

that the development of a mining district would be materially retarded, operating seriously against the public interest if this provision were abandoned. If it were possible that each location could be examined by a properly qualified officer as to the merits of his discovery, and also as to the amount of assessment work done, much of the objections to these provisions would disappear. I am strongly opposed to making the appropriation of the public mineral lands more easy than it is at present, and it is certainly not to the public interest and tends to create a monopoly in these lands. Although I freely admit that there is much fraud practiced in both of these matters at present, still there is a tendency toward somewhat of a showing which would be entirely annulled if all restrictions were raised. The proposed revision would allow a locator to have a length of 5,280 feet on the vein if he chose to have a width of only 330 feet. This, it seems to me, would be unjust. I believe that a total length of 1,320 feet is sufficient and for the general good, and I would be in favor of restricting the width to less than 1,000 feet. By this means there would be more locations made in a district and the opportunities for prospecting would be greatly increased, and blanketing the country with 40-acre tracts would be more difficult.

I have gone into the conditions existing in the United States somewhat extensively, because conditions there are the best object lesson we can obtain of what difficulties are to be encountered in the location and development of mines in Canada. My special object in writing this is for the purpose of considering the state of affairs in British Columbia.

It has been said of the British Columbia legislature, that no session is deemed complete until some additional provision or amendment is made in the mining laws of the Province. The first Mineral Act was passed in 1884. This Act provides: That surface ground 1,500 feet long, by 600 feet wide, may be located in the form a rectangular parallelogram by any Free Miner. The Mineral Act of 1891 repeats this provision, and provides: That the end lines shall be parallel, but that the angles shall not necessarily be right angles. This Act sets forth: That three legal posts shall be placed as nearly as possible at equal distances from each other along the center line of the claim; that legible notices shall be placed on these posts, etc.; that during each year after location \$100 worth of work shall be done; that proper affidavit shall be made recording this work in the office of the Recorder or Gold Commissioner, and that if work has not been done the claim shall be forfeited; that no Free Miner shall be entitled to hold either in his own name, or that of another, more than one claim on the same vein, except by purchase; that the owner shall have the exclusive right to all surface ground included within the boundaries of his location, and of all veins or lodes throughout their entire depth, the top or apex of which shall lie inside of such surface lines extending vertically downward, although such veins or lodes may so far depart from the perpendicular in their course downward as to extend outside the vertical side lines of such surface location; but his right of possession to such outside parts shall be confined to such portions as lie between vertical planes downward through the end lines of his location so continuing in their direction that such planes will intersect such exterior parts of such veins or lodes. If a location is so made that its center line crosses the vein instead of following on its course, the locator is entitled to as much of the vein as actually crosses the surface of the location, and the side lines become the end lines. A location shall be deemed to have been laid crosswise when the smallest angle made by the center line falling on the vein or lode is greater than 45 degrees. This Act continued in force until 1892.

This Act undoubtedly follows the United States laws with but slight changes. Instead of the locator being compelled to place posts at the corners of his location, he places three posts along the centre line. This, I think, does not give such complete notice to the public as the United States custom, especially where side center posts are required, as in Colorado.

I think this objection of indefiniteness in marking and staking is one of the great weaknesses of all of the British Columbia laws that have been enacted to the present time. It is very difficult at best for anyone to trace the boundaries of a mining claim, and this is especially the case when locations 1,500 feet square are made. The law cannot be too particular in this matter. This is one subject which the British Columbia legislature has not dwelt upon sufficiently and the requirements of which are not severe enough.

In the Rossland district the mines first located there, as the Le Roi, War Eagle, Center Star, Iron Mask, Josie, etc., have been located under the provisions of the Act of 1891. There is at present litigation between two of these properties as to their respective rights in following the vein beyond the vertical side lines of one of the claims into the other. In this case there are apparently two apexes and a meeting of two veins, which somewhat complicate matters. The provision for the rights of veins running across the location is in conformity with the decisions of the courts of the United States, providing for a 45 degree line.

In 1892, and in subsequent years, the legislature has provided: That locations 1,500 feet square can be made, rectangular in form and having no extra-lateral rights. This law much simplifies matters, but it has a tendency to retard the development of a district. I am of the opinion that locations 1,500 feet square and containing over 50 acres of land are altogether too large, and therefore tending to retard the development of a mining district and not for the public good.

In the Rossland recording district there are nearly or quite 5,000 mining locations recorded. Undoubtedly most of these were made with the knowledge of the locator that they did not contain, so far as he knew, mineral of value, and were made solely for the purpose of securing ground for speculative purposes. There is no provision in any of the British Columbia Statutes for development work at the point of discovery. This is a very important point to be considered. I am of the opinion that no one should be entitled to reserve for himself a 50-acre tract of land, or any other amount, without making a showing that the land so reserved is of sufficient value to warrant the Government allowing him exclusive right thereto. Experienced, honest and skilled officials should be appointed for the purpose of inspecting and passing upon the value of all mining locations. A locator should have ample time wherein to prove the value of his claim, say 60 or 90 days, but unless it be so proven he should not have the right to monopolize and set aside this land from other prospectors more skilful or fortunate than himself. It certainly does not tend toward the expeditious and proper development of a country.

The provisions of the various laws passed by the British Columbia Legislature, from 1892 to the present time, require: "That two posts shall be marked; that a line shall be blazed between these posts; that proper notices shall be posted, etc." In other words, for the purpose of giving notice to the public that a tract of 50 acres of land has been set aside for his special benefit, the locator is compelled to more or less distinctly mark a line 1,500 feet long, to erect two posts thereon, to place a notice at the alleged point of discovery, and to record a notice of location; and this is the sole notice which the world has of the boundaries of the tract so appropriated. This line may be 1,500 feet from the extreme boundaries of his claim in one direction, and in no case does it in any marked degree so define his claim that any other prospector can, without extreme difficulty, and often great expense, ascertain its limits. This insufficiency and indefiniteness of marking has also a tendency to put a premium upon dishonesty. It is a comparatively easy matter to destroy posts or to shift lines so marked. Much trouble has already arisen from this cause. Proper monuments should be placed at each angle and along the boundary lines of each claim. These lines should be distinctly blazed, and as soon as possible