## UDGMENT REVERSE

inclair Loses Claim Conglomerate

nt of Appeal Find Against Opinion of the Gold Commissioner.

court of appeal at its sit

The facts in the case as set nerate pup, a tributary yould be but four feet above nd as required by the res ns. On his notice of location neglected to write the number claim and the name. At the for record he on the 12th ted the claim by adding the fi to the "2" already there, plaintiff, the grant previous to Mitchell being cancelled. ing, his lordship says

g that the stakes were not that there was no name r. and that the tree was that the plaintiff had to restake on the 12th, h staked on the 2nd, and that manner keep his sta but that he must record irst staking. It was also as the alteration of the st unlawful under section 33, the restaking was simply a ph to defraud the department the regulations. The to determine in this su phance with the ons and brings him within ing conditions of section 15. er of staking claims is cl down and if nothing more ded by the regulations, ting of the plaintiff woul arly hid. Where a statute s that a thing be done in a ular way there is an implied tion against doing it in any vay. Where compliance is dition precedent to the ya the act the neglect of the y requirements would obvious al. No rule can be laid dow ermining when non-compl the rule involves no invalid

quences for disregar

egard involves nullification

d the fundamental one that is on the scope and object of

ed on certain regulations

neither unjust nor inconve

nalities being complied with

Several questions were bro

is the argument, the main

The plaintiff invokes the air on to which provides that on the fart of the locate f with the foregoing provi ot be deemed to inval dat if upon the facts it sha the mining recorder as been on the part of the bona fide attempt to co e provisions of the rend that non-observance of es hereinbefore referre a character calculate other persons desiring section requires on. A discretion is v mining recorder and the to be considered are d to him. What facts y mean the facts surrou king or location and hould be presented to the corder by the locator wh for acceptance of his st atry. How can the minir djudicate, as it seems

to do under this se the facts are presente

As a matter of practice

the staker swears to the

DEPARTME

THE SQUIRREL AND THE FROSZ KING'S COOKS.

hicker than they are now, and con- is the matter," cried he, awaking, ry home the last load of the day. mother; "it is too late, the Frost iently, although there were more quirrels, there was more food for m, and they had not to work so pard to lay in their winter's store as they now do, in a hole in a fine d tree in one of these forests there lived a family of squirrels - father, ther, three sons, and a daughter he father, now grown old for a uirrel, was looked up to by all the nighboring squirrels, as possessed great wisdom and knowledge of

he world, and this had made him hink a great deal of himself, perhaps nore so than he had any right to to, and he was consequently, though not eaten up with pride, still extremely auxious that his sons should be worthy of his name, and should be able to conduct themselves in such manner as to keep up the family utation. His wife was a meek able, hard-working little squirrel, lieving much in her lord and maser, but still quite capable of shaking im up at times, when he required

id in the summer, when their ng family was growing up, "I nink these are the finest children we ever had, the sons do me particular eredit; I will just take them in and and educate them myself." And therefore went out with them every day, taught them how to spring. climb and leap from branch to branch with grace and care, and how to to hide in case of langer being near. He then took them long excursions through the forest that he might point out to them animals and birds that they were to shun; and he also spent a good dear of time in showing them how to hold their tails on meeting such and such a class of squirreis, and how to cock their ears on meeting such another class, and different manners of behavior in pubifferent manners of behavior in pubc, until at last, finishing their education by nearly drowning both them and himself whilst instructing then ow to cross a river on a piece of ark, using their tails for a sail, he idered it was time to begin to in their supplies for the winter, which Nessel, the daughter, and r mother had been working all the

he change from play to work is not, however, such an easy thing as nay be thought, and although the ather made many long speeche bout the necessity of having a good rd laid up for winter, and no rrel knowing how long any winnight be, the work did not get s well as it ought to have done; nuts, would stop to practise a bow hole. clever way in which his sons had they called their children, and the laden themselves with too heavy bur- to look for us we are lost.' profited by his instructions, and father said, "My dear children, this dens, and they gradually fell a long during the winter, and as he had a today, and remember what I have a little rest I will follow you."

But Nessel was most unwilling to

fternoon in autumn, some noble oaks therefore, much troubled in his the Crystal Spring, there are finer

and dozing, after a long morning's Nessel, who was always the first to other place."

ng glances of uneasy disapproval at grass, each branch and twig, was wards and forwards, but the youngimb to the young squirrel, and in a had a hall in the night, and had left sented, and in a short time the whole and hastily arousing her mother, she rn voice says, "Do you want to the decorations behind them, but family set out for the Crystal told her what she had seen. be boiled alive by the Frost King's when her mother looked out, she Spring. oks." The young squirrel starts started, and at once turned to rouse The day was fine; the squirrels "fly, we must leave our toads for dder, and a more hard- her husband. He, as usual, was in worked as if their lives depended up- tomorrow; it is the Frost King. orking, industrious squirrel is not one of his uneasy dreams, and as she on their exertions, which indeed they Come, let us fly !" o be found in the whole of the for- shook him, he groaned, "Pardon, did, and the storehouse began to look The Frost King's cooks are the mine; I will work hard, the store being filled if the fine weather lasted tails were frozen tast-they were the

treaded giants of the squirrels, and shall be filled," and as his wife shook a few days longer. him more violently, he continued "I At last evening drew near, and as he forests were much larger and empty as-my head, my head, what were assembled at the spring to car-

Picture to yourself a hot sunshiny some mysterious manner, and he was "we will work, but do let us go to orest; on one of the lowest and Matters had gone on for some days else in the whole forest, and there eager face, all red and blue, as largest limbs of one of these a young in this way, and the store was far are so many we can gather more though pinched with cold, long lanky

Many, many years ago when know, I know the store is empty, the sun went down the whole family do?" sobbed poor little Nessel.

rest, Nessel sitting down near her, eaten, he continued, "If you like to shall not be able to get it straight nearly as tired as she was herself; keep awake for your mother, you again all my life; where have you and as they sat close to each other, may, but I shall go to bed; you may been, I should like to know? weary and silent, their heads began depend upon it she has stayed to tea "Father," said the mother, "we weary and silent, their heads began with some one or other, or she would have been nearly boiled by the Frost out intending it, both mother and have been here before now;" and King's cooks." daughter fell fast asleep.

Night came on, the full moon rose, casting a flood of light through the forest glades, and showing the two oor little squirrels sitting sleeping side by side, when a slight rustling was neard among the tops of the trees, and, riding on a wind wave and reconcile her to her fate, but at and then she gave them a full ac that rolled slowly through the forthe Crystal Spring, there are finer est, there approached a form clad in all was quiet. The night had set in, out the children to be the dreading and better nuts there than anywhere a robe of snow, having a thin, sharp, when sounds of footstane in the form stretched out, tired from full, when one morning early there in a shorter time than in any arms ending in thin meagre hands, with lean shrivelled fingers, and Irolic; an old squirrel, passing back- be up, on looking out of the mouth The older squirrels hesitated; the nails like claws, which it seemed to cards and forwards, carrying beech of the hole, was surprised and de- Crystal Spring was more than half a poke into each crevice and nook on ast and acorns to add to his win- lighted with the sight before her - mile from their nest, and too much its way, and as it came near to the er's store, and, as he passes, cast- everything, the ground, each blade of time would be lost running back- squirrels a cruel smile passed over its face, as it stopped and breathed young squirrel, until at last, his covered as with frosted silver, she er ones promised to work so hard, lightly upon them, and went on its ce quite worn out, he nimbly hastily woke her mother, begging her and as there were really great abund- course. Shivering, Nessel awoke just rambles up the tree, runs along the to come and look, as the fairies had ance of nuts there, they at last con- in time to see the form disappearing,

"Fly, Nessel!" cried her mother,

But it was too late; they could not st for the remainder of the day. good spirit, pardon, the fault is not as if there were some chance of its rise from the ground to which their

"Oh, mother dear, what can we "Nothing, my child," groaned her

that she might stay, that her moth- sort. Well, I am too hungry and when he had er at last consented; and as they were at a convenient spot in one of the forest glades, she sat down to then he turned into bed, an example "But you are not really dead now" that his sons quickly followed, and faltered the terrified father, leaning they were soon all fast asleep.

Meanwhile the two little prisoners and trembling sons. to the Frost King sat quiet in the "No!" cried the mother, with forest glade. For a time the mother shriek that caused her auditors had tried to console her daughter give a violent start, "but listen cold, sleep overtook them both, and and Nessel in the forest, but making est were heard, and two rosy-cheeked them to her. little girls of about eight or nine years old entered the glade, the for- lent horror until the story was end ester's two children returning from a ed, when they had so many questions little frolic at their grandmother's to ask, that for some time they sat cottage. As they hurried along Dot- up talking, but sleep overcoming tie, the younger girl, caught her sis- them, they one by one dropped off to ter by the arm and stopped her.

those pretty little squirrels asleep work at their task of replenishing there—they must have lost their way the store, and spurred by the recoland if the Frost King finds them, he lections of the events of the past will be sure to kill them. Let us night, they worked so hard that in creep up, catch them and take them a few days they had hoarded ample home for tonight, and then in the store for the winter. But a rumor of morning we can bring them back here the mother and Nessel's adventure and let them go."

children crept on tip-toe up to the the story was modestly related, him squirrels, knelt down, bent over them as they, after leaving, told the story and in a moment the two squirrels to others, and as stories never grow woke in terror, to find themselves in less in repeating, the report at last the hands of they knew not what - grew to be that the mother and Nesprisoners in the hands of the children sel being overtaken by the night beand frozen to the earth by their fore they could reach home, were tails. They struggled as hard as met by the Frost King, followed by they could to get free, to the deep a train of from twenty to two hundsorrow of their would-be deliverers. red (according to the teller of the "my squirrel's tail is fast frozen to like saucers, and voices like thunder the ground, and I can't get it loose, and clothed in boiled squirrel-skin and she'll die, she'll die!" and a robes, who at their king's commands torrent of hot scalding tears gushed had seized the two squirrels, and from her eyes, and fell all over the plunged them into cauldrons of het poor squirrel. Lena had also found boiling water, from which they only

she, "how can I let you loose? Why erations of squirrels, and is told did you get frozen here?" and her with any additions that may be tears flowed fast over the little creathought of, by all squirrel parents to ture, whilst the squirrels, half wild their children, to induce them to be with the fright, and the quantity of industrious and shun idleness. tears raining down upon them, made

"Oh don't, don't, dear squirrel, you will tear your tail quite ca, you will, indeed, indeed !" cried Dottie downpour of hot tears all over the

Nessel seeing her mother escape with a wild effort wrenched herself also free from Lena's and the earth's grasp, and followed her at full speed, carrying with her a clod of earth still attached to her tail. The children, rejoiced at the squirrels' escape, followed them with their eyes as long as they could see them, and then trotted merrily home talking over their adventure, whilst the squirrels scampered toward their nest at their utmost speed. Meanwhile the father was sleeping,

troubled, as usual, with his uneasy dreams; he had felt, in going to bed, that the was doing wrong, and now James Finn, a convict in Aubur he deamt that the spirit of he prison, stabled the former, a feller

Lena agreeing to this, the two rels came to visit them. To these

frantic endeavors to escape.

in her anguish, shedding a fresh mother squirrel, who, maddened by the shower, tore herself loose from Dottie's hands and the earth at the same time, and fled. Dottie's tears had proved too strong for the Frost King's power, and the earth, melted under their influence, had released

wood was reproaching him for hav- convict, this afternoon. The fig. ing deserted his wife. "Indeed, good took place in the machine shops spirit," moaned he, "it is all her Finn left his place and walked thing own fault; she does stay out sometimes, but I will look for her as soon bed in the arm and head. Smith as as it is light, and mercy, mercy, good dear spirit !" shrieked he, as the lock-up. the mother, swiftly climbing the tree Finn was convicted of burglary threw herself through the entrance of New York City and sentenced 9 the nest, and fell heavily on the top, Sing Sing for escaping. of her husband, followed immediately by Nessel. "Why, where have you in Brooklyn and has a sentence been ?" asked the frightened father two and a half years.

for support upon his equally terrified

The other squirrels listened in a

bed, and then silence reigned in the "Lena," said she, "do look at nest. The next day they again set to

had got about, and numerous squire "Oh, Lena, Lena!" cried Dottie, story) long lanky beings, with eyes that her squirrel was frozen fast to escaped by their superior agility, and this is the story that has been hand-"Darling, darling squirrel," sobbed ed down through all succeeding gen-

The Merry-Go-Round.

(By Mary M. Parks.) Across the way there's a merry-goround. I can see it where I lie can see the hobby-horses across the twilight sky.

And when the merry-go-round goes round, the music begins to play And the people laugh, and the chill ren sing, and all are blithe and

and round.

And the horses never tire; And the bright lights blaze, And the music plays, And the mirth rolls higher and higher;

merry-go-round goes round / and round ; And round and round merry-go-round.

Convict Stans Convict

Auburn, N.Y., May 17/ - Because Edward Smith did not pass the vie egar quickly enough in the mess hall feet to attack Smith, whom he state taken to the hospital and Finn be

Smith was convicted of burglass

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us, as they were running to the as his wife, in her anxiety, had bang. They all collected as much as they King has breathed upon us, and we

ip in a manner to put the two older side, it is the work of the Frost finally they found themselves quite after depositing their loads in the uirrels at their ease. The father, King; winter is now hear at hand, alone particular, was getting uncomfort- and we must all work hard, very On getting about half way home, ably settled themselves in the hole. for although he had not the hard, for any little time that is left the poor mother stopped and said, After waiting for some little time, least idea that it was his own conto us, to provide against starvation "Nessel, dear, I must stop and rest,
the father began to complain.

"Dear me!" said he, "what can be
duct that had caused the deficiency during its gloomy stay, no practisI am worn out with the anxiety I "Dear me!" said he, "what can be in their hoard, he knew well what ing of bows and skips now—nothing have lately had, and the hard work keeping your mother—she must have of today, and I feel quite faint. Do met with some one on the road and orm a very good idea of what would can we will leave the hole and begin, you go home, my dear, lest night stopped to gossip; soon she will be be required for himself and family and I trust you will all do your best overtake you; as soon as I have had coming in with some great story of

sanwhile the store was not filling is no fairy work that you see out- way behind the other squirrels, and so doing. On reaching their home,

fancied he had offended him in "Oh yes!" cried the three sons, leave her mother, and begged so hard right foot, or something of that

re with their loads of acorns and ed his head against the side of the could carry, and then started for are his. As he rides to and fro in home, the father and his sons leading the forest tonight, each time he passor a cock of the ears, and the father The mother took him to the mouth the way, and Nessel and her mother es us he will breathe on us again and uld halt to admire them, or to of the hole, and then they held a bringing up the rear; the latter, rob us of our warmth till we die; draw a neighbor's attention to the long consultation; then coming in, however, in their good nature, had unless your father should come back

000

But little had the father thought of

how neighbor Curly Tail's little son But Nessel was most unwilling to has sprained the third claw on his