Custody of Chinese Girl

Important Judgment Delivered by Mr. Justice Martin in the Supreme Court.

His Reasons for Declining to Allow Soy King's Removal From Refuge Home.

The following important judgment was delivered yesterday by Mr. Justice Martin in the celebrated habeas corpus case in which Sam Kee demanded the custody of a Chinese girl now in the Refuge Home, referred to briefly in the Times yesterday:

A question arises on this application which is quite distinct from that which arose in cases of in re Ah Guay (1893), 2 B.C. 343, and in re Quai Shing (1897-8), 6 B.C. 85. Here Sam Kee claims to stand the loco parentis to the girl Soy King, aged 14 years, who, he alleges, was confided to his charge by her father, a resident of China, to be cared for, supported, and educated as his (Sam Kee's) own daughter. Since April, 1897, the girl has been an inmate of Sam Kee's house, until, on the 30th of June last, she went, or was taken to the Chinese Women's Refuge Home, maintained by the Methodist church in this city.

I am satisfied from the affidavits filed that the girl is in the custody of the Refuge Home, and is being there, in effect, detained by the authorities of that institution against the wishes of the applicant, Sam Kee, who, if he be the representative of the father's authority stands, as against all the world, the father himself expected, in loco parentis to the child committed to his charge and custody. In re Suttor (1860), 2 Fost. & Fin., 267; Eversley on Domestic Relations (1896), 493.

In showing cause against the rule, counsel for the Refuge Home takes two grounds: First, that it is shown by the material filed that the child never was entrusted to Sam Kee by her father, but was sold as a slave; and second, that assuming Sam Kee does stand in loco parentis he has lost whatever rights he had by an abuse of them on account of (a) cruelty; (b) failure to properly maintain and educate; and (c) grossly immoral conduct.

Taking the second ground first, and passing over for a moment the allegations of cruelty and failure to maintain and educate, the charge of grossly immoral conduct set up is that Sam Kee is maintaining bigamous relations with two women, in other words, that he has two wives, i.e., a chief wife, and a second, or inferior wife. This fact appears from the affidavit of the girl Soy King, and though during the argument I drew the attention of the applicant's counsel to the serious nature of the allegation, it has not been denied. I must say that like the learned judges in re Goldsworthy (1876), 2 Q.B.D., 83-4, it would have been more satisfactory to my mind if I had been furnished with fuller information with regard to the domestic relations existing in the applicant's household, but I must, also like the said learned judges, "remember how difficult it is to obtain the testimony of friends and neighbors as to matters of this kind." I have to accept an uncontradicted statement as being true if there is no ground for suspicion of falsity.

In answer to the charge of gross immorality the applicant's counsel took the position that he who unlawfully deprives a father, or one in loco parentis, of the custody of his child cannot set up the immorality of the father as an answer to a rule nisi for a habeas corpus.

After consulting a large number of authorities I do not think that the case of the father can be put stronger than was done by Lord Ellenborough, C.J., in 1804 in Rex. v. De Manneville, 5 East, 221, as follows: "We draw no inferences to the disadvantage of the father. But he is the person entitled by law to the custody of his child. If he abuse that right to the detriment of the child the court will protect the child." And the learned Chief Justice went on to say that "there is no pretence that the child was injured for want of nurture or in any other respect. Then he having the legal right to the custody of the child, and not having abused that right, is entitled to have it restored to him." Again, in Rex. v. Greenhill (1836), 4 A. & E. 624, Lord Denman, C.J., lays down the rule as follows (p. 640):

"When an infant is brought before the court by habeas corpus, if he be of an age to exercise a choice, the court leaves him to elect where he would go. If he be not of that age, and a want of direction will only expose him to dangers or seductions, the court must make an order for his being placed in the proper custody. The only question then is what is to be considered the proper custody; and that undoubtedly is the custody of the father. The court has, it is true, intimated that the right of the father would not be acted upon where the enforcement of it would be attended with danger to the child; as where there was an apprehension of cruelty, or of contamination by some exhibition of gross profligacy."

And Mr. Justice Coleridge to a similar effect, thus, 643:

"But, although the first presumption is that the right custody according to law is also the free custody, yet, if it be shown that cruelty or corruption is to be apprehended from the father, a counter-presumption arises."

So also Lord Campbell, C.J., in Reg. v. Clark (1857), 7 E. & B., 186, at 196:

"There is an admitted qualification on the right of the father or guardian, if he be grossly immoral, or if he wishes to have the child for any unlawful purpose."

Further on the learned Chief Justice quotes with approval the general rule of law laid down in similar language by Mr. Justice Patterson on a question submitted to him by the Chief Justice of Bombay.

The foregoing attitude of the courts before the Judicature Act and the exercise of their common law jurisdiction have been recognized and considered in several recent cases, particularly in Reg. v. Gyngall (1893), 2 Q.B., 232, wherein the Master of the Rolls, Lord Esher, lays it down as follows (p. 238):

"That jurisdiction might be exercised in cases where there was no question of the relation of parent and child, or it might be exercised as between parents and other persons. In such latter cases, where the dispute was with regard to the custody of a child, the question arose whether the party detaining the child had a right to detain it as against the parent. I take it that, at common law the parent had, as against other persons generally, an absolute right to the custody of the child, unless he or she had forfeited it by certain sorts of misconduct. Certain statutes have been passed which did limit to some extent the rights of the parent, though not guilty of misconduct that would have disentitled him or her to the custody of the child at common law. Where the common law jurisdiction was being exercised, unless the right of the parent was affected by some misconduct or some act of parliament, the right of the parent as against other persons was absolute."

The learned judge proceeds to notice the absolutely different and distinguishable paternal jurisdiction, by virtue of which the Chancery Court was put to act on behalf of the Crown as being the guardian of all infants in the place of a parent, and as if it were a parent of the child, thus superseding the natural guardian of the child, which jurisdiction has been exercised by the Court of Chancery from time immemorial, and then points out that in England under the Judicature Act the judges of the Queen's Bench Division are bound to exercise this chancery jurisdiction themselves; the statement of Lord Chancellor Cotton in re Spence (1847) 2 Ph. 247, is approved:

"This court interferes for the protection of infants, qua infants, by virtue of the prerogative which belongs to the Crown as parens patriae, and the exercise of which is delegated to the Great Seal."

The manner in which the court will exercise the above jurisdiction is considered at length. The result may be summarized as being that the dominant matter for the consideration of the court is the welfare of the child, and that its moral and religious welfare must be considered as well as its physical wellbeing. See also Lord Justice Kay at pp. 247-9. The matter is also later considered in re Newton (1896), 1 Ch. 740, where it is clearly laid down that parental rights may be forfeited by moral misconduct. All the foregoing is, of course, quite apart from the effect of the English Guardianship of Infants Act, 1886, not in force here, which, as the Master of the Rolls states in re X. v. X. (1899) 1 Ch. 526, has "revolutionized" the old law as regards the rights of mothers—vide also in re A. & B. (1897) 1 Ch. 736.

My attention has been particularly drawn to the expressions of the Master of the Rolls in re Ager-Ellis, (1883) 24 C. D., at p. 328, as supporting the proposition that the court will only interfere with the rights of a father when the child is a ward of court, but a reference to the preceding page will show that the learned judge was not referring to an application by way of habeas corpus, but to the application of former principles to the case before him, which was a petition by a ward of court.

The course of procedure followed in habeas corpus matters in a court of common law is distinctly laid down in re Andrews (1873) L.R., 8 Q.B., 153, at 158:

"Indeed, it appears to have been the invariable practice of the common law courts on an application for a habeas corpus, to bring up the body of a child detained from the father (and the case would be the same as to a testamentary guardian) to enforce the father's right to the custody, even against the mother, unless the child be of an age to judge for itself, or there be an apprehension of cruelty from the father, or of contamination, in consequence of his immorality or gross profligacy."

As was said in Regina v. Clark, following Rex. v. Greenhill, the immorality to extinguish the right of the parent or guardian to the custody of the child, must be of a gross nature, so that the child would be in serious danger of contamination by living with him.

It follows from the foregoing authorities, even in the sole exercise of a common law jurisdiction, that if I have reason to apprehend the contamination of the infant in consequence of the gross immorality of her custodian I cannot make the rule absolute. Does the evidence show gross immorality? Mere illicit sexual relations is not sufficient. Lord Chief Justice Coleridge says in re Goldsworthy (supra):

"I do not place my decision on the ground of imputed immorality of the husband, using the word immorlity in the sense attached to it by convention, which limits it to the relations between the sexes. It is manifest that, according to the principles by which this jurisdiction had always been exercised, there may be immorality of that sort which would not be held sufficient ground for depriving a father of the custody of his children."

So it must appear not only that the parent is immoral but that there is danger of the child being brought into contact with that immorality. In Ball v. Ball (1827), 2 Sim. 35, it was held:

"This court has nothing to do with the fact of the father's adultery, unless the father brings the child into contact with the woman. All the cases on this subject go upon that distinction when adultery is the ground of a petition for depriving the father of his common law right over the custody of his children."

So in Rex. v. Greenhill (supra) it is said:

"Although there is an illicit connection between Mr. Greenhill and Mrs. Graham it is not pretented that she is keeping the house to which the children are to be brought.....etc."

A case of Ex parte Skinner (1824) 9 Moo. 278, has been cited in support of the rule. There, the father was in gaol and cohabiting with another woman who took the child to him daily, and the mother applied for a writ of habeas corpus and was refused, because, to quote Lord Chief Justice Best "it now appears that the father has removed the child and has the custody of it himself; and no authority has been cited to show that this court has jurisdiction to take it out of such custody for the purpose of delivering it over to the mother." Under such circumstances—the converse of those at bar—that case is no authority for the applicant even at common law. But in that very case, the Chief Justice was careful to point out "the Court of Chancery has a jurisdiction as representing the King as parens patriae, and that court may accordingly, under circumstances, control the right of a father to the possession of his child, and appoint a proper person to watch over its morals, and see that it receive proper instruction and education, etc."

In the present case though the evidence of Soy King may not be sufficient to prove that Sam Kee, who says he is a naturalized British subject, is living in a state of bigamy, yet it satisfies me that the atmosphere of his house is, as viewed from the standard of social life in this country, so grossly immoral that there is serious danger to apprehend that Soy King will be morally contaminated by a further residence under his roof. Whatever rights he may have had must now "be treated as lost...." In re Fynn (1847) 2 De Gex & S. at 475.

Taking the above view it is unnecessary to consider the two grounds relied on by the authorities of the Refuge Home as showing Sam Kee's unfitness to be the custodian of the infant.

I say nothing as to the rights of the father, or what might be done should he see fit to assert them. In the meantime it is best for the child that she should remain in the custody of the authorities of the Refuge Home.

The rule nisi will be discharged.

By request I add a note on a point of practice. Mr. Fell objected, when the matter first came before me, that the proceedings were fatally defective on the ground that the application had been made to my brother Drake in chambers, and such an application could only be made to the court. In taking this objection counsel overlooked the fact that the application was made during vacation, in which case the practice is to apply in Chambers. Short & Mellor, pp. 349, 352 and 662, at which last page a form is given which was substantially followed. The above authority fully supports the contention of Mr. Helmcken on this point, founded on former proceedings in this court, to which he drew my attention: See also in re Suttor (supra).

(Signed) ARCHER MARTIN, J.

Dated Victoria, B.C., 26th July, 1900.

Just Out From Atlin

H. J. Donnelly Confirms Report of Loss of Florence S.--Three Were Drowned

Mining Conditions in Atlin District--Five Hydraulic Plants in Operation.

H. J. Donnelly, a civil engineer, who is well known in Victoria, arrived this morning from Atlin, reaching the Sound on the steamer Humbolt yesterday and coming on to this city on the steamer Victorian.

He is quartered at the Oriental, and to a Times representative gave an interesting talk on the mining conditions of Atlin, incidentally confirming the news published in yesterday's Times of the loss of the northern steamer Florence S.

Mr. Donnelly had been given the information by passengers of the steamer Bailey, which arrived at the scene of the disaster soon after the Florence S. capsized. These passengers tell a different version of the affair to that heretofore related, and place the list of drowned at three instead of forty as was chronicled on the authority of Mr. Knapel, a Dawson arrival on the Cottage City yesterday.

According to their story, the Florence S. was top heavy and had a heavy list, when at the mouth of the Hootalinqua a squall struck her. Simultaneously she dropped into a strong current and soon her passengers were struggling in the water—the steamer had capsized and was sinking. The remarkable feature of this story is that all escaped except three, an engineer, who was at first taken to be the purser, and two ladies, neither of whose names were stated.

Mr. Donnelly left Pine City, Atlin, last Saturday, pulling up his stakes a mile out from town at 2 p.m., and on Sunday evening was in Skagway, an hour later being aboard the Humbolt on his way down here.

There are five hydraulic plants in Atlin, says Mr. Donnelly, while three more of these outfits will likely be ready to turn on the water before the close of the season. They have been and are being installed at a cost of from $25,000 to $150,000 each. There are two 6-inch nozzles working on a 20-foot gravel "breast" close to Pine City, which property is being worked on an 80 per cent. basis, but here, as in all parts of the district, the returns were not very encouraging. Lord Hamilton's company has a fine stamp mill, which is being used for testing quartz, and this has demonstrated that some of the quartz propositions of the country promise fairly well. The owners of the Yellow Jacket have a good property, which was proven last winter, but unfortunately it is now tied up in litigation. Another quartz proposition is situated on Monroe mountain, eight miles from Atlin city. There are quite a number of placer propositions throughout the district, but, says Mr. Donnelly, none are yielding more than wages. The first frost struck the country on the 14th of this month, and this means that as soon as the cold weather sets in in earnest there will be a shortage of water all around, for when the heavy frosts come the sources of the rivers are closed off.

There are in all about 4,000 people in Atlin, according to Mr. Donnelly, and there are many pretty tired of their circumstances.

The first message flashed over the Telegraph Bay-Atlin wire was one of congratulation to the Atlin Chamber of Commerce from Mr. John Calbraith, at Telegraph Bay.

Domestic Service

An Old Subject Revived at the Women's Meeting Last Night.

Some Suggestions Regarding Its Solution--How to Promote Immigration.

For the major portion of two hours yesterday evening the delegates to the National Council of Women discussed the dual question of immigration and domestic service. Four papers relating to these questions were read and brief though very instructive discussions followed.

Bishop Perrin, who occupied the chair, in opening the meeting, said that perhaps one reason why he was asked to preside was because he himself was an emigrant, having been dispatched to this country by the Archbishop of Canterbury. If the reception he and his sister had met with were any criterion he might say such a state was a very happy one indeed.

The bishop, turning to the question of Asiatic immigration, said Orientals had been useful in their spheres. These people would continue to come. He recalled a speech many years ago by Signor Crispi, premier of Italy, in which that statesman predicted an invasion of the yellow skinned race.

In these matters it was best to await events. The introduction of machinery in England was accompanied by riots.

If workingmen were sober and industrious they could hold their own against competition. The immigrants to this province consisted of very strong and very weak men. The first named pushed out into new fields and the others had been pushed out by their friends. In Vancouver Island there was no place where they could go unless they went to Japan.

We still, however, stood in need of population. We want the best, not the refuse, and we are confident that then all will be well.

The papers submitted would deal especially with the emigration of women.

There was now a party arising in Britain that stood for an Imperialism, which was more than mere talk, and which would make the colonies an integral part of the Empire.

A state aided emigration scheme to the colonies would be forthcoming, and while the world had wondered at the dispatch of men from the colonies it would be nothing to the movement which this would produce.

For men who took up land and built a hut, and then went home and persuaded girls to come out and share their lot, he had nothing but harsh words, for they constituted the acme of selfishness. But even under these circumstances British women, even if they had at first a good cry, bravely faced the situation and bore it with cheerfulness.

Miss Reid, of Montreal, then read a paper on emigration, written by Miss Cox. The writer dealt at length with the hamlet system of settlement, as employed in the case of the Doukhobors, a system which she believed to be the most advantageous yet employed.

The writer added that to promote immigration from Europe the immigration agent must have the pertinacity of an insurance agent. (Laughter.)

The next paper read by Mrs. Cooper, of Nanaimo, was from the pen of Miss Fowler, of Winnipeg.

The third paper was by Miss Skinner, of Vancouver.

Commenting on the papers, the chairman said that while the papers referred to this place as a beautiful land, it required beautiful mistresses as well as beautiful servants. (Applause.)

The condition of service had altered, he said, in the last fifteen years. The relationships now existing between masters and servants had undergone a great change.

A great deal depended upon the mistresses. (Applause.) If they paid attention to these matters they would find the difficulties growing less and less.

Miss Fitzgibbon said that she was a pioneer of the West, and the large number she found in London when visiting that city, who lacked space to breathe made her downcast. The men were willing to go readily enough to make homes on the prairies, but the women had heard of our stores. (Laughter.) Those who knew how English meals were cooked, with a handful of coals in a grate, would understand how hard it was to enlist sympathy there.

She advocated an emigration school in England to let English people understand their needs of service here. She belonged to a family who had had servants from the cradle to the grave, and they had no difficulty, simply because they treated them as human beings. It was not putting them out of their places, but recognizing their work that was required. (Loud applause.)

Lady Taylor, while endorsing the suggestion of a training school, thought it should be established on this side of the water. Most of the servants in Winnipeg were Icelanders and good servants. The difficulty lay in their lack of knowledge of English, and in the fact that they first entered restaurants which spoiled them for service in the house.

Miss Bowes spoke of the efficiency and ability required for the discharge of house duties. If these duties could be performed only by foreign girls, did it mean that Canadian girls were incapable of this work?

The highest lady in the land could go into her kitchen and perform her duties there without losing dignity. The solution lay in removing the stigma from domestic service. If it was not Canada would lose in the long run.

Miss Fitzgibbon reminded the previous speaker of the different mental attitudes of Canada and English servants. The former admired her mistress for performing house work, the latter resented it. She elaborated this in a most interesting way. The diversions in Ottawa a few years ago when she was a girl were dancing with Lord Dufferin and pealing potatoes. Laughter.) One of the charms of Canada was that these things could be done in conjunction without any loss of dignity.

Following this discussion came a paper on "Village Settlements," by Mrs. O'Beirne, of Toronto, formerly Miss Lundy, of Lundy's Lane. The paper was read by Mrs. Willoughby Cunnings, of the editorial staff of the Toronto Globe, who stated that the scheme had been endorsed by the Premier of Ontario, Dr. Parkin, etc.

A vote of thanks to the chairman by Mrs. McEwen, of Brandon, who spoke for the farmers of Manitoba. She had been brought up in the city without the many essentials for domestic work, and now lived on a farm, and she knew how difficult it was to obtain servants on the latter. She had threshed out these questions.

Lady Taylor—And successfully too.

Mrs. Coad seconded the resolution, which was carried, and the meeting adjourned.

Mining News

Lardeau.

The Lade Bros., who have the lease on the Triuna, have decided to ship about 20 tons at once, and as soon as snow flies they will begin a series of shipments.

Jack Nelson has obtained an option on the Kootenays, a group of claims adjoining the Nettie L. The deal is for $18,000, to be paid within a year. The group consists of two full-sized claims and a fraction.

On the Alpine, a group of claims adjacent to the Golden Gate, a shaft has been sunk for 18 feet, which has resulted in exposing a streak of mixed ore running $12 gold, five ounces silver and seven per cent. lead.

Work will be commenced on the Virginia, one of the claims in the Mabel shaft, now down 35 feet, will be continued some distance further, when the work of drifting will commence.

Work will be commenced on the Lucky Jim, near the Mabel group, during the course of a couple of weeks. It is the intention of the owners of this property to sink a shaft and make a test of the ore body, which has given returns of over $150 in gold to the ton. The chances are that this property will change hands before long.

On the Golden Gate, one of the claims adjoining the Mabel group, on Eight-Mile, E. M. Morgan has driven 53 feet of tunnel and four feet of crosscut. Where the tunnel has been driven the lead is about 80 feet wide, and it is the intention of Mr. Morgan to cut right and left until the walls are encountered. Some very fine ore has already been exposed in the tunnel.

On account of wetness the men working in one of the drifts in the Silver Cup were laid off last Saturday. This cuts the force down to about 15. Stoping and drifting still continues, taking out only the ore encountered. The proposed long base tunnel has not yet been begun. The Cup was never looking better than at present.

R. Leckie-Ewing came down from the Empire group, on the head of Cariboo and Gainer creeks, a few days ago. A force of men has been put to work on a crosscut tunnel, and are now in about 20 feet. Work will be vigorously prosecuted from now on, and supplies for the coming winter will be taken as soon as a few repairs are made to the Empire trail.

A force of men left Comaplix last week to do a large amount of work, under contract, for the Canada Mutual M. & D. Co., Toronto, on its Hunter and Trapper claims. Splendid results are looked for from the commencement, as surface samples of solid galena from a one-foot streak assay up to $49 and $684.32 per ton, and from 19 feet of concentrating ore $75 per ton has been obtained.

S. S. Connauton, manager, and J. D. Carlyle, superintendent of the Lode Star Mining & Development Company, which has property on Hall creek, over on the Duncan slope, told a reporter last week that they were working six men on their claims and that they had traced the lead for 6,000 feet. They have run three tunnels to the depth of 60 feet each. The ore taken from the property in all values runs from $58 to $145. They have made three crosscuts on the main lead. Ore from these gives from $60 to $100. There are also three open cuts on the same lead, giving about the same values. On one of the claims they have stripped a copper ledge, four feet across.

Ronald Harris, M. E., of Greenwood, accompanied by a Mr. Brown, has gone up to the Monitor and Mogul mineral claims, up the north fork, owned by the Monitor Mines Company, Limited, to examine and report upon them. Mr. Harris will return in about three weeks, certain instructions being carried out in the meantime by the miners now working. The tunnel, running along the hanging wall, is now in about 100 feet. While Mr. Harris was there a shot or two was put into the lead at the 60-foot point and the lead crosscut at the face of the tunnel. Between 25 and 28 inches of galena ore was exposed on the hanging wall, and five or six inches of a paystreak on the foot wall.

J. A. Lundy went up to the Little Robert group with E. J. Ward, a couple of weeks ago. They added another 20 feet to the 40-foot crosscut tunnel driven last year. They expect to drive between 300 feet and 400 feet before crosscutting the big lead, but hope to interest a company to begin operations on a large scale before another season. The Little Robert group, which also includes the Napoleon group of three claims, consists of eight claims. Assessment work this season is confined to the Little Robert claim. An open cut on the lead exposes a fine showing of ore, assays of which run from 100 to 500 ounces in silver, with lead and gold values as well.

J. M. Miller, a Rossland mining man, arrived in the district on Thursday last. He immediately proceeded up the north fork, where he spent a few days in looking over the properties. Work is progressing very favorably on the Old Gold, while on the Primrose about one-half of the face of the tunnel is showing highly mineralized quartz, with galena sprinkled here and there through it. Every blast for the two days previous to Mr. Miller's departure was exposing more mineral, caused, no doubt, from the fact that they are now nearly under the splendid surface showings.

East Kootenay.

Work is being continued on the Golden Five and other properties in that vicinity.

The Certainty company is again pushing work on its properties.

Messrs. Low and Richardson, owners of the Undine, have made a strike of splendid ore on that property as the result of recent development work.

L. H. Estell, manager of the Golden Placer and Quartz Mining Company, reports the development on the property as progressing rapidly.

The Paradise group, on Toby creek, now being developed by Messrs. Hammond and Bruce, is looking remarkably well, and showing over 40 feet of ore.

J. W. Haynes of Galena returned the other day from a prospecting trip up the Bugaboo and recorded five claims, which he reports as showing up wonderfully well. The samples of ore which he brought in are splendid.

J. H. Taylor, the veteran mining man from Perry creek, reports much development going on in that district this season. He has been doing assessment work for Oliver Burge on a ledge up there which pans gold at the surface. The experience had in that country, however, up to date, shows that the ore becomes base very soon after leaving the grass roots.

J. R. Sherwood recently arrived from Great Falls, Montana, to work on the Pelican, Old Dominion and other claims in which he is interested. These properties are located two miles south of the Perry Creek and Kootenay company's, and have had considerable work done on them up to the present time. The showing on the surface of these claims is said to be remarkable, pannings of free gold being quite coarse at that. It remains to be demonstrated, however.

The Lardeau.

Messrs. Irvine and Hillman have gone down the lake to do work on a property belonging to Mr. Hillman in Johnson basin.

The Lade brothers, who have the lease on the Tribune, have decided to ship about 20 tons at once and as soon as snow flies they will begin a series of shipments.

On the Alpine, a group of claims adjacent to the Golden Gate, a shaft has been sunk for 18 feet which has resulted in exposing a streak of mixed ore running $12 gold, five ounces silver and seven per cent. lead.

The Black Bear, on Pool creek in the Fish creek camp, is developing remarkably and at present there is about 150 tons of ore on the dump.

Some very nice looking ore has been taken from the Roberts, a claim on Glacier creek, about a mile distant from Trout lake, where work is being prosecuted by the owners, Messrs. O'Brien and Dillon.

Work will be commenced on the Virginia, one of the claims in the Mabel group, in the course of a few days. The shaft now down 35 feet will be continued some distance further, when the work of drifting will commence.

Messrs. Gillette and Copp will begin work on the Silverton Boy and Rusty, a couple of Haskins creek properties with fine showings. They purpose putting in a month testing, then if it pans out up to their expectations they will continue the work on it during the balance of the season.

W. Phelan has just completed the work on the Thistle and Blue Bell, a couple of Tenderfoot creek properties, and will commence shortly on the Geraldine, a property located adjoining these claims. It is intended to drive a tunnel on the Lisgar, a northwest extension of the Blue Bell, on which a very good showing of mineral is exposed.

Most encouraging reports have been received from the Smith creek placers, in the Big Bend, which show every indication of proving bonanza properties.

S. A. Sutherland and D. Ferguson were up to see the Tribune group last week. The lessees, Messrs. Gunn and Lade brothers, are busy taking out and sacking ore. Three men are working in the mine, and are taking out three tons of clean shipping ore a day. They have about 20 tons ready for pack horses, the only means of transportation they have and will commence shipping regularly at once. They expect returns of at least $200 to the ton, net. The tunnel is driven in on the lead and all the ore taken out so far is just what was encountered on the way in, doing away largely with dead work. As soon as a few shipment are made and they are far enough, drifting will be commenced.

A force of men left Comaplix last week to do a large amount of work under contract for the Canada Mutual M. & D. Co., Toronto, on their Hunter and Trapper claims. Splendid results are looked for from the commencement, as surface samples of solid galena from a one-foot streak assay up to $190 and $684.32 per ton and from 19 feet of concentrating ore $75 per ton has been obtained. The company owns some 13 claims at different camps and has made excellent progress during the past 15 months, developing six or seven of them.

Messrs. George and J. Lembke are now at work on the Brow, a property in which they are interested, sidelining the Ajax on the east. They are running a crosscut tunnel to tap what they consider the Nettie L. lead, and are now in nearly 25 feet.

Grand Forks Notes.

A new cage for the B. C. mine, Summit camp, arrived on Thursday and will be installed immediately. J. R. Mackintosh reports that the new hoist and the two 80 horsepower boilers are giving satisfaction. The working force comprises upwards of seventy men. The main shaft has attained a depth of 200 feet. Development work is being confined to drifting and cross-cutting. Ore shipments to the Trail smelter varies from two to five carloads daily.

A persistent report, which cannot be confirmed, to the effect that the B. C. mine, Summit camp, has been sold to a Montreal syndicate composed of C.P.R. magnates, is in circulation. The price is given as two million dollars. S. F. Parrish, the manager of the mine, has just returned from a flying trip to Montreal. The B. C., which was purchased less than two years ago, is regarded as one of the richest copper propositions in the province. Its present owners are James Ross and Clarence J. McClaig, of Montreal. They acquired it for $250,000 on the report of Major R. G. E. Lockie, manager of the Republic mine. In January they incorporated the property under the name of the B. C. Chartered Co., with a capital of one million dollars in shares of one dollar each.