

tending their works all the time and are only now really ready to commence operations on a scale commensurate with the splendid run of ground they have to work. During last season they ought to have made a good record. The following figures from the report of the directors are interesting.

1897—		Duty per		Value	
Gravel		miner's inch		per	
Run.	washed,	cu. yds.	cu. yd.	cu. yd.	
9	413,058 (mostly top gravel*)	3.84	17.2c		
10	345,231	3.44	16.1c		
11	81,817	5.12	6.9c		
1898—					
	350,000	2.44	21.0c		
	35,670 (bottom gravel)	1.1	67.15c		
The operating expenses were :					
			Per		
			cu. yd.		
Labour	.....		3.8c		
Explosives	.....		2.4c		
Maintenance of Plant	.....		2.58c		
Management and office expenses	.....		1.05c		
Sundries	.....		1.77c		
			11.60c		

These figures relating to cost should be reduced in future when the output is larger and the work more regular.

In the Horsefly district an attempt is being made to reach a deep-buried channel by sinking, but there has not been sufficient work done yet to afford a reliable indication of its economic prospects. Other mines might also be mentioned, but their description would not add to the record of successful work.

In the area under review there are many splendid opportunities for alluvial mining, but unless care and foresight be exercised in selection, equipment and management it is more than probable that we have not seen the end of solicited failures. On the other hand, if proper preliminary tests be made, skilful management secured afterwards and the capital kept within reasonable limits, there is in this section of British Columbia an extensive field for legitimate and profitable alluvial mining.

VERBATIM EVIDENCE IN THE IRON MASK-CENTRE STAR LITIGATION.

HAVING been requested by many of our readers throughout the Province to publish in these columns a verbatim report of the evidence in the Iron Mask-Centre Star litigation, Mr. H. F. Evans, our Rossland correspondent, was enabled through the kindness of Mr. J. B. Hastings to carry out our instructions to copy the official report of the proceedings and evidence taken, and which are in consequence enabled to publish in serial form.

(Continuation of Counsel's Argument, from last month's issue.)

He could not have used that language had he so supposed, because of the very case that he refers to. Now, I do not care whether it is not in the material, or whether the Judge overlooked it in the material, it is very immaterial which it is. He said that if that

* Including the boulder clay.

were so it would be a different case. Now, we say that that is so, and that the work we ask to do is that fifteen or sixteen feet of work at the present time, at any rate, between these two points where we have established the vein; in other words, to do just what Mr. Justice Drake says practically ought to be done, or would have been ordered had the evidence shown those facts.

Mr. Davis—No, my Lord; nothing whatever.

The Court—On either side?

Mr. Davis—No, not at that point.

The Court—That is the vital point in one sense.

Mr. Davis—No, sir; nothing has been done, and your Lordship knows what the evidence was—absolutely conflicting. And my learned friend said at that time it was not a question of credibility of witnesses at all—both sides agree to that. My learned friends, Mr. Daly and Mr. Bodwell, both agreed that the witnesses were not impeached on either side.

The Court—They did do that.

Mr. Davis—They forgot themselves a little after they got into the argument, but that is what they started at. They said they did not question the credibility of witnesses on either side.

The Court—There were a few angry words on one side and the other now and then.

Mr. Davis—That may be, because they were swearing to inferences which they drew from facts which they never saw and that will be what they will do again unless this work is done. It may be that after this work is done further inferences will be drawn from it, but there is a vast mass of evidence that will no longer be conflicting, that can be reconciled. And that is what we want to bring about by this work, if possible. My learned friend says this was merely a trial of the injunction.

The Court—This is the trial.

Mr. Davis—There is an action for \$50,000 damages. My learned friend is merely putting in that claim for damages in a nominal way, and really does not claim any damages, and that \$50,000 is put in a sort of fancy sketch, or the most important part of the trial could be for damages. He can take whichever horn of the dilemma he wants. If he takes one he is abandoning his claim for damages, and if he takes the other, it is in the exact opposite of what he stated a moment ago. It is not a claim for injunction then. There is a claim for damages for trespass, and that will be res-judicata when it is settled, so far as these points are concerned, and therefore it is of the utmost importance, even apart from the question of damages itself, that we should have a decision which is in accordance with the facts in this case. It would certainly be a most remarkable travesty on justice if, owing to the fact that certain work was not done, so that we could see just what the facts are; we had one decision one way in the case of the Iron Mask against Centre Star, and then subsequently work was allowed to be done, and the case of Centre Star against Iron Mask in which the same questions were involved, was decided the other way. And that is what might happen if work is not allowed to be done in this case, and should be allowed in the other case.

The Court—That was in my mind long ago.

Mr. Davis—My friend speaks about the difference between a drain and a vein. That is the only difference between Lumb vs. Beaumont case and this; in tracing the drain they were tracing something which is placed there by the hand of man, and in doing the