

ROSSLAND WINS THE CASE

IT IS ENTITLED TO THE WATERS OF LITTLE SHEEP CREEK.

Bylaws Read for the First and Second Time—Mr. Hilliard Wanted \$100 for His Services.

At last night's meeting of the city council a communication was read from City Solicitor Abbott relative to the application of the city of Rossland for permission to divert the waters of Little Sheep creek, in which was a copy of the direction of Hon. W. C. Wells, the chief commissioner of lands and works, concerning the title of the city to the water in question. The decision of the chief commissioner of lands and works is as follows:

On the 17th of April, 1896, the legislature passed an act respecting the incorporation of the Rossland Water and Light company, the principal object of the company being to supply Rossland with water for domestic and fire purposes.

With respect to the proper course for the lieutenant-governor in council to pursue in regard to the application of the city of Rossland to divert the waters of the Little Sheep Creek, I am of the opinion that the question is one of the construction of Section 22 of the Statutes of 1890, of the incorporation Act, 1896, and of the general principles of the law.

In my opinion, the effect of Section 22 is that the City of Rossland is entitled to the rights of the Rossland Water and Light company, by virtue of Chapter 22 of the Statutes of 1890, has obtained a statutory reservation of the water in the creeks mentioned above the prescribed elevation subject to the sanction of the lieutenant-governor in council and that the right of the city to divert and appropriate the water is paramount to the rights of any of the mining companies under the Water Classes Consolidation Act or the Mineral Acts.

By this, however, it does mean, in my opinion, that the city has an absolute right in the premises: its right to divert and appropriate the water extends only so far as may be deemed necessary and proper by the lieutenant-governor in council. If the lieutenant-governor in council is satisfied with the evidence that the quantity of water, less than that applied for, is "necessary and proper," then permission to take only that quantity should be granted. It was not intended by the legislature that the city should be able to monopolize the entire water of the creeks and hold the unused balance for purposes of sale; in other words, I consider that the right of the city is measured by its own "necessary and proper" needs. I do not think that it could be reasonably considered that the legislature intended that one exercise of the power would exhaust the power of the lieutenant-governor in council to deal with the matter, but the question rather was that the lieutenant-governor in council should be empowered from time to time to allow the city to divert so much of the water as might be from time to time reasonably required by the city as it increased its growth.

Subject to this paramount right of the city the mining companies are, I think, entitled to hold such records as may have been duly obtained on these creeks under the Water Classes Consolidation Act, or under the mineral acts, as the case may be; but I think it clear that the mining companies' rights are subordinate to the necessities of the city. My decision then is, that the city has the paramount right to divert so much of the water of Little Sheep creek as the lieutenant-governor in council may deem necessary and proper, and, in the peculiar circumstances of this case, the present and proximate necessities of the city, and see to it that the city obtains only what is reasonably required for its present and proximate necessities, leaving what I may term, in ultimate or speculative necessities to be made the subject of another application from time to time to arrive. If, in short, it is now, in the opinion of the executive, necessary and proper for the city to divert the whole of the water, the permission should be given; if only a portion, then only the portion required. I may also state that according to my judgment the city has the right to take all the water, which the executive finds to be required, out of any of the creeks named, and that the executive has not the power to compel the city against its wishes to take a portion out of one of the creeks and another portion out of another of the creeks. If the city can satisfy the lieutenant-governor in council that it requires an additional amount of water equivalent to the total volume of Little Sheep creek above the prescribed elevation, it is, I think, entitled to divert the whole of such volume regardless of any water records issued after the passing of the before mentioned Act of 1896.

W. C. WELLS, Chief Commissioner of Lands and Works.

The communication was referred to the fire, water and light committee.

A communication was read from Messrs. Cunliffe & McMillan of the Rossland Engineering Works, requesting that the city water be extended to the works on Third avenue between Spokane and Washington streets, and stating that it was impossible to lay mains on Third avenue at present, and that the Rossland Engineering Works were protected by a hydrant at the corner of Third avenue and Washington street and that the works could be supplied with water by means of a service pipe, provided application was made in regular form.

Alderman Russell said it was impossible for the works to secure the necessary supply of water, owing to the inability of the city to lay mains in Third avenue at the present time. Mayor Landonde replied that they would have to fill in a blank application and that they must pay for having this done.

The communication was referred to the fire, water and light committee.

A letter was received from Mr. John

Dean thanking the council for the attention which it had given to his complaint against the renting of a portion of the building on the site of the court house. The report of the board of works recommending the payment of bills to the amount of \$122.45, and that the bridge on Kootenay avenue on the road to Trail be repaired was adopted.

Like action was taken with the report of the health and relief committee, recommending that bills amounting to \$11.95 be paid, and that a new uniform be purchased for the sanitary inspector at a cost of \$22.

The report of the finance committee, favoring the payment of bills amounting to \$111.19, and suggesting that the city clerk be required to prepare specifications and arrange for receiving tenders for doing the city printing for the ensuing year by April 30 was adopted.

A resolution was adopted naming Mayor Landonde, Aldermen Clute, Hamilton, Holt and Mackenzie as a board of revision, to meet on Monday, June 3rd at 2 p. m. for the transaction of business.

By resolution leave was granted Mrs. M. E. King to introduce a by-law providing that permission be given to erect a building over the alley in the rear of the Allan house. The height of the building over the alley to be regulated by the city engineer and the structure itself to be subject to his approval.

Mr. Thomas Hilliard, electrical engineer, who examined the city fire alarm system for the city and pronounced upon its condition, sent in a communication to the council refusing to accept \$35 for the service and requesting that he be paid \$100 for the service.

A by-law providing for the extension and repair of the water system and for the selling of debentures to pay for the same was read for the first time.

A by-law to extend and repair the sewage system and to provide for the issue of debentures to pay for the same was read for the first time.

A by-law authorizing sale of bonds and lots in the city, which have been in arrears for taxes for two years, was read for the first time.

A by-law providing for the early closing of certain stores was read for the second time. It provides that some of the stores shall close at 6:30 p. m. on Saturdays, on the 15th of each month and the last 14 days of the year.

City Solicitor Abbott reported on the petition of the British Columbia Messenger company, in which the manager declared that he was willing to pay a license of from \$40 to \$50 per annum, provided such a course would protect the company from competition and suggesting that messenger boys be prevented by a by-law from entering houses of ill-fame.

The reply of the city solicitor was that the messenger company could be charged no more than \$5 for six months for a license and that the matter of preventing the boys entering the houses could be looked after by the police. The communication was referred to the chief of police.

MYSTERIOUS DISAPPEARANCE.

Enquiries Respecting the Whereabouts of W. J. McLeod, Insurance Agent.

The disappearance of Mr. W. J. McLeod, a guest at the Allan House, on February 25th and 26th is causing his friends no little apprehension. There is certainly some mystery about the affair as the missing man was sober and steady and his accounts were left in first class shape.

There were new developments yesterday when Mr. J. H. Brock, general manager of the Great West Insurance company, reached the city and instituted enquiries, which thus far have proved fruitless. Mr. McLeod was an agent of the company and did considerable policy-writing here and at Nelson.

The missing man always stopped at the Allan, and as he was a frequent visitor his going and coming were so frequent that his absence was not noted until a day or two after he had disappeared, when it was found that he had left most of his baggage and all his private papers behind. He always paid his bills and was quiet in his behavior. At the time Colonel King made enquiries, but felt satisfied that the missing guest had gone off unexpectedly and that he would return. However, his absence lengthened into weeks and when outside enquiries were made for McLeod the Colonel got anxious. It dawned on him lately that possibly Mr. McLeod had gone to the velvet mine on his own account, but the Colonel recalled that the insurance man had been talking of visiting that property for the purpose of soliciting insurance. Possibly he started to walk to the mine and getting lost had perished in the mountains. What gives color to this theory is the fact that McLeod took one of his valises with him at the time of his disappearance. If he were leaving the country it would be natural that he would take all his effects or at least destroy his private papers.

Mr. Brock, the general agent of the insurance company, stated that McLeod was one of their most trusted agents. His honesty was above suspicion and his accounts were above suspicion. Within the past month or two various people have called at the hotel to pay McLeod their insurance premiums.

The missing man hails from Boisbevier, Manitoba, where his mother and his child reside. He was a widower. During his stay at the Allan he was not known to drink.

McLEOD EXPLAINS.

He Says That His Accounts at Fernie Are All Straight.

Archibald McLeod, the ex-provincial constable, who was arrested Monday on a charge of theft at the telegraphic request of the Fernie authorities, is still a prisoner at the police station. No further word has been received from Fernie, but it is understood that there has been trouble between McLeod and his partner over the operation of a hotel at the colliery town. The arrest was instigated by the partner, who thought McLeod was about to leave the country. The prisoner says his accounts are straight and expresses his willingness to disprove the charge at the proper time. McLeod told the police that he was about to return to Fernie when the arrest took place. If instructions are not soon heard from Fernie the prisoner will be discharged.

Colonel W. N. Brayton of Kaslo, was at the Allan hotel yesterday.

HE RECEIVED FATAL INJURIES

JOSEPH MCKACHERN THE VICTIM OF A TERRIBLE ACCIDENT.

A Mass of Rock Fell Upon Him While Working on the 700-Foot Level of the Le Roi.

Joseph McKachern, employed in the Le Roi, was the victim of an accident last evening which, it is thought, will end fatally. He and two Italians were engaged in getting out one of the stopes on the 700-foot level when a large mass of rock, part of which is presumed to have fallen from the roof, fell in on them. The Italians saw that which was coming down upon them and fortunately made good their escape. McKachern, however, unfortunately, was caught by the descending mass, felled to the ground and buried by it.

The alarm was given at once and he was taken out from under the rock by his companions. The unfortunate man was brought to the surface and Drs. Bowers and Keeney summoned. They found that he had sustained terrible injuries. The scalp was severely cut and bruised. The chest had been severely injured internally by pressure and he bled freely from the lungs. Both hands were fractured and the left leg cut at the knee, as the legs were severed so that the bone protruded. The physicians dressed the wounds and McKachern was taken to the hospital.

The shock had been a most severe one and at a late hour this morning it was thought that he had only a short time in which to live. McKachern came here from Nova Scotia a few weeks since. Last night was the sixth shift which he had worked. He is single and aged about 30 years.

Later—Mr. McKachern died at 2:30 a.m.

A PROTEST FROM WINNIPEG.

Editor Miner: Permit me to say that in two or three of the columns of the F. A. O'Farrell which have appeared in your columns there have been passages which are very offensive to loyal British subjects and also I believe entirely untrue to history. I refer at present to an article published in the Weekly Miner of March 28th, headed "Light on Montana Politics." About half way down the first column occur words, "as a lad I saw all the horrors of a famine, created by the greed and rapacity of alien rulers, etc." These and what follows, sir, and similar paragraphs is a former letter of O'Farrell's are what I object to at any time and in any place, but I think they are especially out of place in a British paper in Canada, under the good old flag which does not wave above a nation created by the greed and rapacity of alien rulers. British Columbia is equal if indeed it does not surpass any other province in loyalty, and I cannot think such blatant humbug directed against the good old land is acceptable to British Columbians.

Kindly allow me space in your next issue of the weekly for the above few lines and oblige.

Yours truly, WINNIPEG, April 18, 1901.

ROMANCE OF A WATER TANK.

City Engineer's Discovery of the Cause of a Supposed Leakage.

It is strange but nevertheless true that there is an interaction between the available water supply and the local consumption of meat. The discovery was made by City Engineer Baskirk made by City Engineering. To one after a laborious investigation. To one of the city supply tanks he has attached an electric device which signals an alarm when the water gets to a certain low level. It has happened frequently of late that the alarm has been given usually between 9 and 10 a.m., at an hour when, according to the statistical rule, comparatively little water is used for domestic purposes. Mr. Van Baskirk started in to investigate and at first could not account for the abnormal water consumption.

Finally it occurred to him that a certain butcher firm had installed a water motor, paying the city therefor \$25 per month, and that the motor was due to the use of the water specially between the hours named. The motor drives a machine used for cutting meat. Now when the alarm sounds he does not conjure up visions of a broken pipe.

KING SOLOMON MINES.

Action of the Smelting Trust Causes Them to Close Down.

Mr. S. H. McCoy, formerly superintendent in this camp for the Mabel Mining company, has returned from the Woodbury mines, which are located three and a half miles south of Ainsworth. The King Solomon company is the owner of a large group there. The property is furnished with a 12-drum compressor and a concentrating plant of a capacity of 150 tons a day. Owing to the refusal of the American smelters to longer treat the ore work was closed down by the company 10 days since, and Mr. McCoy, who was acting as foreman, and a number of others were thrown out of employment. It is thought if the federal government grants a bounty of \$5 per ton on lead manufactured in Canada that the King Solomon mines will resume operations.

RIFLE ASSOCIATIONS.

General Order Establishes Military and Civilian Classes.

Ottawa, April 23.—(Special.)—A militia general order issued today in regard to rifle associations shows that there will be two classes of association, military and civilian. They will both come under the direction of the militia department and the officers will be nominated by the inspector of musketry. Before any association is formed not less than forty men of 16 years of age and residents of the locality must, if not already members of law forces, be enrolled. Enrollments will be issued free and the ammunition as follows: 100 rounds per head to members of military association. In the event of a national emergency any member of a rifle association will be considered as already enrolled in the militia reserve.

SILVER-LEAD QUESTION.

Text of the Memorial Submitted to the Dominion Government.

To the Right Hon. Sir Wilfrid Laurier, Ottawa.

Sir—Desiring to impress upon the Dominion government what they deem to be an urgent need of legislation in favor of the silver-lead industry in British Columbia, the various Mine Owners' Associations and Boards of Trade in the East and West Kootenays respectfully ask your consideration of the following facts and recommendations:

Bonus to Lead Refinery.—The mining of lead in British Columbia has grown into a most important industry. The production in 1900 amounted to 60,000 tons of silver-lead ore, containing silver to the value of \$2,295,000 and about 30,000 tons of metallic lead of the value of \$2,600,577, or a total of \$4,895,577, and the total production for all years to date, has been \$20,000,000.

At the first of the present year it was estimated that an output of more than 100,000 tons of ore, containing 50,000 tons of lead, would be reached in 1901. An estimate which in consequence of events that have since occurred, will be greatly disappointed.

The bulk of all of this class of ores hitherto mined in British Columbia has been smelted in the United States, and the portion of it that has been smelted in Canada has also gone to the United States to be refined.

At the beginning of 1901 the American Smelting and Refining company, a trust which has absorbed nearly all the smelters and refineries in the United States, gave notice that it had withdrawn from the British Columbia market and that until further notice it would make no contracts for the treatment of British Columbia ores.

The capacity of the smelters in operation in British Columbia, and of the independent smelters in the United States is totally inadequate to treat the normal output of the British Columbia mines, and many of them have in consequence closed down, and others have lessened their output.

It is still possible to have ore smelted in Canada refined in the United States, but the refining charge has been greatly increased, and there is no tendency observable toward increasing the smelting capacity in the districts now suffering. Nor is there likely to be while the danger of the imposition of excessive rates for refining continues.

It is the opinion of the delegation that for the relief of the distress at present existing, the surest and best remedy is the establishment in some accessible locality within Canada of a lead refinery. And that inasmuch as the establishment and successful operation of such a refinery would require the employment of a large amount of capital, not only in the construction and equipment of the refinery, but also in the purchase of treatment, transportation, and marketing of the product, and inasmuch as the investment would be exposed to the danger of destructive competition from the American Trust whenever it chose to re-open its works to Canadian lead. Your memorialists respectfully submit that the Dominion government should grant a bounty to be paid for a term of five years, at the rate of \$5 per ton upon pig lead the product of ores smelted and refined in Canada.

We submit that the transfer to Canada of the industry of working up as far as possible our stock of raw lead, into manufactured forms, and the opening of an outlet through Canadian channels to the world's market, for the whole of the product, is a matter of importance to the Dominion at large, and that the production of silver and lead in British Columbia is capable of great expansion; that the employment of labor afforded will attract to the mining districts a large population of consumers upon a lavish scale of the supplies and products of Eastern Canada; and that in all respects the measure of development liable to follow the removal of obstacles that now retard the industry will amply justify the expenditure of public funds that would be involved in our request.

Lead Duties.—The inequality of the duties levied upon lead products coming into Canada has been repeatedly brought before the government by special delegations and by the boards of trade and dealt with by the convention of the Liberal party in the platform upon which Mr. Gailher, the present member for Yale-Cariboo-Kootenay, was elected.

It appears that the schedule of lead duties stands as it was framed many years ago when there was no production of lead in Canada. It is inconsistent with itself and with the tariff upon other goods of a similar class, and it operates to discourage the manufacture of lead in Canada, so that while we are producing and sending abroad a large quantity of lead in crude forms, the Canadian market is supplied with refined lead imported from abroad. We ask the government to revise this tariff and put it upon an equitable basis, which in our opinion would be reached by an increase of the duty upon pig lead from 15 per cent to 20 per cent and upon dry white lead from 5 per cent to 25 per cent.

Portfolios of Mines.—This delegation desires to urge upon the government the recommendation of the Associated Boards of Trade of British Columbia, for the creation by the government of a permanent portfolio or bureau of mines under the immediate charge of a minister of the crown, and to suggest that at the earliest practicable moment one of the cabinet portfolios should be conferred upon a representative of British Columbia.

Mint.—That this delegation respectfully urges upon the government the consideration of the Mint question as brought before them in the memorandum of the premier of British Columbia of January 28th, 1901.

Signed on behalf of the delegates, DAVID HEAP, M. S. LOGAN, Chairman, Secretary.

Railroads.—We strongly believe that the requirements of Southern British Columbia demand the construction of railroads through the rich undeveloped portions of Southern British Columbia, and that the permission to build and financial assistance where necessary, should be given to any responsible company intending to build a railway, whether crossing the international boundary or not, subject in all cases to government control as to rates, and subject to Canadian industries as to coal and supply, where such railways are designed to tap coal deposits upon which

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such Canadian industries are dependant on their fuel supply.

Signed on behalf of the delegates, DAVID HEAP, M. S. LOGAN, Chairman, Secretary.

SHAKESPEARE AS A MINER.

More Fame for the World's Great Dramatist.

In a remote camp in California an honest miner was recently discovered who solaced himself with Shakespeare under all vicissitudes of fortune, says the American Mining News. He had the divine William at his fingers' ends and could quote him by the yard. Newspapers of the west wrote him up as a prodigy of learning and philosophy, but several of the east, where wisdom and wealth run cheek by jowl, twitted him for neglecting the pick and drill to prospect in the sterile regions of blank verse. Shakespeare, said those wisecracks, never did anything for legitimate mining, and why in thunderation couldn't honny-handed miners leave Shakespeare alone?

Now, if those carpers had known a little more about both ends of this grand subject, they would have instinctively recognized the practical as well as the ethical side of the California miner's favorite study. Everybody knows that Shakespeare was a profound lawyer, an oratorical butcher, a dainty glove-maker, a clever chess player, a skilful mariner, an able physician, a soaring astrologist, a distinguished courier, a temperance advocate, a roystering mountebank and highwayman, also a bit of a poet. It would be strange indeed, then, if a man with all these qualities should lack knowledge of mining and metallurgy, which in combination, as all readers of American Mining News are aware, form the only real wealth-producing industry of the world. But he was not wanting in this regard any more than in any other field of human endeavor.

We do not claim that Shakespeare was up to all the modern tricks of cyaniding, chlorination concentration, etc., or that he could distinguish between a diamond drill hole and a three-compartments shaft; but we do assert that William was a good judge of ore and their treatment, and knew a mine when he saw one. And there were mines in his days just as there are now in the advertising columns of the Sunday papers of New York. If you overhaul your Hamlet, you will find a great deal of mining and assaying, a remarkable resemblance to the curious operations of the mining promoters and schemers who infest the east today. After the melancholy Dane kills Polonius behind the arras, that lecherous, treacherous, remorseless, kindless villain, the King, wants to know where his nephew has gone. The Queen tells him:

To draw apart this body that he hath killed;
O'er whom his very madness, like some ore
Among a mineral of metals base,
Shows itself pure: he weeps for what is done.

This is probably the only straight reference to a mine per se in the whole range of the dramas, but it possesses that one touch of nature that makes the whole mining world kin, and shows that William was well up in the business, even if he did not write M. E. after his name.

It is in lighter touches, however, the peritage of mediæval mineralogy, as it were, that Shakespeare displays his insight into the true inwardness of the industry. No practical miner and without feeling mingling chills of fear and thrills of hope. It appeals with equal force to the gold digger of Alaska, the silver producer of Utah and Colorado, and the least-delver of Missouri and Kansas. You can see their eyes bulging as each of Portia's suitors makes assay of the boxes of gold and silver and end of which contains the glorious gift of her precious self. The gold box bears the inscription, "Who chooseth me shall gain what many men desire"; the silver one, "Who chooseth me shall get as much as he deserves"; the lead, "Who chooseth me shall give and hazard all he hath."

Nearly the whole genius of speculative as well as practical mining is embodied in these fruitful mottoes. You can find them indelibly carved in thousands of shafts and prospect holes in all the mining states. Their echoes cradle the noise of air of millions of drifts and tunnels. Their tenacity is as strong as the hope that spring eternal in the miner's breast. They are the Alpha and Omega of the great mining industry from prospector to promoter. Their virtue is an immortal as Shakespeare himself.

And the three suitors to Portia's fair hand are typical also of the fate of mining promoters. First comes the rattle boaster who can pluck sucking calves from she-bears and mock the lion when he roars for prey. We know the fellow well in New York. Sometimes he gets there, but more often he doesn't. Morocco despised the dull lead and turned scornfully away from the silver box. He was after gold, and lo! he got his reward—a carrier death's head, with a cutting scroll that tells him all that glitters is not gold.

The Prince of Arragon—and his dainty form is often seen on the street—chooses silver, and is presented with the picture of a blinking idiot, which cools his goose effectively. Honest Bassanio, the grub-staker, who borrows freely but pays back ten-fold when he strikes it, pays back ten-fold for any kind. He examines Shakespeare as a profound lawyer, an oratorical butcher, a dainty glove-maker, a clever chess player, a skilful mariner, an able physician, a soaring astrologist, a distinguished courier, a temperance advocate, a roystering mountebank and highwayman, also a bit of a poet. It would be strange indeed, then, if a man with all these qualities should lack knowledge of mining and metallurgy, which in combination, as all readers of American Mining News are aware, form the only real wealth-producing industry of the world. But he was not wanting in this regard any more than in any other field of human endeavor.

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It is in lighter touches, however, the peritage of mediæval mineralogy, as it were, that Shakespeare displays his insight into the true inwardness of the industry. No practical miner and without feeling mingling chills of fear and thrills of hope. It appeals with equal force to the gold digger of Alaska, the silver producer of Utah and Colorado, and the least-delver of Missouri and Kansas. You can see their eyes bulging as each of Portia's suitors makes assay of the boxes of gold and silver and end of which contains the glorious gift of her precious self. The gold box bears the inscription, "Who chooseth me shall gain what many men desire"; the silver one, "Who chooseth me shall get as much as he deserves"; the lead, "Who chooseth me shall give and hazard all he hath."

Nearly the whole genius of speculative as well as practical mining is embodied in these fruitful mottoes. You can find them indelibly carved in thousands of shafts and prospect holes in all the mining states. Their echoes cradle the noise of air of millions of drifts and tunnels. Their tenacity is as strong as the hope that spring eternal in the miner's breast. They are the Alpha and Omega of the great mining industry from prospector to promoter. Their virtue is an immortal as Shakespeare himself.

And the three suitors to Portia's fair hand are typical also of the fate of mining promoters. First comes the rattle boaster who can pluck sucking calves from she-bears and mock the lion when he roars for prey. We know the fellow well in New York. Sometimes he gets there, but more often he doesn't. Morocco despised the dull lead and turned scornfully away from the silver box. He was after gold, and lo! he got his reward—a carrier death's head, with a cutting scroll that tells him all that glitters is not gold.

The Prince of Arragon—and his dainty form is often seen on the street—chooses silver, and is presented with the picture of a blinking idiot, which cools his goose effectively. Honest Bassanio, the grub-staker, who borrows freely but pays back ten-fold when he strikes it, pays back ten-fold for any kind. He examines Shakespeare as a profound lawyer, an oratorical butcher, a dainty glove-maker, a clever chess player, a skilful mariner, an able physician, a soaring astrologist, a distinguished courier, a temperance advocate, a roystering mountebank and highwayman, also a bit of a poet. It would be strange indeed, then, if a man with all these qualities should lack knowledge of mining and metallurgy, which in