

TYRRELL vs. BONANZA CREEK HYDRAULIC CONCESSION, LTD.

JUDGMENT has been delivered in the Yukon action of Joseph B. Tyrrell, the well-known mining engineer, against the Bonanza Creek Hydraulic Concession, Ltd. The *Yukon World* publishes a brief review of this case, from which it is learned that Mr. Tyrrell came to Dawson as a mining engineer to obtain a concession, and Bronson & Ray allowed him a salary and an interest in whatever ground he should obtain. Then a stock company was formed at Ottawa, Quebec, and Mr. Tyrrell was allotted stock equivalent to his interest. But the company failed to supply cash for the prosecution of the work, not even providing for the work necessary to hold the concession. Then there was a libel suit brought against Mr. Tyrrell by W. A. Beddoe, editor of a local newspaper, the former as manager of the Bronson & Ray concession, having published a declaration in which he charged that Beddoe had approached him and Mr. McDougal, solicitor to the concession, offering that if he (Beddoe) be permitted to locate a claim within the concession limits his newspaper's attacks upon the concession would cease. This action was dismissed, the jury practically finding that Mr. Tyrrell's declaration was a true statement of what had occurred, but upon counsel's being unable to collect costs from Beddoe, Mr. Tyrrell had to pay his own costs amounting to \$873.60. In his suit against the Bonanza Creek Hydraulic Concession, Ltd., Mr. Tyrrell claimed salary from the time of the company's organisation in August, 1902, until his dismissal on July 1, 1904; for sundry sums paid out by him on behalf of the company; and for his costs in the libel suit. In his judgment Mr. Justice Craig expressed the belief that in defending the libel suit and in showing that the attacks upon the concession were not *bona fide* but were for blackmailing purposes and not in the public interest, Mr. Tyrrell acted in what he considered the best interests of his company. "yet," the judge added, "I hesitate to find as a matter of law that it was within the scope of his authority as manager to defend libel suits or to put himself in a position to render himself liable to actions of this kind, without positive instructions from the company. It is true that exposure of Beddoe by his published declaration did not necessarily invite a libel suit; that he made that exposure in the interests of his company and that the libel suit was afterwards instituted; that he was forced to defend himself—not in his private capacity, but for an act which he did directly in the interests of the company. Its position at the time was precarious, the public dissatisfied, the newspapers attacking it and the Government investigating its concession. I think he acted wisely. At the same time I cannot find that under his authority to carry on the mining operations of the company he had authority to take the course which he did. He should first have submitted the whole matter, before publication of his declaration, to the board of directors." The claim for costs in the libel suit was therefore disallowed, but judgment for salary and money paid out

on company's account, with costs, was given in favour of Mr. Tyrrell, and the company's counter claim was dismissed.

RESULTS OF A "POLICY OF REVENGE."

SPEAKING at a well-attended public meeting held at Fernie, Crow's Nest Pass, on the night of May 31, Mr. G. G. S. Lindsey, general manager of the Crow's Nest Pass Coal Co., Ltd., in the course of a lengthy address, delivered at the invitation of the meeting, on matters of mutual interest to the citizens and the company, said:

At the time of the unfortunate explosion of May 22, 1902, I came out here as a missionary bringing the olive branch of peace to those unfortunate people who had lost their husbands, fathers and sons. It was at Senator Cox's house on a Sunday night that I got my final instructions. I was told to come out here and distribute where necessary as much as \$100,000 among the sufferers by that explosion. I came out here and found an inquest in progress and public feeling was in such a state that we were called murderers, and the mere suggestion of settlement would have been taken as an admission of guilt. The whole agitation was worked up by Mr. Wm. Blakemore, a discharged employee of this company. He did not stay his hand when he got through with the explosion, but has been at his policy of revenge ever since, although he has been told many times what the people think of him. Mr. Blakemore entirely misinformed the people of this district as to the nature of that explosion. On his advice \$1,000,000 worth of claims were filed against us in the courts and we were driven to defend ourselves and instead of distributing \$100,000 we were forced down to a trial of the facts. After twenty-one days' hearing of our case, the courts said that this company was absolutely blameless in connection with that unfortunate explosion. We had expert witnesses from England and America, who gave evidence, and it cost us an enormous sum to defend the lawsuits by bringing witnesses from all over the world, and the widow and orphan got nothing. Now I have told you this story to illustrate to you two things. First, how much harm a discharged employee can do and how unsafe it is to be guided by discredited men. I came here first as a missionary of peace. I was determined that we would have peace, and that I would do what I could to help the deserving afflicted. Don't you in the future listen to discharged employees or disgraced and discredited leaders, because they are very unsafe leaders to follow.

The comments of the *London Critic* on the affairs of the Ymir Gold Mines, Ltd., as reprinted on pages 204-5 of this issue, are favourable. It is gratifying to have a London journal express the opinion that "The prospects of the Ymir mine are now more encouraging than at any period since the company reconstructed, and the shares at their present price of ten shillings are worth buying in anticipation of the resumption of milling operations."