onus of proof is, began, and gave evidence of the stopes in question being on the dip of their vein and of the continuity of their ing wall and the characteristic wein fillvein; but the pleadings being vague, Mr. odwell found difficulty in dealing with Star and Silversmith was to be found in his witnesses on re-examination.

He examined on behalf of the defen- by hi sdirection in December, 1994. dants, Mr. Bruce White, the first superin-tendent of the defendants' mine; Mr. Os-to this court and at the same time an apcar White, who succeeded Mr. Bruce peal from the interlocutory decision refus White in October, 1898, and who was sup- ing to allow the experimental work to be erintendent when the trespass complained f was committed; Mr. Cavanaugh, a re'ative of the Whites', and an assistant in the defendants' mine; Isaacson and Fox, the work done which they contended way two miners employed in the mine; Mr. Drewery, a land surveyor in the employ of the defendant company; Mr. Twigg, another land surveyor; two foreign experts, Mr. Elmendorf, retained in Septem-ber, 1903, and Mr. Parks, retained in September 1901; and two local mine managers of the Slocan district Messrs. Sharp and Davys. With the exception of Mr Twigg and the two local mine managers, the thers were interested, either by direct pecuniary interest or sympathy in the success of the defendants' case. The evidence of the defendants was di-

rected to showing the unbroken continuity of the vein from Sandon creek to the westerly workings in the Silversmith claim. They represented that the hanging wall fatory solution of the problem we have

feet or so. Looking at case, as to that date, I cannot see that the defendants had at that time any evidence upon which they could substantiate the de-own vein; that their vein turns to the smith mineral claim were entited un-der the extralateral righes given to that claim by section 31, to the veins or lodes in the Heber Fraction lying to the west of the Slocan Star end line. Hevel very painly all through, Parks. El-mendorf, however, was more guarded; that coming north they were following their west at B; that at point C, the hanging wall crosses the drift from the left or south side to the north or right hand side to the west of the Slocan Star end line. The plainliffs' contention was that the

planes. On the opening of the plaintiffs' case,

counsel stated that he would show that from the winze or turn at the south end of No. 5 level to X, at the extreme north, there existed a separate and distinct fis-sure, separate from the fissure containing the Slocan Star vein and zeparate from It was not an ore bearing fissure, but con-It was not an ore bearing fissure, but contained a filling having for its constituent a soft crushed slate, of dark color, en account of which they had designated it the black fissure; that in this fissure there was a 1200 foot barren stretch; that the line run by the defendants as their vein tage of the additional work and verbal stretch and which was wrong. Now, since then we have had the advan-tage of the additional work and verbal was formed by uniting these three f'ssures into one ;that this union brought about the peculiar contortions shown in the northern and western parts of their level; that the yet it is for us to form our own opinion (236) but was in hard slate (413). Having defendants had neither walls nor ore to es-tablish the continuity of the'r vein. As to their credibility. The new work consisted of three separ Inen, after the cross examination of Mr. Sizer had proceeded a certain distance on the 25th February, counsel for the pain-tiffs referring to the issue of fact which had been gradually developed during the tiffs referring to the issue of fact which had been gradually developed during the trial, and fully stated by Mr. Sizer, pro-posed that certain work should be done and that that work should determine the issue. This was agreed to in a more on issue. This was agreed to in a more or less indefinite way, but the examination of witnesses proceeded. Like the evidence on behalf of the defendants it was, in the main, the testimony of experts and per-sons interested in the result, and at the The new work at the south, in my opinarrangement. I think it is to be regretted that counsel did not also attend, for, ina conclusion if a drift was run from C. to a point 27 feet east of D., or as it has of, testing Sizer's black fissure theory, Star vein continued on westerly was abandoned, and at the trial which open-ed on the 12th February, 1904, the new theory of a fault fissure occurring at the bend was set un. Their theory is that the defendants place of work was done. As to this work Their theory is that the defendants have by turning the levels run on the Slocan Star vein proper into the black fissure at the south turn, and at the north by following non-ore-bearing planes and the stratification of country rock have given to their No. 5 level an angeering of continuity on ore or in ary, 1905, while this new work, i.e., the guest to have certain work done, in my rock have given to their NO. 5 level ary 1905, while this new work i.e., the guest to have certain appearance of continuity on ore or in drift from C to D Z, was being run; an opinion is cogent evidence of partizanship. An opinion on a technical matter forme east to west where in fact there. The application was renewed in May, under such guidance can be of little value that application was renewed in May. is no real continuity. The defendants say that the wall of companied this time by Mr. Oscar White, dence that guide admits he was mistaken; the defendants' superintendent and Mr. I have no haditation, therefore in saying under the companied that the the making Fowler, an expert retained by the plain-tiffs, made a second examination of the mine. To both of these applications there was a refusal, with the resu't that on the 25th July, 1905, when the case came on again for what was called the second trial. the work, for the doing of which the hearing in February 1904, had been adjourned. was still undone. Once more the plaintiffs applied for further experimental work, but this was not granted and the trial pro-

ceeded and judgment reserved. At the close of the trial the same application was made for more experiment work with the same result; and in the end udgment was given in favor of the defe dants . The learned chief justice proceeded on the

ground that the 5th level shows that the vein was continuous and that between C and D27 there was a clearly defined hanging which was to be found in the Slocan the crosscut run between these points

done was also taken. After the argument this court came to the conclusion that th plaintiffs should have been allowed to have necessary for the proper presentation of their case, and we therefore set aside the judgment of the learned chief justice and directed the work to be done, at the place mentioned by Mr. Sizer in his examination in February, 1904. The parties to the action selected a Mr.

Zwicky as a proper person to have the management of the work and under him it p. 552 and 562. was proceeded with and finished about February, '07, and the case came on before us in April last. Some question has been made as to the

convenience of the course adopted. Perhaps it has thrown on this court a greate amount of work than we expected, but it seems to me to have been the only satisvein cou'd be followed on No. 5 had to deal with, and as for precedent we

THE WEEKLY NEWS, SATURDAY, NOVEMBER 30, 1907

had to break through; and that there is no connection on ore between B. and 52; infon the case before the learned chief justice had not been fully tried and thereno connection on ore between B and Se; and that the wal's followed by them from B to 50 were merely non-mineralized practically a new trial. It would be altogether out of reason to regard a judg-ment which had been reached, at any rate to 41, which is about 100 feet north of the

From the reasons for judgment given by the learned chief justice it is apparent that he relied very much on his own in-spection of the premises and he was, after the fedfined chief justice it is apparent that he relied very much on his own in-spection of the premises and he was, after having made such an examination, able to decide which of the experts was right

sevidence on both sides, and a though we should pay due regard to the opinion of

the new work at the south, in my oph-lon, completely established the theory con-tended for by the paintiffs as to the se-parate existence of the black fissure. It showed positively beyond question that the hanging wall on No. 5 level and the stopes Integer Fraction had reached station 29, on No. 5 level. The pleadings closed on the 25th November, 1901. They were of the most general character and gave no indication of the theory that the plain-tiffs intended to set up at the trial, but, for discovery, in October, 1908, before trial, an indication of the plaintiffs' line of attack was given, he then exwhere a certain amount of ore had bee left in a corner, and where Mr. E men ate fissures, the chief justice thought it would be sufficient to enable him to reach fissure extends from B to X, and as it confirms the testimony given by the plain tiffs' experts on that point I see no reason for not accepting their opinion that it is the same fissure which is exposed by the new work to the south. It completely disposed of the evidence given by the defendants' witnesses that the crosscut B to X was driven in country rock; 413, 727, 813 scut B to Had the chief justice heard the testimony adduced before us I feel sure that he would not have felt confident in accepting Mr. Elmendorf's expert testimony as more re-

liable than that of Mr. Sizer. Hable than that of Mr. Sizer. Elmendorf's action in persuading the chief justice not to accede to Sizer's rethat in these circumstances we are not bound, in any degree, by the opinion formed at the view taken by the learned chief justice. The contention put forward by the de-

fendants at the trial that the vein turned at B. was also in my opinion disproved Mr. Boehmer, a new expert introduced by the defendants on the hearing before us, thought that the real turn was at static 38, and that the vein indications seen in the neighborhood of B. C. and D43 we foot fractures of the same vein;, but his evidence has not shaken my confidence in Messes. Sizer and Fowler, a confidence reached after hearing their oral testimon before us, and reading their evidence be fore the learned chief justice.

In view of some of the expressions us by the chief justice in his reasons for judgment I thought it proper to go through the evidence taken before him with very great care and to make some observatio with regard to the witnesses examined before him. In considering that testimony it will be

ecessary therefore to refer to the evidence given at the trial before him in (February, 1908, and again before him at what has been called the second trial, held in July, 1905, and also to the evidence given before this court in April, 1907. At the point where the A. drift was

afterwards run, the plaintiffs' exper (Sizer) at the first trial had insisted that the wall running into the angle on the right hand or west side was differen from that on the left or north side. The chief justice was not able to recognize the difference nor did Mr. Elmendorf a that time, but I understand now that he (Elmandorf) admits he was mistaken;

Passing along the fifth level we come to B. In February, 1904, Mr. Oscar White had said that he knew that he was at the turn of the vein (812, 891, 817) that he reall began to turn at A (812), 30 feet south of B, but in order to show that there was no sign of a vein or anything "out there," that is to the north of B, he centinued the drift to X. He said that he expected (this is in December, 1909) that it would be con-

wall of material along that line

fortunate that they did find it. Star was out by the wall of soft back fissure material. Another circ

52, between unmineralized wals. The plaintiffs' contention was that the Slocan Star vein was cut off by the black fissure, which extended to the south and beyond the hanging wall of the Slocan Star vein, and that it was the black fis-sure the defendants were following; that the black fissure does not turn at B, but continues on to X; that the material dif-ference from the country rock that the defendants saw in running from B, to C. was black fissure material which they had to break through; and that theres no connection on ore between B, and St.

evidence. This crosscut B to X the defendants at completed that evidentiary work by timber-ing it up (692) they took their man out and started them, about the end of December, 1902, at station 41, running 140 feet westerly to station 43, not on the vein (235). This work took about two months to run (902) so that in February, 1903, they were at 43, but as yet they had not shown any connection on ore (by following the yein, which they said turned at B, so they hark back from station 43 to B (reaching B in March, 1903) and at the same time con-tinued drifting, first to the south, then to the southeast, then to the southwest, then to the south or southwest from station 50 to station 52, where sometime about September, 1903 (645) they struck a large body of ore (578.)

body of ore (578.) At the first trial (February, 1904) the defendants' witnesses were strong in their assertion that the vein turned at B.

The plaintiffs, on the other hand, in-sisted that at B there was no sign of a turn; that the soft fissure filling continu-ed down past B on the left hand upper side ad down past is on the left hand upper such 1018, 1207, 1029, and that the crosscut at X would establish that fact; that crosscut was made by Zwicky, and Elmendorf, (p. 510) found there a seam of softer material, 18 inches wide.

Cavanaugh, (p 432) before us, was not prepared to deny that this fissure extend-ed to X. Oscar White thinks the black fissure does not extend to X. That there is two feet of crushed material he admits (p. 464) and that there is a well defined wall running north and south. Now it must be remembered that from 41 down to X was run under Osar White's superintendence and the lagging erected from B to X⁴ was put up by him in order to prevent this very filling coming in on him and

his men. I have carefully read the evidence in this case, and I have came to the conclusion that I can place no confidence in Mr Oscar White's testimony. I have already referred to his explanation or excuse for running down to X past B where they subsequently made the drift turn, and I now mention some other incidents. He stated in an affidavit used in resisting the application for an injunction, that they had not taken ore from the ground in dispute to an amount in value of \$500 net, was misleading, as he could only reduce it to that sum by making deductions, i.e., cost of development making such deductions, (p 1528). Again, his statement that he was not aware that

there was ore in the bottom of the winze is past belief. Again, as to the intermediates below 5 (p. 1530). He was not candid. Again, his explanation of his reading the Ruth map (494) is more than nonsen-sical. I accept Harris' story that Oscar White told him there was no ore between leve's, and I do not accept Oscar White's explanation. I therefore refuse to believe his story that when he was at B he thought that the vein or material he had

been following up from the south, turned to the west at B. It is my opinion that when he ran past B he was still seeking the turn in the fis-sure and that he harked back only when he found he was getting so far to the north that he could not expect to connect with the ore which he knew existed in the versmith. In my opinion his evidence is not entitled to any credence and 1 reject it; and all work carried on by him, or dong under his orders I regard with suspicion. The ability of his men to carry into execution his designs is shown by the way in which they covered up the gaping mouth of a crosscut so that, so far a the eye was conecrned, it was impossible to tell that there ever existed anything but solid wall and lagging in front of it. Tt is unfortunate for him that a pile of dirt was left at the entrance to the cross-B to X (1926) when so much turned of the question of the continuation of the

Again, it is unfortunate that the lagging shou'd have been so tight in that inter mediate below 5 (p.209) that it had to be emoved in order that the plaintiffs' experts might point out the crevice they expected to find there-and still more un-

Again, it was unfortunate that a consid-erable quantity of ore (546) was left in a corner and that subsequently this very place should be selected to establish the fact that the hanging wall of the Socal

matance to be noted is that just prior to the trial fixed for July, when

tended at the trial that there was a vein an inspection of the premises might reasontended at the trial that there was a year running in from the northeast across the line BX, and to meet that contantion he determined to run this crossout, BX (822). Now the distance from B to X is 35 or 40 feet (832); the pleadings had been closed examining from B. to X.

These extraordinary things have occur-red too frequently to be undesigned, and I have reached the conclusion that under the management of Mr. Oscar White the ore was manipulated in two places at least to show an apparent turn in the

How Mr. Elmendorf came to say, as he did, that the vein turned at B and that the drift run from B to X was wholly in country rock, and that there was no continuation beyond B of the material they had been following up to B I cannot understand. It is possible that he was deceived by the appearance of the turn of the drift at B and did not examine the extension from B to X with due care. However that may be his evidence before us as to the turn at B is not satisfactory. In my opin'on the wall material through which the defendants ran their No. 5 tu

nel continues on to X without any turn at B. and the drift 44 E, D, C, and B, is not in ore, there is no ore in it. It is a mere fracture of the fissure in the slate; see Boemer, p. 339, 340. I am satisfied that when Mr. Oscar White and his men passed B they saw no indication of a turn at B. That point was adopted later, when having run drift 41 to 43 they found a nonneralized fracture or cleavage leading in a northeasterly direction, which frac ture being followed to D minus 27, brought them out at B.

Returning to the inspection by the chief justice: Passing on from B they entered the drift that was driven back from 43, that is, it was driven from the west to B. Mr. Fowler has taken a photo of the roof here, showing that there is no indica-

tion of any turn. Mr. Elmendorf at the trial in February, 1904 was not positive that he saw the vein between B and C, but between C. and D. (p 238) he did. He saw the hanging wall of the vein. When the chief justice visited the mine

When the chief justice visited the mine in December, 1904 he was not at all satis-fied with what he saw in this drift; he indications of vein matter and after he fiad passed some feet into the B, C, D drift, he observed a change, and as a consequence a new drift or level was run the north of the o'd drift.

nM. Sizer had, in February, 1904, said, speaking of the old drift. "The drift from B to C goes through the black fissure and passes out into country rock." This would indicate that there would be a radical change to be found as soon as you got some feet to the west of B, and there can be no doubt but that that change was plainly visible to the chief justice; and the fact that in December, 1904, he ordered the new drift shows that Sizer's evidence given in February, 1904, as to condition of things there, was more ac-curate than Eimendorf's, who said that the vein, (257) was more or less visible, (all the way between C and D. The trace of the vein having been lost, the new drift was ordered. It began on the east in black fissure material and was

carried to a point 27 feet east of D-D minus 27 as it is called. The point would be selected as the place

where in the opinion of the chief justice, the vein would again be visible in the old Now at the trial in July, 1905, the chief

justice seemed to think that Sizer had agreed to point D minus 27 being selected. Sizer says he had not, and from Mr. E.mendorf's evidence (p. 1709) it is clear that memoorrs evidence (p. 106) it is clear that Sizer did not take any part in selecting D minus 27, because Elemendorf mentioned station D, which is some 27 feet to the west of the point selected, as one of the places Sizer said there were no indications

of a vein. Well, leaving that disagreement of recollection between the chief justice and Sizer, I come to another: Elmendorf says, Sizer, I come to another: Extinentiation raises, after speaking of the ordering of this new drift, C to D minus 27: "We passed along in the direction of D and at some point between E and 43 (or D and 45) the ques-tion of No. 5 level west of station 50 a tion of continuing on (westerly) into the Silversmith workings came up, and Mr. Sizer acknowledged from that point on to the end was Silversmith. For that reason it was not considered necessary to visit that portion of the mine, so that portion was not visited by his lordship." This This was not visited by his lordship." acknowledgement, if proved, I would re-gard of considerable importance (2014). In the first place, it was a complete backthown from the position sworn to at first trial. If the leading expert admit m to at the that from station 43 on the 5th level, on to the west was Silversmith vein, it would only be necessary for the defendants to grove the connection between station 43 and B to dispose of what the plaintiffs called a series of crosscuts through coun-try rock. This is very clearly pointed out by Mr. E'mendorf at p. 1712.

by Mr. Elmendorf at p. 1712. Now, turning to Sizer's evidence (p 1800) I find that he does not deny that at a certain point he did admit that from that place, whichever place it was, he believed the 5th level was run in vein material, which he called the Silversmith. But that point he fixes as 50 or 51, 51 he thinks. He asserts that all round from station 43 to 50-51 was not in the vein; he restated the view he had expressed at the first trial viz., that the drift was in no sense any part of the vein (1800, 1803, 1854, 1855.) At P. 1803 the chief justice puts thi

His lordship-The Silversmith vein you are satisfied, exists from D27 inwards? A .- No, my lord, I did not make that acknowledgment, and I don't make it now. I don't think there is any evidence of the vein all around that turn, which is all the way from D to station 50. His lordship-How is it point D27 comes

to be chosen as the point at which this

understood it, convinced your lordship that the vein was to be found up to that point connecting from the other direction, . His lordship-My idea, Mr. Sizer, is that you hadn't any doubt of if at that time. Witness-I had the greatest doubt about there being any vein whatever at D, or at not only the fissure wa'ls but small bits D27 and around that turn.

His lordship-You mean this turn running from 44 to 50?

Witness-Yes; I tried to point out with-out being impertinent in the matter that a vein could not take that circular shape and connect by any possibility on its dp with the same vein in No. 4 Slversmith, and the work that has been done since in the way of mining is convincing proof to me that that portion from 44 around to 50 is entirely outside the yein. His lordship-You are speaking now of this new work in the Silversmith

least to show an apparent turn in the walls where there was in fact no turn. How Mr Elmendorf came to say, as he Now, this is a very unfortunate position of affairs. One expert says the admission was made with reference to all the drift west of some point between B to 43 or D and 43, both of which are at some distance west of D27. The other expert (the person who is alleged to have made the admission) says the admission was made as to the drift west of station 50-51 (the next turn of the drift to the south). The judge seems to have been of the option that the admission was made as to a third p'ace, viz: D27, for he very pertinently asks Sizer: "How is it that D27 came chosen as the point at which was to be done?" See page 1804. Now how is this dispute to be settled? Not by the judge's recollection as he does not agree with either of the experts. The conflict between the conflict between them must be determined by their own evidence. On the face of it Mr. Elmendorf's state-

ment seems extraordinary because Mr. Sizer had at the trial in February, 1904, taken such strong grounds, asserting that there was another black fissure at 43, Mr. Emendorf's story is that (1093) the original plan was that after examining the eastern portion of the Star mine they were to inspect the western portion of No. 5 level around this drift into the Silv smith. In the extract I have given from his evidence (710) it will be seen that he states they did not proceed on No. 3 level further west than station 43. From this evidence I find that on the second day's inspection there is nothing to establish that they went any further than 43. On the third day they went, as arranged to the Silversmith tunnel and that portion of

the admission was made: Q.-Will you say on your inspection with

his lordship the chief justice and Mr. El-mendorf, you went on to point 50? A.-Yes. Q.: That you went beyond 45?

A .: That is my recollection: that we went

Q.: Have you a note of that? A.: No; I made no note of it.

Q.: You are not in a position to speak definitely?

A.: I am depending on my rec Q.: My instructions are different. But you are positive of this, that you did not admit that from D27 on there was a vein and that it was the vein you have called the Silveramith? This fordship: Where is point 52? Mr. Bodwell; Foint 53 is in that new drift His lordship: Don't you remember being

at point 52?

Witness: I went to 52 and saw this new drift at the time of the inspection, but my wire at the time of the inspection, but my recollection is that you did not go there. His lordship: My recollection is different. Witness: I did not make any positive statement about that I said we went as far as 50 anyway; if we went to 52 we containing massed 51 certainly passed 51. His lordship: There is ore to be found at (

52 and 51 at the face of the drift.

Witness: Then that proves we did go there (p. 1853.) • That piece of evidence evidently taken from the chief justice's notes taken on the spot (1818)seems to show that they did not stop at 43 but proceeded as far as 51 or 52 where ore was found at the face of the drift. This corroborates Sizer's contention that they went on to 51 (1800 and as both experts are agreed that when the admission was made it was determined not to go any further (1800) I have come by

that Mr. Elmendorf is mistaken. This is a matter of considerable importance because the defendants relying on this admission gave no further evidence as to the drift being in the vein after passing D or E going westerly. I am not satisfied that it is.

The learned chief justice does not refer expressly to this incident in his final judg-ment, but at p. 2026 he says in effect that in selecting D 27 as the westerly point for his orosscut he was guided by what the two experts, Sizer and Elmendorf, had said when he made the examination in Deco ber, 1904. As I have already said that was; in my

opinion, a misapprehension on his part, and I cannot help thinking it was in consequence of these two disagreements that Sizer's testimony was regarded by the chief justice as too e astic to be reliable. From questions interposed by the learn-ed chief justice at the hearing held in July, 1905, it would seem that the presence of slicken sides in the drift from C to D minus 27, was strong evidence that the drift was run in the vein. I refer to his questioning Elmendorf, p. 1769; Sizer, 1803, and Fowler, 2002 as to this.

Now, if this was his idea, I think he was in error. It true that Eim February, 1903, spoke of slickenslides being found in veins, p. 261; but Fowler and Sizer both said in July, 1905, that slicken sides can be found in any place of mov ment in the country rock, p. 1885, and p. 2002, and Cavanaugh at p. 433 says the same thing. Elmendorf at p. 1768 does not rely on slickensides.

Slickensides, a miner's term for the striae, furrows, or polished surfaces cov-ering the walls of fissures, and sometimes the surfaces of soft rock. They result from Work was to be done Witness Because Mr. Elmendorf, as I ing one against the other under great pressure. The phenomenon seems to not uncommon. It may result from the friction of the mass of a vein moving in a fissure. Slickensides are not necessarily an indication of vein matter. In the ≪ol-howing example noted by James D. Dana, ided: "In the Triass of rock as slick

New Haven, the successive tranite sandstone have been one another upward along one another upward bedding, producing great slicke faces; and these surfaces very thin white coating, to ground-up feldspar. In the there are also ordinary faults ensided walls; and in many rock is in fragments and all the even those no larger than th dicate participation in the mithe slickensides which cover Jas. D. Dana's Manual of Geo Jas. D. Dana's Manual of Ga Having regard to the state 2059 of the learned chief justic bearing evidence, he was satisf 5th level shows the continuous of importance that attention drawn to this point. If the le justice had conceived the id presence of slickensides nece justice has concerned in presence of slickensides neces cated vein matter (see p. 130 would no doubt regard this vein matter, and would have a son for disbelleving Sizer's ter Before us, Mr. Sizer gave h in a satisfactory way and the I have a arrived at with refere is that he is a close and accurs of facts and of good memory sirous of misleading the court Leaving that subject and tur Fowler's testimony as to the w to D27, which he visited in Ju a day or so before giving his a day or so before giving his the second trial, he says, 1927 to C you are crosscutting the sure. The new drift was on it sure. The new dift was on a side going in a wall or plane a this wall and the old drift the lar some six or seven feet, sep old drift from the new drift. wall of the black fissure." T wall he says passes across t new drifts and goes on to the Now I turn to Mr. Oscar W point. It is another instance ingness to mislead the court found at pp. 1687 and 1688. eH was again crossexamined as to the new work C to D27. stated (1675 that there was on which was on the left hand s that is on the south side; the he is asked: "Are you sure not on the right side of the o go in?" To which he replied: sure." I now give the questio

of East Haven, Conn., on th

Q: There is no wall on the Ade as you as you go in fi A: What kind of wall? Q: Well you have said the ne wal; I want to know wh

On the left hand from Q: And that is the only Where we started at C Q: There is a wall on as well as the left?

A: Yes, Q: And when you get a litt wall on the right hand side A. We dignt follow that, Q. When it disappears on w

A: The right hand side. Q: It goes out on the right

A: Yes. A: Yes. Now, why did he deny that Now, why did he deny that two walls revealed by this wo nificance of his suppression o ence of this wall was shown tent when Fowler and Sizer evidence in July, 1906 Sizer's 1 Q: You heard Mr. White's which he wild there was an which he said there was so had the appearance of a wal out of this new drift to the is that? A: That is the hanging wa'l

fissure. In connection with this su be convenient to give Mr. Ein

dence, p. 1765. Q: Did you find another to the south in that drift? A: Going off to the south Q. Yes; north I mean

A: At what point? Q: At any point?

A: No sir; there is nothing wall crossing that drift to that is what you mean. Q: You saw nothing that h ike a wall as what you call A: No sir; there is a blo A: No sir; there is a block in there, but nothing that wall going in that direction. Oscar White saw the wall, istence, but afterwards ack Mr. Elmendorf, after dem culars, is able to say "the there that I consider a wall The evidence given befor after the work was done by every reason for believing th every reason for believing a wall. And it is by the light dence that I think it was s that Mr. Oscar White allow cut B to X to be blocked up eve of the trial in July, 190 There seems to me to be absolute cut off between t the plaintiffs call the hangi black fissure and all west ler's evidence is most clear and I accept it. To the chief justice at the 1905, he said: "There is abs nection between the plane the new drift has been run, to the east of the hanging black fissure."

To the chief justice at th in answer to the question: Q: What in your opinion clusively the theory that tinuous vein C? A: As far as I have see disconnection between wha point C and what lies east reason of that limiting plan to continue across the o'd new drift ordered to be new drift ordered to be lordship. That, to my min disconnection between ever west of what we call the and everything to the eas He denies that there is a to be found west of C, alth that the new drift is run of that something in the nat that something in the sides is to be found there. He was then asked as to plied, p 1931. "I did not

His lordship-You mean this turn running from 44 to 50?

Witness-Yes; I tried to point out without being impertinent in the matter that a vein could not take that circular shape and connect by any possibility on its dip with the same vein in No. 4 Silversmith, and the work that has been done since in the way of mining is convincing proof to me that that portion from 44 around to 50 is entirely outside the vein.

His lordship-You are speaking now of this new work in the Silversmith Witness-The new work on the Silver. smith that was put on the map yesterday. Now, this is a very unfortunate position of affairs. One expert says the admission was made with reference to all the drift west of some point between E to 43 D and 43, both of which are at some distance west of D27. The other expert (the person who is alleged to have made the dmission) says the admission was made as to the drift west of station 50-51 (the next turn of the drift to the south). The judge seems to have been of the opi that the admission was made as to a third p'ace, viz: D27, for he very pertinently asks Sizer: "How is it that D27 came to be chosen as the point at which this work was to be done?" See page 1804. Now how is this dispute to be settled

Not by the judge's recollection as he doe not agree with either of the experts. The flict between them must be determined by their own evidence On the face of it Mr. Elmendorf's state-

nent seems extraordinary because M Sizer had at the trial in February, 1904, taken such strong grounds, asserting that there was another black fissure at 43.

Mr. Emendorf's story is that (1093) the original p'an was that after exam eastern portion of the Star mine they were to inspect the western portion of No. 5 level around this drift into the Silversmith. In the extract I have given from his evidence. (1710) it will be seen that he states they did not proceed on No. 3 level further west than station 43. From this vidence I find that on the second day's inspection there is nothing to establish that they went any further than 43; On the third day they went, as arranged to the Silversmith tunnel and that portion o the mine.

In the cross-examination by Mr. Bodwell of Mr. Sizer we find the following (1852) no doubt with reference to the place wher the admission was made:

Q .- Will you say on your inspection with his lordship the chief justice and Mr. Elendorf, you went on to point 50?

A.-Yes. Q.: That you went beyond 45?

A .: That is my recollection; that we wen as far as 50? Q.: Have you a note of that?

A.: No; I made no note of it. Q.: You are not in a position to speak finitely?

A.: I am depending on my recollection Q.: My instructions are different. But you are positive of this, that you did not dmit that from D27 on there was a vein and that it was the vein you have called the Silversmith? His lordship: Where is point 52?

Mr. Bodwell: Point 52 is in that new drift His lordship: Don't you remember being t point 52?

Witness: I went to 52 and saw this new drift at the time of the inspection, but my recollection is that you did not go there. His lordship: My recollection is different. Witness: I did not make any positive tatement about that I said we went as far as 50 anyway; if we went to 52 we ertainly passed 51.

His lordship: There is ore to be found at 52 and 51 at the face of the drift. Witness: Then that proves we did go

here (p. 1853.) here (p. 1853.) • That piece of evidence evidently taken chief justice's notes taken or the spot (1818) seems to show that they did not stop at 43 but proceeded as far as 51 or 52 where ore was found at the face of the drift. This corroborates Sizer's conention that they went on to 51 (1800 and as both experts are agreed that when the imission was made it was determined not to go any further (1800) I have come the inclusion that the admission made by Sizer was applicable only to the tion of No. 5 level west of station 50 and

that Mr. Elmendorf is mistake This is a matter of considerable imp ance because the defendants relying on this admission gave no further evidence as to the drift being in the vein after passing D or E going westerly. I am not satisfied that it is.

The learned chief justice does not refer expressly to this incident in his final judgnt, but at p. 2026 he says in effect that in selecting D 27 as the westerly point for his crosscut he was guided by what the two experts, Sizer and Elmendorf, had said when he made the examination in December, 1904.

As I have already said that was; in my opinion, a misapprehension on his part, and I cannot help thinking it was in conquence of these two disagreements that Sizer's testimony was regarded by the chief justice as too e astic to be reliable.

From questions interposed by the learn d chief justice at the hearing held in July, 1905, it would seem that the presence of slicken sides in the drift from C to D minus 27, was strong evidence that the rift was run in the vein. I refer to his questioning Elmendorf, p. 1769; Sizer, 1803. and Fowler, 2002 as to this.

hai ks.

Now, if this was his idea, I think he was in error. It true that Eimendorf in February, 1903, spoke of slickenslides being found in veins, p. 261; but Fowler and zer both said in July, 1905, that slickensides can be found in any place of move nent in the country rock, p. 1885, and p. 2002, and Cavanaugh at p. 433 says the same thing. Elemendorf at p. 1768 does not rely slickensides.

Slickensides, a miner's term for the striae, furrows, or polished surfaces covering the walls of fissures, and sometimes the surfaces of soft rock. They result from friction of two portions of rock moving one against the other under great ssure. The phenomenon seems to be not uncommon. It may resu't from the friction of the mass of a vein moving in a issure. Slickensides are not neces an indication of vein matter. In the col owing example noted by James D. Dana, not only the fissure wa'ls but small bits of rock as slickensided: "In the Triassic

of East Haven, Conn., on the border of New Haven, the successive beds of granite sandstone have been shoved over one another upward along the plane of bedding, producing great slickensided surfaces; and these surfaces have generaly very thin white coating, apparent y due to ground-up feldspar. In the same region there are also ordinary faults with slicked walls; and in many places the rock is in fragments and all the fragmen even those no larger than the hand, indicate participation in the movement by the slitchensides which cover them."-See Jas. D. Dana's Manual of Geology, (1896.) Having regard to the statement at p. 2059 of the learned chief justice that after hearing evidence, he was satisfied that the 5th level shows the continuous vein, it is of importance that attention should be drawn to this point. If the learned chief justice had conceived the idea that the sence of slickensides necessarily indivein matter (see p. 1802 Q. 4) he would no doubt regard this drift as in vein matter, and would have another reason for disbelieving Sizer's testimony. Before us, Mr. Sizer gave his evidence in a satisfactory way and the conclusion

have arrived at with reference to him is that he is a close and accurate observer of facts and of good memory and not destrous of misleading the court. Leaving that subject and turning to Mr. Fowler's testimony as to the work from C to D27, which he visited in July, 1905, just day or so before giving his evidence at the second trial, he says, 1927: "From B

to C you are crosscutting the black fis-The new drift was on its left hand side going in a wall or plane and between this wall and the old drift there is a pillar some six or seven feet, separating the old drift from the new drift. Near the wall of the black fissure." This hanging new drifts and goes on to the north.

found at pp. 1687 and 1688. eH was again crossexamined (July, 1905) hat is on the south side; then at p. 1687, he is asked: "Are you sure the wall is not on the right side of the drift as you ure." I now give the questions and ans-

Q: There is no wall on the right hand

side as you as you go in from C? A: What kind of wall? Q: Well you have said there was only one wall; I want to know what side it is

On the left hand from C, going in. Q: And that is the only wall? A: Where we started at C there is-

Q: There is a wall on the right hand side as well as the left? A: Yes. Q: And when you get a little way in the

wall on the right hand side disappears? A. We dight follow that. Q. When it disappears on which side is

A: The right hand side. Q: It goes out on the right hand side? A: Yes.

Now, why did he deny that there were two walls revealed by this work? The significance of his suppression of the existance of this wall was shown to some extent when Fowler and Sizer gave their evidence in July, 1905. Sizer's is as follows: Q: You heard Mr. White's evidence in which he said there was something that had the appearance of a wall running off out of this new drift to the north. What is that? A: That is the hanging wa'l of the black

fissure. In connection with this subject it will be convenient to give Mr. Elmendorf's evi-

dence, p. 1765. Q: Did you find another wa going off to the south in that drift? A: Going off to the south in that drift?

Q. Yes; north I mean · At what point? Q: At any point?

A: No sir; there is nothing I consider a wall crossing that drift to the north, if which is a result mainly of his inspections. that is what you mean. Q: You saw nothing that looks as much

ike a wall as what you call a wall? A: No sir; there is a block of porphyry in there, but nothing that looks like a wall going in that direction. White saw the wall, denied its ex-

istence, but afterwards acknowledged it. Mr. Elmendorf, after demanding particulars, is able to say "there is nothing there that I consider a wall.' evidence given before this court

after the work was done by Zwicky shows very reason for believing that there was a wall. And it is by the light of that evidence that I think it was so unfortunat that Mr. Oscar White allowed the crosscut B to X to be blocked up, right on the

eve of the trial in July, 1905. There seems to me to be established an absolute cut off between this wall which the plaintiffs call the hanging wa'l of the black fissure and all west of it. Mr Fowler's evidence is most clear on that point, and I accept it. To the chief justice at the mine in July,

1905, he said: "There is absolutely no connection between the plane under which the new drift has been run, and what was to the east of the hanging wall of the black fissure.'

To the chief justice at the trial he said in answer to the question: Q: What in your opinion negatives conclusively the theory that this is a con-

tinuous vein C? A: As far as I have seen the absolute disconnection between what lies west of point C and what lies east of point C by reason of that limiting plane which I find

to continue across the o'd drift and the new drift ordered to be made by your lordship. That, to my mind, is the chief disconnection between everything to the west of what we call the black fissure everything to the east. He denies that there is any vein matter

to be found west of C, although admitting that the new drift is run on a plane and that something in the nature of sloken- judge and maintained it steadfastly sides is to be found there. was then asked as to 43 to 50 and replied, p 1931. "I d'd not examine it par- heard their theories, but, as it were, saw

that was remarkable or worthy of any special attention at the time; I didn't see any vein matter.' Q: From 43 to 50 is that tunnel or drift: that work from 48 to 50, is that in your opinion any part of the fissure which has collowed down from the turn we call the

SHILOH'S

evidence in this case, as it is to under-stand the extent, trend and course of the

different subterranean formations by hand-ling the small fragments of "rock" pro-duced as exhibits, and about which there

is such a hopeless divergence of scientific

questions of law.

I would dismiss the appeal.

IMPROVED CONDITION OF AGRI-

CULTURAL SOCIETY.

THE PAST YEAR.

A special meeting of the directors of

the Nelson Agricultaral and Industrial

society was held yesterday morning

because of the departure of C. W.

sented. Last year there was a balance against the society of about a thousand dollars. This has all been wiped off and there is now a slight balance to the credit of the association. The ac-

Donations and subscriptions., \$1,792.00

fembership tickets 1,038.0

15.25

37.20

57.28

155.75

462.65

60.00

804.07 350.00

225.00

489.9

32.51

288.45

62.10

7.70

- \$2,596.08

40.27

701.73

75.00

200.00

\$3.648.05

500.00

304.50

80.00

276.63

\$2.663.77

.\$3.648.05

35.00

. 254.50

5.75

1.641.44

Privileges sold

Entry fees on exhibits.....

Printing and adyt....\$ 496.74

ing and exhibits.... 334.50

counts follow:

Disbursements-

Drayage on exhibits ...

Labor preparing build-

Decorations Freight on exhibits...

Judges' expenses General expenses of

ehxibition Prizes for exhibits,...

Cots premium cups...

Nat Reiss company...

Horse races

Firemen's tournament.

Insurance Repairs, maintenance.

Depreciation and writ-

ten off Rent and taxes, C. P.

interest and discount.

Cost new extention...

Balance, gain on exhibition for 1907 ... 673.05

Cash on hand

Liabilities-

Balance

Sundry accts. 1906.... 64.00

Assets-Valuation Nov. 1, '06..\$2,884.50

Less depreciation 288.45

Cash with Imperial Bank..... Outstanding donations

Premium cups Provincial exhibition grant....

Secretary, salary for year\$

C. P. R., rent, taxes.....

Vouchers for prizes unpaid, etc

Accts, payable outstanding....

Total

HYMAN RETURNS.

Back From the Land of the Mikado-

Lemieux's Mission.

to his home in London, Ont., from

tour in China and Japan, Charles Smith Hyman, former Canadian minister of

public works, arrived here yesterday on the steamer Korea. He said that the Japanese had no hard feelings

against Canadians on account of the treatment of Japanese at Vancouver a

hostility either against Canada or the United States. There have been in-

the people did not seem to attach any

few months ago. "I heard very few expressions

lammatory articles, but the ma

Francisco, Nov. 29.-Returning

assets 1906..\$1,990.72

673,05

Kootenay Wire Works

Add. gain ex. 1907....

Total \$7,500.65 \$7,500.65

R. land

Band Secretary's salary

Drliling contest

Receipts-

.

40.00

15.90

cicularly closely; I didn't see anything

Quick ease for the worst cough-quick relief to the heaviest cold-and SAFE to take, even for a child. That is Shiloh's Cure. Sold under a guarantee quicker than any other medicine-or your money back. 34 years of success commend Shiloh's Cure. 25C., 50c., \$1. black dissure. A: Certainly not. Q: Is that work from 43 to 50 and part, in your opinion, of the Silversmith vein, shown over on these workings in the Silversmith ground? **OUICKLY**

A: Certainly not. It may not be out of date to mention that this examination of Fowler followed that of Sizer, who had just denied making the damaging admission imputed to him by Eimendorf, the order of events being as follows: December, 1904, alleged admission by

May, 1903, inspection by chief justice, and Fowler and Oscar White. July, 1905, inspected by Emendorf Fow

ler and Sizer. Whether Elmendorf and Sizer visited this mine together, I cannot say, but Sizer and Elmendorf did (1900). It is impossible to suppose that Sizer wou'd not communicate to Fowler the fact that he had made the admission attributed to him, if he had indeed made it,

July 26th, Elmendorf gives evidence of alleged admission, "as he understands it." Sizer denies making such admission. July 28, Fower gives this answer as to the drift from 43 to 50: "I didn't examine it particularly closely."

This answer, to my mind shows that Fowler had not been made aware until after his inspection of the mine in July that this alleged admission had been made by Sizer. That fact and the simplicity of the answer strengthens my belief that Mr wall he says passes across the old and sizer never made or even supposed that he had made the admission imputed to Now I turn to Mr. Oscar White on this him. Mr. Fowler, a mining engineer repoint. It is another instance of his will- siding in this province since 1889, with nine point. It is another include and will be or ten years' experience in the Slocan country, and who at one time was familiar with the workings of the Ruth mine, a as to the new work C to D27, and having mine on'y a few hundred feet to the north stated (1675 that there was only one wall, of the mine in question in this action, of which was on the left hand side going in, that is on the south side; then at p. 1687. all the witnesses, except Mr. Oscar White and Mr. Harris, whose experience in the Slocan country is also considerable, is, by virtue of his long familianity with the surgo in?" To which he replied: "Yes; I am rounding country, entitled to speak with most weight. For these reasons, I think the defendants

case has failed. Judgment should there-fore be reversed, with costs here and below. The judgment should direct an en quiry as to the amount of ore taken, and contain a declaration that the Slocan Star ocation does not give to the defendants any rights to the west of the west end line of that claim, and that the vein or lode on the Silversmith location has not been shown to extend to the Rabbit Pa or Heber Fraction. There should be an injunction also, but the terms of the judg ment had better be spoken of later.

GUDGMENT OF MORRISON IN The judgment of Mr. justice Morrison

wherein he dissents from a majority o the court and ho'ds that the appeal should be dismissed with costs, is appended This is an action for damages and an injunction against the taking of ore from plaintiff's mineral claims known as

the Rabbit Paw and Heber fraction. Markedly divergent theories were advanc-ed at the trial, and when it was deemed advisable that the workings and condition of the mines should be inspected, the Cearned trial judge, accompanied by two engineers, selected by the two parties hereto, visited the mine, ordered centain additional work done, and then had a second view. From the voluminous evidence before us, I gather that a thorough inspection was made. At the close of the evidence following this view of the locus in quo counse! for the plaintiff requested that further work be done on the ground that not enough had been done to tablish his theory, and that without additional work as indicated by him, it was useless for him to proceed with his case. This was refused, and the learned judge then gave the judgment appealed from, Upon appeal to this court, however, such leave was given the plaintiff to have certaain further work done and to advan if necessary, such further evidence as the parties might be advised respecting the sues as developed at the trial. Pursuan to this leave, the work was done by a Mr. Zwicky, and in due course, his evide and that of the chief witnesses at the trial, as well as the evidence of a Mr. Boehmer, an American expert, was given

before us on this appeal From a close reading of the proceedings on appeal. Icannot discover any tangib e ridence. It is all highly theoretical, not to say rhetorical, and the arguments of ounsel were equally vituperative

With regard to the position in which the plaintiff's counsel considered he stood at the dose of the trial, it seems to me ne cessary for him to adduce evidence of a nature much stronger than before to es-tablish his theory. If the new evidence, does not add to it, but simply reaffirms the

evious evidence it is not enough Otherwise, giving the fullest effect both sides, apart from the question of onus, which I submit now is on the plaintiff, the net result would be as before. one theory opposed to the other. But with this difference, that the defendant is supported by the opinion of the searned trial judge, based mainly upon his inspection and so should prevail with us.

I joined in the order for the perfor of the new work solely in the belief created by the strenuous argument of coun-sel that the new work wou'd clearly demonstrate the contention of the plaintiff. and had I anticipated that the would be to afford a breathing spell for a resumption of the wonderful display of theories as to the formation of the earth's interior by clever experts, I should have hesitated before concurring.

The leading respective experts appear to be men of ability who advanced diametrically opposite scientific theories. They assumed that position before the trial giving their evidence on appeal. The trial judge, however, not only

Contraction A Contract THE WEEKLY NEWS, SATURDAY, NOVEMBER 30, 1907

> sness to the various race out-He was inclined to think that the Lemieux mission was largely an ex-perimental one, for the Canadian gov-ernment has not idea in advance of what it was prepared to grant and what it would accede to.

ATTENDANCE AT SCHOOL

TOURES FOR THE MONTH OF NO-VEMBER

AVERAGE LOWER THAN USUAL ON ACOUNT OF ILLNESS

those theories worked out. One who hear The enrolled school attendance for the a man tell how he performed a certain piece of work is not in so favorable a pomonth of November was 524 and the avition to determine the nature of the work rage actual attendance was 465,44. These performed as if he saw him do it or saw fgures include the high, public and Hun the work after it was done. For my part, I find it as difficult to schools. The Wilson Banner for the month was appreciate the value of the voluminous

won by principal Sullivan's cass, division No. 1. The average attendance for the . month was lower than usual owing to illness of several pupils. All the figures in detail are

ville.



HIME SCHOOL Enrol, Att. P.C. Division 1 29 25 86.20 Division 2 55 47 85.45 STATEMENT OF ACCOUNTS FOR 72 Total

The list of those who attended perfectly at the public school throughout the month is as follows: Division 1, A. Sullivan, principal-Lottie Annable, Beatrice, Ebbs, Cyde Emory, Enid Etter, Beatrice Fennell, Hugh Flet-Link for Europe. The business before the meeting was the preparation of a statement of accounts for the past year. This has been done and is here pre-sented. Last year there was a balance Hester Pierre, Bert Donaldson, Clifford Irvine, Frank Pogue, Robert Macleod, Keith Kettlewell, Mary Dona'dson, Ida Zuehlke, Anna Palmqu'st. Division 3 Miss E. S. DeBou, teacher-Gertrude Annable, Arthun A'ban, Waldo Ferguson, Ada Hellstrom, Nellie Etter, Louis Johnstone, Alfred Mahson Arthur Marks Gadys McoDnald Luia McVicar, George Norman, Almida Palmquist, Ed-mund Traves, Rachel Wilson, Edward Murphy George Elliott, Beu'ah Thomson. Division 4, Miss Thomas, teacher-Laurence Amas, Minnie Anderson, Esther Bar Donald Black Leila Buggine, Berenice Cummins, Annie Donaldson, Maud Heppel, Mildred Irvine Jack Laughton Ruth Man-

hart, May Manson, Earle Marks, Vernon Montgomery, Kathleen Montgomery, Edna Murphy, Rita McCutcheon, Bruce Macdonald, Willie McVicar, Lily Oates, Hilde Palmquist, Edith Ross, Frederica Starkey, Hazel Thomson, Charlie Traves. Division 5, Miss L. Dade, teacher-George Amas, Ray Alban, Eric Beeston, He'en Boyd Eddie Boyes, Sharlie Bradshaw, Everett Brusch John Craig, Stella Dynes, Geo Forguson, Joe Greyerbiehl, William Gould ing, Norman Hal', Carl Hamilton, Kath-Ceen Irving Jack Leslie, Alex, Lidgate. McKeown Alice McGregor, Hazel

Newitt, Hilton Nagle, Myrtle Palmquist, Violet Ross, Arthur Simons, Mary Waldie, Charlie Wilkinson. Division 6 Miss Moffatt, teacher-Fred Burchell, Esmer Cavanaugh, Myrtle Dan-ough, Robert Dinwoodie, Noel Irvine, Lese Lithofield, Aggie Leslie, Muriel Marks,

burn, Frank Siemens, Isabel Thompson Marion Waldie, Division 7, Miss C. Milligan, teacher Christina Allan, Margaret Arthur, Alexan-

dra Ballam, Helen Baillie, Joy Cummins, Gadys Dinwoodie. Dan Jonës, Agnes Law-son Ernest Machin, Ethel MoGregor, Chas. Middleton, Lydia Murphy, Clayton Arthur Wilkinson, Catherine Wallach, Rose Garde, Violet Garde, Frank Wallace Division 8, Miss M Taylor, teach r-Violet Boyes, Gordon Bradshaw, Harry Burchill Edith Cavanaugh, Tony DeFero, Thelma DeWitt, Allan Di l, Jessie Donaldson, Hewitt Ferguson, Emmet Hamilton, Reggi Hay, Walton Heppel, Ethel Hodge; Hare'd Hodge, Newton, Powell, Herbie Jordon Ronald Lidgate Gregg Thomson, William

Wilson, John Ballam. Division 9. Miss McVicar teacher-Nelson Ball, Wilfred Car ie, Jack Dinwoodie, Carlton Duck, Douglas Forin, Ira Hall, Jeannette Hannah, Roy Hodge, Stewart Houston, Percy Marks, Lillian McDonald Bessie McKenzie, Phylis Ruddick, Fred Stetle, Gerge Svoboda, Willie Wallach, Wilfred

Division 10, Miss E. Thom, teacher-Hec tor Blakey, William Oraig, Hugh Davidson, Katle Darough, Howard Duck, Jack McPhee, Leslie Hall, Freda Hume, Elsie Hodge Constance Joy, Howard Murphy, Edward McGregor, Mary Shaw, Katie Mc Kenzie, Katie McInnis, Andrew Moe.

were perfect in attendance during "the month of November: month of November: Division 1, Miss Bate, princ'pal-Freda Bullock, Nel'is Ba'ding, Tomy Malegard, Arthur Maurer, Murdo McLeod, Rhods, Mo-Gregor, Edith Gilchrist, Bruce Gilchrist, Elizabeth Lynch, Thouvad Hamsen Division 2, Miss McLennar, tea Ella Brown, Syd. Desireau, Vera Gil Habegarde, Fred Hartwick, Doris

Wild.

HUME SCHOOL The following pupi's at the Hume scho

contra boundary of township 'X.I.A., en he wast add of the Nelson and Fort Shep-and right of way, thence west 60 chains, ore or less to the S.W. corner of section township X.I.A.; thence south a ong the boundary of the Nelson and Fort

Gladys McKeown, Elleen Mackenzie, Victor Mastberg, Hamilton Neelands, Lloyd New-

Northwestern Supply House 259 and 201 Stanley St. MANITOBA WI-NIPEG POSITION VACANT.

This territory is open for an egent-either lady or gentleman to represent us and handle our perfecting fitting, tailor-made-to-order skirts. A capable agent can make a large salary. Apply at once to DOMINION GARMEENT CO., LIMITED, Box 285 Guelnh Ont.

Box 258, Guelph, Ont. MRS. T. H. J. RYAN.

Have just returned from New York wit a fine fine of Robes, Laces, Dress-goods, Trimmings and Novelties. Call and in-spect my line while visiting the city of pokane. Suite 313 Holland Bldg., Spokar Wash, Phone Main 991

Hodgin, Leonard Jackson, John Jeroma Tommy Jerome, Angus McLeod, Bertin MoGregor, Gladys, MoPhee, Myrtle Mo Phee, John Marquis, Grace Maurer, Jame Ringrose, Wa'ter Ryan, Jack Merrison Gladys Rendall, Willie Rendal, Agner

Phiberg, Charlie Peterson, Beatrice - HUGH MURRAY DEAD Hamilton, Nov. 29-Hugh Murray, gran

secretary of the grand lodge of Canada A.F. and A.M., and one of the best known Masons in Canada, died suddenly morning at his home, aged 65 years. was taken suddenly ill at his office on Monday, but it was thought the ilnes was not of a serious nature. He leaves one son and four daughters.

FROM BLOOD POISONING Toronto, Nov. 29-This morning, Robe F. Tate, resident engineer of the Macken-zie and Mann company, died at the West-ern hospital from blood poisoning. Mr. Tate was 53 years of age and for the last ten years had been connected with late employers, and for several years had held the position of resident engineer. He was a son of the late A. J. Tate of Belle-



BENEFIT BY THE PREPRENTIAL TARIPS. 5 pairs Lace \$6.30 postage free. Curtains \$6.30 (White or Ecru.)

C Gurshins SD. SU Power of the constraints of the second state of



A SAVING OF 25c to 50c on the \$ CAN BE MADE ON YOUR GROCERY. CLOTHING

DRY GOOD & ANU SHOE BILLS BY DEALING WITH US

ALL GOODS ARE QUOTED EXPRESS OR FREIGHT PREPAID

We pay freight to any railway station n western Ontario, Manitoba, Saskat chewan, Alberta and British Columbia. Write for our latest price lise, it is mailed free on request. We handle only the best goods money can buy, only goods of best mills, manu-facturers and packers shipped.

to your pocket book to investigate our

we do not belong to the jobbers' or retailers' guild or association or any trust. References: Any bank, railway or express company in the city, or the names of twenty thousand satisfied pat-rons in the four provinces.

WRITE FOR OUR PRICE LIST TODAY

LAND NOTICES

NELSON LAND DISTRICT, DISTRICT

Are wast KOOTENAX TARE NOTICE that R. G. Affleck of Winnoes, Man. occupation, barrister, intends to apply for permission to pur-chase the following described lands: Commencing at a post planted on the south boundary of township's X JA on

ppard land grant, 70 chains more of less to the west boundary of the Nelson and Fort Sheppard railway right of way; thence northerly and easterly along said right of way to point of commencement, ning 160 acres more or less. R. G. AFFLECK, Locator.

BOYD C. AFFLECK, Agent. Dated Nov. 18, 1907.

NELSON LAND DISTRICT, DISTRICT OF WEST KOOTENAY TAKE NOTICE that I, Donald Dewar, of Arrowhead, B.C., timber cruiser, intends to apply for a special timber licens over the following described lands: Commencing at a post planted about two miles east from the east end of Sum-mit lake and on the south side of Bonanza mit lake and on the south side of Bonanza creek, and marked "D. Dewar's northeast corner post." thence west 100 chains; thence south 40 chains; thence east 100 chains; thence north 40 chains to point of commencement, being same ground covered by T.L. No, 10218. D. DEWAR.

October 19, 1907. Sixty days after date, I, E. R. Vipond, contractor, of Poplar, B.C., intend to ap-ply for permission to purchase the follow-ing described land in West Kootenay dis-trict: Commeroing at a post planted at the S.E. corner of K. and S. lot 833, thence east 40 chains; thence north 40 chains; thence west 40 chains; thence south 40 chains to point of commencement, 160 acres more or less. nore or less. Dated this 24th day of Oct., 1907.

E. R. VIPOND. NELSON LAND DISTRICT-DISTRICT

OF WEST KOOTENAY: TAKE NOTICE that Norman Wenmeth of Hayfield, England, occupation, farmer, ntends to apply for permission to purchase the following land: Commencing at a post planted at the N. W. corner of Lot 7740, Pend d'Orelle River; W. corner of Lot 740, Fend d'Oreille River; thence north 20 chains; thence east 20 chains; thence south 20 chains; thence west 20 chains, containing 40 acres, more or less, NORMAN WENMOTH, Dated 19th October, 1907.

NELSON LAND DISTRICT, DISTRICT NEISON LAND DISTRICT, DISTRICT OF WEST KOOTENAY. TAKE NOTICE that I, Joseph Blackburn, of Nelson, B.C., occupation, electrician, intends to apply for permission to purchase the following described lands: Commencing at a post planted at the S.E. corner of lot 333, in West Kootenay dis-trict, thence south 40 chains, more or less; there of S.E.

trict, thence south 40 chains, more or less; thence 7 chains, more or less, west, to S.E. corner of 161 7374; thence north 40 chains to N.E. corner of 7874; thence east 7 chains to S.E. corner of 161 3335, comprising 30 acres more or less. JOSEPH BLACKBURN Dated Oct. 15, 1907.

NELSON LAND DISTRICT, DISTRICT OF WEST KOOTENAY. TAKE NOTICE that Adran LaBrash of Nakusp, intends to apply for permission to purchase the following described land: Commencing at a post planted at Les-sell's southwest corner, about one mile west on Lower Arrow Lake, and marked "Adran LaBrash's morthwest corner," thence south 80 chains; thence east 40 chains; thence north 30 chains; thence west 40 chains to point of commencement and containing point of commencement and containing 20 acres more or less. ADRAN LABRASH ALEXANDER DUCHARME, Agent.

Dated 18th Dec. 1907.

CERTIFICATE OF REGISTRATION OF AN EXTRA PROVINCIAL COMPANY

"Companies Act, 1887" I HEREBY CERTIFY that the "Morning Bell Mining and Smelting Company" has this day been registered as an Extra-Pro-vincial Company under the Companies Act, 1887, to carry out or effect all or any of the objects of the Company to which the the objects of the Company to which the legislative authority of the Legislature of The head office of the company is situ-

The head office of the company is stu-ated at Spokane, Washington. The amount of the capital stock of the company is two hundred and fifty thousand dollars, divided into one million shares of

We make prompt shipments. We absolutely guarantee satisfaction and delivery. All goods guaranteed or money re-funded. It is a duty to you, to your family and to your pocket hook to investigate our met time of the aristoney of the company. The time of the existence of the is forty-nine years from the 15th of Janu

ary. 1907. The company is specially limited under The company is specially limited under Section 56 of the said Act and no liability beyond the amount actually paid upon shares or stock in the company by the sub-scribers thereto or holders thereof shall at-tach to such subscriber or holder. GIVEN under my hand and seal of of-fice at Victoria, Province of British Colum-bia, this 12th day of August, 1907.

S. Y. WOOTTON, Registrar of Joint Stock Companies The objects for which the Company ha been established and registered are re-tricted to acquiring; managing, developing; working and selling mines, mineral claims and mining properties, and the winning; getting; treating; refining and marketing of mineral therefrom.

LAND REGISTRY ACT TAKE NOTICE that an application ha been made to register Mary Ann Stu geon as the owner in Fee Simple under two several tax sale Deeds from R. J Stenson, Collector of the Slocan Assessment District to C. V. Gagnon, bearing date the 21st day of November, 1906, and the 22nd day of August, 1905, respectively. of all and singular those certain parc and tracts of land and premises situa lying and being in the District of Kootena

lying and being in the District of Kootenay in the Province of British Columbia, more particularly known an described as: All minerals, precious and base, save coal and petroleum, under lots four thous-and four hudred and seventy (4.70) "Moun-tain Ohief No. 3" Mineral Claim, and four thousand four hundred and seventy-one (4.71) "Sarnia" Mineral Claim, both in Group One in the District of Kootenay. And said minerals have been transferred by the said C. V. Gagnon and the said Mary Ann Sturgeon.

Mary Ann Sturgeon. You and each of you are requested to coptest the claim of the tax purchaser within fourteen days from the date of the service of this notice upon you, and in default of a cavest of certificate of lis-pendens being filled within such period you. will be forever escopped and debarred from

the said land, and I shall registe Ann Sturgeon as the owner thereof. DATED at the Land Registry Nelson, Province of British Columb 33rd day of July, A.D., 1907. H. T. MACLEOD.

To District Regis ALFRED HILL WILSON HILL FLORENCE L MeINNES ROBERT SCOTT LENNIE JOSEPH STURGEON

DONALD MCDONNELL NOTICE TO DELINQUENT CO-OWNER

NOTICE TO DELINQUENT CO-OWNER To James Livingstone, or any other persons or persons to whom he may have trans-ferred his interest in the Alberta Min-enal cliam, stuated on the First North Fork of Lemon Creek, in the Slocas City Mining Division of West Koote-nay district, and recorded in the Mining Recorder's office at Slocas, B.C. You, and each of you, are hereby noti-fied that I have expended the sum of four hundred and ten dollars (\$40.00) in labor and recording fees upon the above named

and recording fees upon the above named mineral claim in order to hold the same under the provisions of Sec. 24 of the Min-eral Act; and that if, within 90 days from the date of this notice, you fail or refuse to contribute your proportion of the afore-said expenditure, which is two nundred and five dollars (\$206.00) for the four years and nye double (state of) for the four years ending the 12th day of July, 1907, together with all costs of advertising, your inter-est in the said claim will become vested in the undersigned, under Sec. 4 of the Mineral Act, Amendment Act, 1900. Dated at Slocan, B.C., this 16th day of July 1907.

July, 1907. J. T. BEAUCHESNE.

NOTICE

TO LOUIS ERNST AND WILLIAM BL-LIS. TAKE NOTICE that the Governor TAKE NOTICE that the Governor and Company of Adventurens of England, trading into Hudson's Bay, have com-menced an action against you for payment of the sum of \$2000 and interest, the amount due to them under and by virtue of an ag-reement for sale to you of Section 25, Towa-ship 10, Range 5, west of the fifth Meridian in the province of Alberta, and in default of payment of this said sum, that your coulty (if any) in the said lands may be ni the province of Alberta, and in default of payment of this said sum, that yews equity (if any) in the said lands may be foreelosed and that the said Governer and Company of Adventurers of Euriand trad ing into Hudson's Bay, may recover pos-session of said lands. If you dispute the said claims either in whole or in part, you do, on or before the First day of Octaber, A.D., 1807, cause to be entered for you in the office of the Clerk of the Suprems Court of the North West Territorias, at Caigary, an Appearance and within an days thereafter file with the said Clerk a statement of the grounds on which and dispute is based and take notice that in default of your so doing, the said Gover-nor and Company of Adventurers of Emp-land trading into Hudson's Bay may pro-ceed in their said action and Julgment may be given in your absence and without further notice to you, pursuast to the se-der of the May Mr. Justice Branet... Dated at Caigary, Alberta, this John day of August, 1807.

of August, 1907. JONES, NICHOLS & PESCOD,

- Plaintiffs' Advoc

CERTIFICATE OF THE REGISTRATI OF AN EXTRA-PROVINCIAL COMPANY

"Companies Act, 1897"

HEREBY CERTIFY that the Su I HERREBY CERTIFY that the snowdest Gold Mining Company, Limited, has this day been registered as an Extra-Provincial Company under the "Companies Act, 1354," to carry out or effect all or any of the objects of the Company, to which the legislative authority of the legislature of British Columbia extensi. The head office of the Company is situ-ate in the city of Spokane, state of Wasa-ington, U.S.A. The amount of the capital of the com-

Ington, C.S.A. The amount of the capital of the com pany is twelve thousand five hundred dollars, divided into one million two hun dred and fifty thousand shares of

The time of the exis

The time of the existence of the company is fifty years from the first day of June, ninteen hundred and seven. The company is specially limited under section 56 of the above act and no libality beyond the amount actually paid upon shares or stock in the company by the sub-scribers thereto or holders thereof shau atatch to such subscriber or holder. Given under my hand and seal of office at Victoria, Province of British Columbia, this fifth day of July, one thousand nise hundred and seven.

his fifth day on hundred and seven. S. T. WOOTTON, Telat Stock Con

6: Y. WOUTTON, Registrar of Joint Stock Companies, The objects for which the company has been established and registered are: 1. To own, purchase and otherwise ac-quire, mines and mining properties, and to self and otherwise dispose of mines and mining properties, in any part of the state of Washington, United States of America, and in the Province of British Columbia. Canada.

Canada. 2. To purchase, lease and otherwise own. control and sell such real and personai property as may be necessary to the due prosecution of the business of this cor-

poration. 3. To purchase, appropriate and other-dise acquire and to sell and dispose of, and to maintain such water rights and water power as may be necessary to the due prosecution of the business of this corporation. 4. To develop and operate mines cont

ing precious metals, and to sell the pro-ducts thereof. 5. To construct, maintain, purchase and

otherwise acquire any and all buildings, devices, structures, machinery and im-provements essential to the due prosecu-tion of the business of this corporation as above set forth. 6. To build and construct flu

6. To build and construct runnes, dama and other structures for the creation of water power and to maintain the same, such as may be essential to the conduct of the mining business of this corporation. 7. To mortgage and issue mortgage bonds upon any of the foregoing kinds, clauses and descriptions of property that may be by this corporation owned and acquired.

POWER PLANT

Where the City is Standing Today

REPORT BY THE COMPANY

MUST BE A CLOSE DOWN FOR A MONTH-NELSON MUST FALL BACK UPON W. K. P. & L. CO .-VERBAL BARGAIN FOR A RE-TAINING FEE.

There, was a protracted and fully at-

tended special meeting of the city council held last night to consider the situation of the city's power plant. R. H. Zavitz the Allis-Chamers-Bullock company. was present and presented a report and at a later time Lorne Campbell of the West Kootenay Power and Light company was also present. Certain difficu ties were outlined and the council adjourned until this evening at 8 o'clock in order to deal with the matter, the meeting of ast night being only an informal one.

Manager Zavitz reported that he had made during the past few weeks a thorough examination of the city power plant and had come to the conclusion that there was nothing wrong with the governor but that the water gates required adjustment. These gates fitted so tight'y as to set up a friction that the governor could not we'l come and in consequence as soon as the oad amounted to 300 kilowatts, less than half of the capacity of the plant, the p ant began "hunting," that is to say, varying speed. He wanted the city to down for a period of from 21 to 30 days and to do so at its own expense or, at all events, to meet the instal ing company in the matter.

On being questioned, Mr. Zavitz cou'd not explain why A. Pfau, the expert who had examined the faulty machinery earlier in the year, had said nothing about the water but had merely stated that a more powerful governor, was wanted although he admitted that Mr. Pfan was probably one of the designers of the governor.

Mr. Zavitz maintained that the city should pay its proportion of the expense f shutting down the plant on the ground that there were certain arts which were efective which the city must make good. These Mr. Zavitz dec ared would take neary if not quite as much time as the adly if not duite as much time as activity justing of the water gates. The defective parts alluded to were the strengthening of the supports of the main sharting, which Mr. Zavitz asserted were not according to the plans, and the reinstalling of the draught tube which had gone out because the grouting which the city had done was defective and because the draught tube had not been anchored, as had been ca'led

for by the plans. On behalf of the city it was asserted that the supporting of the main shaft was done by the city according to plans, that he grouting of the draught tube was certanhiy defective. On the other hand while the draught tube should have been anchored, but as the produced p ans showed,

The city electric an was of the opinion that the grouting referred to was not good that the draught tube should be anchored and could not well be shortened and that it could be put in place inside of ten days. The strengthening of the supports of the main shaft could be done within two or three days. On the other hand the adjustment of the water gates could be done within 14 days.

Mr. Zavitz pointed out that the compa had not asked the city to take over the p ant, as it was incomplete, and therefore were within their rights in asking for a shut down as there had been no time limit set to the finishing of the contract. After Mr Zavitz withdrew the council asked the attendance of Lorne Campbell of the West Kootenay Power and Light Co. In the meantime the city electrician maintained that Baker street could be served by the rehabi itation of the old direct power plant. Mr. Brown admitted that the wires had been taken away and some of the brushes and instruments had been taken away and the plant neglected and further onceded that t wou d be a costly job to put it in working order again

In reference to another matter, Mr Brown said that he was satisfied that the city, if the plant were completed, would be in a position to supply the Canada Zinc comany with 650 h.p. daily, and yet keep up the ordinary service of the city, the only time there would be any trouble be ing between dusk and six o'clock in the evening and according to Mr Brown's estimates of the possible overload on the power plant and the time which that overad could be carried, with the plant properly completed, there should be no difficulty in doing this

It then transpired that 650 h.p. was what the zinc company, which assured the council that it would be in operation in February next, wants as an initial load, but that further on in the year it will probably be in a position to take very much more power and therefore be'in a position to guarantee the city practically the expense of putting in a second unit and thus having a margin of safety in the municipal power plant In return the city is to furnish power at \$15 per horse power per

At this juncture Mr. Campbel' came in and in reply to a query, said that he was prepared to give the city all the power it wanted for any length of time at \$45 per horse power, about \$3000 per month, as long as the city paid him a retainer of \$1000 a year for keeping his power p ant

as an auxiliary to the city. This demanded an explanation and it transpired that early in the year ex-city electrician Dickson had recommended that the West Kootenay Power and Light Co. paid such a sum as a sort of insurance

against any accident happening to the city plant, it not having a second unit that Add Selous had thought favoraby and citil thought favorably of the scheme and that a verbal arrangement had been entered verbal arrangement had been entered into between the mayor and Mr. Campbell, which verbal arrangement both gent emen admitted, that this retainer of \$1000 should e paid from year to year, from council on the other hand it was urged that

the city had buring the past year while sometimes used the power of the West Kootenay Power and Light Co., yet on other occasions the company had done the same with the city. Mr. Campbell ad-mitted this but said that as no charge had een made on either side the benefits might e said to be reciprocal, but for all that he had at all times, under the idea that he was to receive his \$1000, held his p ant an auxiliary to the city. When the Hall Mines smelter had closed down he had first endeavored to get information from them as to whether that shut down was temporary or permanent and failing definite information had acquainted the city that four months after date, that is to say on January 21 next, he cou'd not keep up the arrangement whereby he paid half of the cost of the substation. He was still paying half the cost under his contract, quite d'stinct from the auxiliary idea, although the smelter is no longer running, but was not kicking on that account.

Mr. Campbell went on to say that he inended to make his line from Bonningto and his apparatus at the substation pay for themselves by business, but did not wish to be understood that he was seeking that business in Nelson. Ald. Selous was of the opinion that if the city were driven to it, it could run on gas, kerosene and candles during the shut down of the power plant and that the

motor users could fall back on water In cidentally it was said that the city electrician had been asking for a couple of tons of copper wire which had been offered him at 16 cents a pound f.o.b. Boston. Having a't these facts before them, the city fathers adjourned at J0:80 o'clock m til this evening at 8 o'clock in the city hall.

SOME ANCIENT HISTORY

B. C. WAS RENTED TO HUDSON'S BAY CO. FOR \$1.68.

THE ALASKA-YUKON PACIFIC EX-POSITION.

(Special to The Daily News) Winnipeg, Nov. 26.—The prepara-tions for the Alaska-Yukon-Pacific exposition attracts some altention to British Columbia but it is not generally known that this province was once rented to the Hudson's Bay Co, for seven shillings, or \$1.68 in Amerian currency, per annum. This was in 1849.

The Hudson's Bay Co. had been driven out of Oregon but their shrewd commercial sense told them British statesmen were beginning to direct their attention to that portion of Can-ada lying between the Rocky mountains and the Pacific coast. The direc-tors, therefore, laid plans to secure their power while seemingly allowing the government to stand upon its own feet. By a curious coincident the man at Downing street in charge of colonial affairs was Earl Grey, an ancestor of the present governor general of Can-ada. While satisfied with obtaining there was no anchoring called for. | practical sovereignty of British Columbla for a time, the company aimed higher. It intimated that it was "willing" to undertake the government and colonization of all the territories belonging to the crown in British North America and receive a grant accordingly.

So startling a suggestion naturally staggered Downing street, even in those days when it was customary to ched colonies" and the crown promptly suspended negotiations. After an interval the com-pany returned to the attack with the more modest request that it was willing to accept that portion of Canada lying between the Rockies and the Pacific or even Vancouver Island alone, although it remarked that "placing all that territory north of the 49th parallel would have simplified arrangements." Despite the strenuous oppo-sition of Gladstone and the leading London newspapers the Hudson's Bay company was made lord and master of Vancouver Island, subject only to the domination of the British crown and upon the payment of seven shillings annually as rental. This charter was dated January 13, 1849 and stated that the grant was "forever." but events showed the opposition had some grounds for their position as the "foronly lasted nine years. The great year of gold. 1858, practically saw the last of the Hudson's Bay Co. as lord and master of the Pacific coast province

At the Alaska-Yukon-Pacific exposition British Columbia will probably be represented by a building which will cost fifty thousand times as much as whole province was rented for fifty years ago.

KOOTENAY'S ATTRACTIONS

Need Far Better Advertising in the World's Metropolis.

Editor The Daily News,-Could not the Kootenay Fruit Growers' associa-Non or other body take up the matter of having from time to time a case of apples or other fruit sent to the Canadian emigration offices, London, for exhibition in their windows? I and satisfied that it would bring very good results. The office is at one of the busiest corners of the city, and it is rare that there is not a bunch of people collected in front looking at the pecimens of grain and vegetables from vestern Canada. In conversation with sioner of immigration he said that hundreds of people called to enquire as to fruit growing in British Columbia, and that a small exhibit of fruit, togeiner with a few thousand suits.

not attract the attention that the other office does. Despite it hese drawbacks there is a steady flow of people to the B. C. office, resulting later in many good settlers, but I believe that specialized leaflets, and exhibit at the Lon don office would do big work at very small cost. The exhibition of provin-cial fruit now on in which, by the way, Kootenay is very inadequately represented, is attracting much inter-est at the Crystal palace and other places where shown. In the permanent places where shown. In the permanent Canadian exhibit at the Crystal palace B. C. fruit is represented by three or four sick looking jars of preserved

specimens. If the people of the Kontenays realized the number of most desirable well-to-do people that leave here every year as settlers for parts of the globe possessing nothing like the attractive ness that the Kootenays do, and who with a little judicious work could have the proper information brought to their notice, it is certain something would be done. The booklets issued by the provincial government, while excellent in their way, are better adapted for those who already know something of the province. Yours truly, VISITOR FROM THE KOOTENAYS

London, S. W., Nov. 13, 1907. DARING BANK ROBBERY

TWO MEN HELD UP THE ENTIRE OF-FICE STAFF IMPRISONED OFFICERS RESCUED

JUST IN TIME Bloomington, Ill., Nov. 25-The state bank at Clinton was hed up and robbed

\$2200 in coin late today by two men who made their escape. It was juts after closing hours when the nen approached the bank and with drawn evolvers forced president William Argo eashier Murphy and bookkeeper Young to enter the big vault, which they locked The majority of the money had been put in the vau t and the time lock on the currency safe set, but \$2200 in gold and silve remained on the counter. This the robbers shoved into a bag and took with them to the hotel Henion where they had previous ly engaged a room. They had arranged the noney in rolls, so that it could be easily carried, and were just about to leave the hotel when officers learned of their presence and attempted to break in the door. Before they succeeded, however, the robbers jumped from a window on to an adjoining building, taking only the \$700 in gold and leaving \$1500 in silver in the room. It was dark when the men escaped rom the hotel and all trace of them was lost. A posse was organized and the country is being scoured tonight. Before the robbers left the bank they called up the telephone operator and requested her to send some one to the bank and release the imprisoned bank officials. Chief of police Parker and the collector for the bank, were the only persons who knew the combination to the vault and after a short search the chief way found and hurried to the assistance of the imprisoned men. When Parker opened the door of the vault the three men were almost suffocated.

Y. M. C. A. CONFERENCE

Washington, Nov. 25-The interest in to-

Representatives From all Over the World Second Relief Gather at Washington '

day's proceedings of the international convention of the Y.M.C.A. of North America, was emphasized by addresses of prodelegates from England, Switzerland, Australia and Japan. A notable address w made by Samuel Strauss of the department of commerce and labor, in which he suggested that the Y.M.C.A. should be an agency for the cure of controversial ills that afflict capital and labor. Other speakers included Christian Phildius of Genoa, secretary of the world's committee; J. P. Putterill, general secretary of London; representative Virgo of the mational council of the Y.M.C.A. of Sydney, Australia, and Dr. Kumetaro Sa sao of Japan, all of whom brought greetings from the countries they represent. Secretary Strauss spoke of the "Association and the Workingman" and express the hope that the association might bring about c'oser and better relations between the employer and the wage carnes. The speaker said the relations between employer and worker cannot be measured by economic laws, but must be determined by the higher principles of humanity. He said the equality of every man, of every creed, in the land must be guaranteed. Dr. Sasas spoke of the work accomplished in Japan by the introduction of the gospel in that country. Y. M. C. A. workers in Japan, Mr. Sasao said, are now met with acclamations of joy by the populace. The report of the international committee which reaffirmed the vital and fundamental relations of the North American association to the evangelical churches, was adopted by the convention.

WHY HE WAS KNIGHTED. Sir Titus Salts was knighted because

he made a British serge which is fam ous throughout the world. The "Britonsloom" serge is made in Saltair, England ,in sir Titus' mills. By a special arrangement the Semi-ready Company has the exclusive rights for the whole of Canada. "Britonsloom suits are sold in Can-

ada for \$25. The average custom tailor has to pay 50 per cent more to the middlemen or commission houses for serge of like quality, and cannot self as good a suit for less than \$35. The "Britonsloom" makes a fine business and travelling suit. At the Boyal Alexandra in Winnipeg recently six travellers were chatting in the rotunda and it developed that five out of the six were wearing these famous serge

·马尔萨森强,急慢的变形。除于马克马尔。 THE WEEKLY NEWS, SATURDAY, NOVEMBER 30, 1907

ers in Rossland

APPRECIABLY AFFECIED.

The output of the mines of southeaster

British Columbia districts for the past week

has been lower than has been the case

for many years past. The output of the

Slocan-Kootenay district is not appreciably affected as yet, but that of Rossland is

lower than it has been averagely for the year and the shipments from the Boundary

have practically dropped to nothing, the only mine recorded as having shipped be-

ing the Snowshoe and the ore noted is ore

hat was in transit early in the week.

ion of the miners in Rossland. Some

that therein may be found a solution of

and smelter receipts in detail for the past week and year to date in tons.

BOUNDARY SHIPMENTS

Mine Week Year Snowshoe 1,273 122,836

Other mines 1,018,145

SLOCAN-KCOTENAY SHIPMENTS

GRANBY RECEIPTS

430

3.689 156.714

Sullivan 600

Whitewater 23 Poorman, milled 250

Whitewater, milled

Queen, milled

Second Relief, milled

Silver Dollar, milled

North Star

New Jerusalem

Other mines

The total shipments from the mines i

TRAIL SMELTER RECEIPTS

Trail, B.C.

Centre Star 4.212 115.202

he above districts for the past week we

Montezuma, milled

Year

Mine

La Platia

Silver King

Yukon

Rambler-Cariboo

Granite

Black D'amon

Silver Nugget

La Plata, milled St. Dugene Whilewater

Eva, milled

A BIG ISSU Important Meeting of Min-MAY SOLVE DIFFICULTIES

and the set of a set of the set of OUTPUT OF KOOTENAY-YALE PRO-PERTIES SMALLER THIS WEEK

THAN THEY HAVE BEEN FOR MANY YEARS - SLOCAN NOT Phoenix, Nov. 23-The smelters of the

B. C. Copper company and the Granby Consolidated, which we're operated for several after ore had ceased to be sent out from the respective district mines of the company, were finally blown out about the middle of the week, including alto-gether about 11 furnaces, or with the three furnaces of the Dominion Copper company furnaces of the Dominion Copper company blown out two months since, 14 blast fur-naces all told in Boundary smelting works that are now idle owing to the low price of copper. Nothing has yet been heard locally as to when there is a likelihood of operations being resumed at the large producers in this district, it seemingly de-mendiare on the line mone the discussed. pending on the time when the directors of the several companies deem the conditions

to be satisfactory. While many of the employees, especially Another turn has been taken by the acthe miners there, seeing that the price of copper had dropped so as to make it unprofitable for most of the properties to hip, other than their best ore, and having also under their notice the action of . the men of Butte in putting into force a sliding scale of wages, rising and falling with the rise and fall of copper, yesterday called a meeting and at that meeting it was decided to put to the vote today among the employees of the mines the question as poyment in logging and the camps in dif-ferent parts of this district. o whether a cut in wages had not better be voluntarily proposed. It is understood that there has been no official'y expressed As far as the business community is con desire to this effect coming from the em-ployers although there may have been.

the whole question. Appended w'l he found the ore shipments and smetter receipts in detail for the past have taken place.

Eight for acquittal and four for Convic

3,582 There were five ballots taken, the first one a short time after the jury retired or 22,365 2,325 Saturday night. A'l resulted the same as the final one, which was recorded some time during Sunday afternoon. About 3 o'clock yesterday afternoon the jurors sent a note to judge Wood, who presided during the trial, that an agreement was out 6.670 of the question. Steve Adams shook hands with the jur-6.535 ors, those who had voted for his convicion the same as those who had proved 3.140 logal to him. Asked if the disagreement of the Adams' jury would have any effect on the proseculoyal to him. 2,460 2,147 719 669 tion of the charge again or subsequent cases wherein the Western Federation of Minore' officers and promiare defendants, James R. Hawley, the Pass Coal company, has resigned and will state's representative, said: "Not that I know of. A'l cases will be prosecuted just present acting superintendent of the Michel as if Adams had been convicted." He expressed disappointment at the result of the trial, having felt that a verdict was 16.872 lue and that it was the natural outcome of the state's strong case. Clarence Dar-tial and steadily increasing pay ioll and A.D., 1907 (and leave having been given to read the said affidavits before filing); row said: "We expected a verdict of not guilty, but of course, are not absolutely ast down by the result. We shall make as 1,369 tons and for the year to date 1.547,087

time as we have made this time. Steve Adams was foday admitted to ba'l Bail was fixed at \$20,000. Attorney Dar-

warrant charging him with the murder of Arthur Collins at Telluride in 1902 Attorneys Darrow and Hawley leave at once for Boise to attend the Pettibone TAXATION OF MINERS. Editor The Daily News,-The big copper mines of the Boundary district have suddenly been closed down and over two thousand of their employees have to go elsewhere to find work; moreover the store keepers and citizens of the towns where these men lived and who were dependent on them are in similar difficulties; although a pop-ultation of nearly ten thousand persons is seriously affected. It is not too 91.161 3.213 a disister to British Columbia. The news of this action on the part of the mine owners was utterly unex-pected, "Like a bolt from the blue." your headline described it and no one

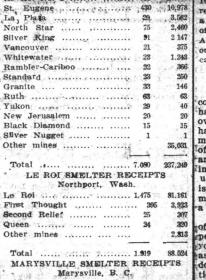
as yet can say why the mines are shut down. Some ascribe it to a combina-tion to reduce the output of copper and to get rid of their weaker brethren. The price of copper has fallen conlerably but it had been abnormally high and even now it is at a price that

Minel to .Vote, Today on Reduction Wages Question Rossland, Nov. 22-The Rossland Miners'

past week were 9,599 tons and for the year

ROSSLAND SITUATION

date 1,464,052 tons.



10.978

union will hold a referendum vote tomor-row for the purpose of determining whether or not the present scale of wages will be decreased to the scale which prevailed the mischief is done; how long it will decreased to the scale which prevailed prior to July 1 of this year. The scale at that time provided for \$3.60 a day for min-ers, instead of \$4 as at present. Other workers around the mines will have their wages reduced in like proportion if the vote is in the affirmative. The low price of metals has cut down the profits of the mines to such an extent that it is claimed they cannot be operated until the present scale is reduced, and the mines may close down if the old scale is not adopted.

BOUNDARY SITUATION Merchanis Remain Cheerful Despite Clos Down of Mines and Smelters (Special to The Daily News)

the single men have widely scattred some to see friends and relatives, others to see a little of the world and still others seeking work elsewhere, there is yet no inconsiderable number that are remaining in the Boundary, particularly those with families and homes. Numbers of single men also and nomes. Numbers or single men also seem to be satisfied that they are about as well off here as elsewhere and also that the close down will not be for an extend-ed period. Not a few have obtained em-

ployers although there may have been, ployers although there may have been, have stocked up heavily for the white months, the goods either having arrived or being on the way. For the most part they are gheerful and feel most confidently that the situation will right itself in time and be better than ever,

JURY DISAGREE

 Other mines
 1.018,145

 Other mines
 1.018,145

 Total
 1.273
 1,140,981

 ROSSLAND SHIPMENTS
 Rathdrum, Idaho, Nov. 25—The jury in the Sieve Adams murder case was discharged at 5:45 yesterday afternoon, being unable to agree on a verdict, after being unable to agree on a verdict and four for conviction. Jurymen J, F. House, Chas.

 Total
 6.407
 249.342

Varnum were the four men who believed Steve Adams guilty of the murder of Fred Tyler in the Marble creek district of Sho-shone county, Idaho, in August, 1904.

> row for the defence announced that the bond would be provided within a few days. It is stated that as soon as Adams is released on bond he will be rearrested on

should leave the mine owners a hand-some profit. From the point of view of the public it does not matter what is the cause;

continue remains for the mine owners to say and the management would doubtless resent any enquiries from the "mere puble" as a fearful piece of immediatement impertinence. The government of B. C. has made it so delightfully easy for these gen-tlemen to suit their own interests regardless of everybody else that it will be no wonder if they take advantage

be no wonder if they take advantage of our folly. They have been paying 2 per cent on the output of their mines and it has ambunted to a very large sum, in fact their taxes have been one of the main assets of the B. C. government. Now our minister of finance who col-lects a three dollar poil tax from the working man who ventures to wear overalle, will next year be able to col-lect the magnificent sum of 25 cents per acre from the holders of these properties. Thus for a few hundred dollars the entire Boundary country will be tied up.

will be tied up. But no doubt our minister of finance is an eloquent and well-meaning man; he may go to the owners of these mines and implore them to start up and to think of the loss of revenue that the government will experience—or the leader of the opposition may intervene as he did when the strike was pending and the naughty working men threa ened to stop work. The management of these mines would doubtless reply perhaps more politely, but nevertheless as emphatically as the Yankee railway king, "The public be d-d."

There is a just and simple remedy for such overbearing and inconsiderate action on the part of our mine owners;

for such overbearing and inconsiderate action on the part of our mine owners; it is to tax the mines on their value or more correctly, on the value that the owners themselves put upon their property. These mines in the Boundary coun-try are considered to be worth many millions of dollars, their stock (duota-tions prove it and it would cost the owners a substantial amount to hold them idle if they were fairly taxed. Modern economists who are opposed to the doctrines of socialism defend the institution of private property on the ground that it is best for the public welf are therefore is recognized as the only logical basis for all private property. It is this principle which justifies the action of our railway commission. It it this that gives moral sanction to the interference of health officers, fire wardens and policemen and those who

interference of health officers, fire wardens and policemen and those who are opposed to the doctrines of the state socialists will do well to find means to curb the ill-regulated greed of these financiers who treat the public welfare with such contempt. British Columbia should be a coun-try of homes, the hordes of casual homeless laborers are a menace to our divilication and a disgrace to our in-stitutions, but shall we induce men to acquire homes when the home may be wrecked by the action of a few Ameri-can or British capitalists? wrecked by the action of a few Ameri-can or British capitalists? If there is any gentleman, be he the hon, minister of finance or the leader of the opposition, who can defend our present system of mine taxation or who can shew why mining property should not be taxed on its value, I challenge him to produce his reasons or I will meet anybody in debate on this subject. I. C. HARRIS.

New Der	J. C. HARRI iver, Nov. 22nd.	5.
FERNIE	XMAS TRAI)E
	BUSANESS PROMISES BE VERY GOOD	то

PRESIDENT LINDSEY RETURNS TO TORONTO

Fernie, Nov. 29-Andrew Co'vi le, who for the last five years has been superintendent of the Coal Creek mines of the Crow's Nes be succeeded by J. Strachan, who is at mines.

Local Christmas trade promises to be very brisk this year owing to the susbtanthe merchants have every reason to be satisfied with the outlook. They are carrying beavier stocks than usua; and of a determined efforts to free Adams the next | better quality, and already much money is being put into circulation and as the mines have been working regularly this month another record pay day is assured. G. G. S. Lindsey, K.C., president of the coal company, accompanied by his father Charles Lindsey, left today for Toronto where he will reside in future.

MUST BE GOOD.

Moral Wave Strikes Fernie and All Slot Machines Are Closed Down.

(Special to The Daily News) Fernie, Nov. 29.—A moral wave has struck this town, and henceforth the slot machines, which for some months past have been doing a lucrative business in the hotels and tobacco stores, will be relegated to the lumber room or back shed. For some time it has been felt by a portion of the citizens that the town was being run in a wide open style, and the operation of slot machines came in for much adverse criticism: it was therefore determined to remedy the matter if possible, and then proceed to the enforcement o

then proceed to the enforcement of other reforms. Today the first definite action was taken, and owners of the machines were notified by chief of police Pennywick to remove them. Frank Sherman will occupy the posi-tion of district president of the United Mine Workers of America for another term, Wm. Douglas of Michel, whose name was placed in nomination for the office, having withdrawn from the con-test, thus giving the presidency to

test, thus giving the presidency to Sherman by acclamation. The C. P. R. express from the west was an hour and a half late last night, being held up a few miles from town by a freight engine which broke down on the steep grade between here and Cokato



Timber Limits Wanted

I am in a position to handle your tim-Call in and give or write full pardculars to



TENDERS WANTED In pursuance of the Order of the Hon.

LOUIS PRATT, Official Liquiator, The Last Chance Mining Company, Ltd. Sandon, British Columbia.

IN THE SUPERME COURT OF BRITISH COLUMBIA

IN THE MATTER OF "THE WINDING UP ACT" AND IN THE MATTER OF THE ME-

TROPOLITAN GOLD AND SILVER MINING COMPANY OF LARDBAU B.C., Limited (Non-Personal Liability) Before the Honourable Mr. Justice Cle-

ment, Saturday, the 16th day of No-vember, A.D., 1907.

UPON the petition of John E. Burchard of the City of St. Paul, in the State of Minnesota, in the United States of Amanimeteda, in the United States of Am-erica, creditor of the above Company, which petition is dated the žih day of Oc-tober, A.D., 1907 and preferred unto this Court on the 25th day of October, A.D., 1907; and upon reading the said petition and the affidavit of the said John E. Bur-chard, sworn the 25th day of October, A.D., 1907 and filed in the Nelson Preference 1907 and filed in the Nelson Registry of this court on the first day of November, A.D., 1907, verifying the said petition; and upon reading the affidavit of service of said petition on the above Company of Samuel Parker Tuck, sworn the 6th day of November, A.D., 1997; and upon reading the appointment granted by His Lordship the Chief Justice dated the 5th day of November, A.D., 1907 and the affidavits of rvice thereof and of notice of the hearin of the said petition which notice is dated the 6th day of November, A.D., 1907, said affdiavit of service being made by Walten Clayton on the 8th day of Novem er A.D. 1907, Mary E. Smith, sworn on the 8th day of November, A.D., 1907, and Fred C. El-liott, sworn the 14th day of November, and upon the hearing having been adjourn-ed on Friday, the 15th day of November, A.D., 1907, to come on for hearing before the presiding Judge in Court on the 16th day of November, A.D., 1907; upon hearing S. S. Taylor, K.C., of counsel for the peti-

tionst: THIS COURT DOTH ORDER as follows: 1. That the above named "Metropolitan God and Silver Mining Company of Lar-deau, B.C., Limited," (Non-Personal Lia-billity) be wound up under the provisions of the "Winding Up Act." of the "Winding Up Act."

2. That Edward Blake McDermid of Nelson, B.C., accountant, be constituted Pro-visional Liquidator of the affairs of the Company, without security, and power is given him to take and ho'd subject to further order of the Court, all the papers, books books of account titles, documents or other papers or books whatsoever of the said Company.

3. That 10:30 in the morning of Tuesday, the 3rd day of December, A.D., 1907, or BO soon thereafter as Counsel can be heard at the Court house in Nelson, B.C., is hereby fixed as the time and place when and where an application will be heard for the appointment of the Official Liquidator of the above Company, and notice of such application 'shall be sufficiently given to al persons concerned and the said Com-pany by advertisement of this order in The Nelson Dally News for issuen days prior to the said 3rd day of December A.D.

4. That the costs of the petitioner be T reserved until the appointment of the Oficial Liquidator

By The Court. J. C. DOCKERELL. Deputy District Registrar

WWHPC." J. The Supreme Court of British Co'umbia. Nelson, Nov. 25, 1807, Registry Supreme Court. "Entered Nov. 25, 1997, at Nelson



VOL. 6

Dunsmuir's Position cussed at Ottaw

VANGOUVER UNEMPL

DESIRE CITY TO PROVIDE FOR THE DESTITUTE-WILL CONSIDER PROP BANQUET TO NORTH FRUIT GROWERS.

(Special to The Daily New Vancouver, Lec. 6.—The Wo night prints the following of from Victoria: "It is the im in political circles here, which a ally in close touch with Ottav the question of the resignation the question of the resignation tenant-governor Dunsmuir will a matter of a few weeks. Acco one authority, who is generally formed on happenings at the capital, the resignation has b cussed at Ottawa and an in will be sent shortly to his hot his resignation, if tendered, will cented

cepted. . Over two hundred unemploye assembled in a public square to marched to the city hall to mak peal to the mayor. The spoke the party asked that the city the party asked that the city works to afford employment e press the fallacious advertisin was drawing men to the coast, tabilish a municipal labor bure intimated that conditions w worse shortly unless such acti taken and there was a danger ing. Mayor Bethune replied city's charter limited its field ation and its financial condit cluded the possibility of work ation and its financial conditionation of a state of the possibility of work otherwise might be taken us mayor promised to present that the provide the send to be heard. The men leady after authorizing the send cable to the old country as to eat situation here. Roger Vinetto, the negro as the atrocous crime of murderly year-old Clementine Nahu a Vancouver recently, was this held for trial.

Vancouver recently, was this held for trial. At the closing business session Northwest Fruit Growers' as today the B. C. delegation too thusiastically the proposition operative association for mark fruit under the control of a co-manager. The co-operative as from the states reported in det obtaining better prices and gi-isfaction. Portland was selects next place of meeting. Tonight is tendering the delegates a bi-

GOOD TIMES AHEA

Prosperity and Activity Promi Boundary Next Spring (Special to The Daily No

Grand Forks, Dec. 6-The spi will witness great prosperty Forks and the Kettle valley time Grand Forks will be es the railway d'visio when some 250 railway employ steady work, added to this the co ed improvements at the Granb will be well under way which more men to the Granby pay ro dition to those there is a likeliho Bit and y Iron works increas working force. The mines on fork of the Kettle river as well other camps will be resuming with renewed activity and last least, vast tracts of orchards la immediate vicinity of Grand F be nearly all subdivided into ten and planted with fruit trees. A principal big estates that will planted with fruit trees is the estate of 1400 acres which adjoin limits on the east, and also th Newby ranch which poins the c on the west. This land is owne Callum and McArdle and cons acres of ideal fruit land. In a these at least 500 more acres will ed in trees by small individual f ers, making a total acreage of acres of orchard lands. On thes is expected that at the very l trees will be planted next spri employment to several hundred is also stated that over 50 far arrive here in the spring to ocu tracts of orchard land, so that ent indications one can readily j optimistio remarks regarding of the "Gateway City" and its ing valley. -

FORT STELE NOTE

(Special to The Daily N Fort Steele, Dec. 6-At the la meeting of North Star lodge . A. M., Fort Steele, the follow: were elected for the ensuing ye A. B. Fenwick; S.W., R. T. R J.W., J. T. Larsen; treasurer, Galbraith; secretary, Dr. Hu tyler, R. D. Mather Though a the mmembers of this, the orig reside in other parts of the di though for this reason the regu ance is not large, the prospe lodge, with a comfortable bala bank, are exceedingly encours News has just been received o ! James W. Galbra'th at Sp eldest brother of Ind'an agent Galbraith, and one of the pio