

MINING.—Continued.

IMPORTANT GOLD MINING DECISION.—The following is the text of the Decision of the Full Bench of Judges at Halifax, read by Judge Smith lately in Ro Malaga Barrons.

Smith J. This is an appeal from the decision of the Commissioner of Public Works and Mines for this province, in which he refused to issue a gold prospecting license applied for by William McLeod, and another applied for by one William Cameron, both areas lying near Malaga Lake in the County of Queens. Regarding as the Commissioner seems to have done that the refusal to give McLeod the license applied for by him, necessarily involves a similar decision in the case of Cameron, it will be unnecessary for me to do more than consider the legality of that decision, as it affects McLeod.

McLeod's application reads thus:—"Please find \$1 50 for a prospecting license of three areas described as follows: Beginning at a stake marked W. M. L., standing about one mile westerly from Malaga lake in the County of Queens, thence southerly 250 feet, thence easterly 450 feet, thence northerly 250 feet to the place of beginning, containing three areas." I do not regard the decision appealed from as deciding any conflicting claims of parties applicants, as the Commissioner does not appear, as far as we can gather from the papers before us, to have granted a license to any one; but simply to have decided that the application of McLeod "was not in accordance with the provisions of sections 16 and 39 of Chapter 7 of the Revised Statutes of Mines and Minerals." On referring to these sections it certainly does appear to my mind that they were framed by the legislature for the purpose of preventing mistakes or misapprehensions, and to compel applicants for prospecting licenses clearly to define the exact locality of the area or areas upon the ground; at least, that, at the time the application was made, some definite stake or starting point should be given, from which the areas could be ascertained. The two sections referred to, and upon the provisions of which the Commissioner alleges that he based his decision, seem to be very clear. The 16th section says, "every application shall be in writing, defining the area or areas applied for." The 39th section refers especially to prospecting licenses, and provides that "all applications for prospecting licenses shall accurately define by metes and bounds the lands applied for." It can hardly, I think, be reasonably urged, that if it appears as it does in this case, that when the stake or spot indicated in the application as the starting point from which those metes and bounds are to be ascertained does not exist on the ground, the areas are accurately defined, as required by the express words of the statute. One cannot read the whole of the statute without perceiving how careful the Legislature was in striving to avoid difficulty or confusion with reference to the rights of applicants. It must be evident if the application of McLeod can be held to be such a valid one as would compel the Commissioner to grant him a license, the words I have designated requiring an accurate definition of the areas, may be struck out of the statute as being useless verbiage. If this application could be held to be a legal one, it would have been equally good if the application stated the areas to lie near Malaga Lake, and the party would only have to find some areas anywhere near the lake, put a stake down, and claim a prospecting license starting from that point, and which may cover an entirely different area than he first intended when he made his application. I think it would be contrary to the policy of the legislature, and most unwise to uphold such a contention. Therefore, I think, the appeal should be dismissed with costs.

The discovery of rich gold deposits in British Columbia, close to the imaginary boundary line between that Province and Alaska, may, it is feared, lead to serious trouble if the actual boundary is not defined before any attempt is made to develop these valuable finds. In view of the discovery of gold in the Pacific Province the Dominion Government have decided on sending out a party to make a geological survey of that part of the country in which minerals have been found, and to ascertain as nearly as possible to whom they belong—whether to the United States or the Dominion. The party will, it is expected, leave here for the Yukon district in April. Doctor Bell, assistant chief of the Geological Survey, says that he believes the valuable mining lands between the head waters of the Lewes River and Mount St. Elias will become a source of dispute between the United States and Canada on account of the indefinite boundary line. Referring to the country between the head waters of the Lewes River and Mount St. Elias, which lies directly west of it, which abounds in silver, copper, lead and ore, Dr. Bell says that as the Americans have got ahead of Canada in every territorial deal, the Dominion must look forward to being done out of this valuable territory, which, he maintains, properly belongs to Canada. An effort will be made during the coming session of Parliament to secure an appropriation to commence a survey of the British Columbia boundary in the hope that the United States Government will cooperate and definitely fix the boundary line and thus remove all possibility of dispute.

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WARD III.

REQUISITION.

To WILLIAM CROWE, Esq.:

Sir,—We, the undersigned Ratepayers of WARD THREE, beg to request you that you will allow yourself to be nominated to represent this Ward in the City Council. We feel that you possess those qualities so much needed to guard the interests of this important Ward, and should you accede to our request we pledge ourselves to use every exertion to secure your election.

Signed by over 130 Ratepayers of Ward Three.

REPLY.

To THE ELECTORS OF WARD THREE—

GENTLEMEN,—In acceding to the request contained in the very flattering requisition with which you have favored me this day, and again consenting to allow myself to be nominated to represent this Ward at the Civic Board, I do so, prompted by the desire to do whatever lies in my power to promote the interests of the Ward and the welfare of the City.

Relying upon the promise contained in the requisition, and thanking you for the confidence reposed in me

I have the honor to be, gentlemen, Respectfully yours,

WILLIAM CROWE.

Tuesday, March 8, 1887.

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