

ITS POSTS ILLEGAL

Justice Walkem Decides the Olivette Location Invalid.

STAKES WERE TOO SMALL

The Blazed Surfaces Not Quite Four Inches Wide, and Not a Foot High - An Important Decision to Prospectors and Mining Men.

Down at Victoria Justice Walkem has given his decision in the long standing case of Clarke vs. Haney and Dunlop, involving the title to the Legal Tender, lying just south of the Le Roi. The judgment denies the validity of Clarke's claim to the ground on the strength of the old Olivette location, and the case was dismissed with costs, thereby confirming Edward Haney's title to the ground under the Legal Tender location. The decision is particularly interesting, as confirming the statute requiring that location posts to be legs must be at least four feet above the ground, and squared or faced for at least one foot from the top, and each side so squared shall measure at least four inches so far as squared or faced."

The following excerpts are from Justice Walkem's decision: "The plaintiff has brought these adverse proceedings to establish his right to the possession of certain mineral land which is included in his location named the Olivette, and for which as the Legal Tender, the defendant, Haney, is applying for a crown grant under the mineral laws in force prior to 1891—the Legal Tender having been located under the act of 1888. Prior to the location and record of the Legal Tender, the same ground had been located and recorded, viz., in August, 1890, by one Thomas Dunlop, who died four months afterwards. His brother became administrator to his estate, and has been made, improperly so, as I think, a defendant herein—for that not called for a crown grant. However, he has put in no defence or disclaimer."

"The present proceedings are in the form of trespass instead of ejectment, e.g.—The defendants have broken into and are trespassing upon the said Violette (amended to Olivette) mineral claim ground, and have committed waste thereon."

"The alleged trespass has not been proved; nor has it been shown that the location of the Olivette is a valid one. The plaintiff bought the Olivette from one Enslow, who located it on the 26th and recorded it on the 27th of February, 1895. The location was therefore made under section 4 of the Mineral Amendment Act of 1894. By that section, 'a mineral claim shall be marked by two legal posts, placed as near as possible on the line of the ledge or vein, and the posts shall be numbered 1 and 2, and the distance between posts 1 and 2 shall not exceed 1,500 feet—the line between posts numbers 1 and 2 to be known as the location line; and upon posts numbers 1 and 2 shall be written the name given to the mineral claim, the name of the locator, and the date of the location. Upon No. 1 post there shall be written, in addition to the foregoing, 'initial post,' the approximate compass bearing of No. 2 post and a statement of the number of feet lying to the right and to the left of the line from No. 1 to No. 2 post, thus: 'initial post; direction of No. 2; feet of this claim to the right, and feet on the left of the line from No. 1 to No. 2 post.'"

"All the particulars required to be put on No. 1 post shall be furnished by the locator to the mining recorder at the time the claim is recorded, and shall form part of the record of such claim. "When a claim has been located the holder shall immediately mark the line between posts numbers 1 and 2, so that it can be distinctly seen in a timbered locality, and in a locality where there is neither timber nor underbrush he shall set legal posts, so that such a line can be distinctly seen."

"The locator shall also place a legal post at the location where he has discovered rock in place, on which shall be written 'discovery post.'"

"A 'legal post,' as mentioned in the above section is defined by the Mineral Act of 1891, to be 'a stake standing not less than four feet from the ground, and squared or faced on four sides for at least one foot from the top, and each side so squared or faced shall measure at least four inches on its face so far as squared or faced, and any stump or tree cut off and squared or faced to the above height or size.'"

"This definition of a legal post has been repeated in the successive mineral acts of 1893, 1894 and 1896. It was first adopted, as to the height of a post and its dimensions at the top, as far back as 1867, or over 30 years ago (see Rev. Laws No. 90, Sec. 56). All this tends to show that the legislature meant that it should be strictly complied with. The expressions 'not less than' and 'least' must therefore be given their ordinary meaning."

"No evidence was given on behalf of the plaintiff that he had any boundary post, a discovery post or a defined location line, although the validity of his claim is denied in the defendant's pleadings. Except a plaintiff's case is admitted, he must prove it or fail. It is no answer, in a question of title to say, as has been said here, that the defendant's pleadings show that he, too, has a defective title. Assuming, in favor of the plaintiff, that his action is in the nature of ejectment, he could only succeed by the strength of his own title."

"What little evidence there is to the location has been produced by the defendant's counsel. It goes to show that post No. 2 is on the Le Roi company's ground, and that instead of its top being at least four inches square for a foot downward, it is only three and a half inches on three sides, and three and one-half inches on the fourth, and in each case for only four inches downward. No evidence has been given as to the height of this or of No. 1 post, or of the discovery post. It has therefore not been shown that any one of them is a 'legal post.' Moreover the notice on post No. 1 does not comply with the terms of the statute, as it omits to state the number of feet to the right and to the left of the location line, and also omits the words 'initial post.'"

"It is consequently impossible for the court to grant that part of the plaintiff's

prayer for relief which asks 'that it may be declared that the Olivette mineral claim is the only valid and existing location on the ground.' For these and the reasons already given the action must be dismissed with costs."

**Building Association Elects Officers.**  
The first meeting of the Roseland Building society was held on Wednesday evening. The election of officers took place, resulting as follows: President, G. A. Jordan, P. M.; vice-president, Jno. S. Clute, jr.; secretary, W. H. Falding; solicitor, W. J. Whiteside; board of directors, G. A. Jordan, Dr. Campbell, John Phillips, T. E. Morrow and Jno. S. Clute, Jr. Regular meetings will take place every Monday evening, from 7:30 to 9 p. m. Shares may be taken up at any time on application to the secretary at his office.

THE CHORAL CONCERT

Its Concert Last Evening Greatly Pleasured the Audience.

The Several Classical Numbers Were Rendered in the Main in an Artistic and Pleasing Manner.

To the many who thought that a mining town like Roseland would neither be likely to possess performers capable of rendering classical music nor lovers of true music sufficient in number to stimulate by their appreciation the efforts of our musical cognoscenti, the musical program given Thursday at the Baptist church by the choral union must have been a very agreeable surprise.

Long before the announced hour nearly every seat was occupied. The program was as follows:

- 1. Chorus....."The Miller's Wooing." Baton Falding.
- 2. Piano Solo....."Opus No. 10." Hollander Miss Pearsall.
- 3. Bass Solo....."The Wolf." Shield Mr. Arthur M. Whiteside.
- 4. Male Quartette....."Serenade." Schubert Messrs. Anderson, Whitaker, Cusack and McNeill.
- 5. Soprano Solo....."O, Had I Jubal's Lyre." Mrs. Frederick W. Low.
- 6. Hallelujah Chorus....."Handel's Messiah." Sacred Cantata....."Hymn of Praise." "Lobgesang." F. Mendelssohn Bartholdy.

Generally speaking, one may say of the music that the second part was better sustained, more in harmony with itself and more equally rendered than the first. The opening chorus of the first part was perhaps the best of the whole program. Arthur Whiteside's rendering of that famous old British song "The Wolf," showed that the sons of Greater Britain are as one with their ancestors of the old island home in their enjoyment of and their capacity of expressing the beauties that lie latent in much of our old music.

Schubert's famous serenade was the next piece touched by our Roseland vocalists. This famous musical passage has been written in almost every musical expression, and is perhaps the most popular of all that talented master's works. The soprano solo, "O, Had I Jubal's Lyre," was beautifully rendered in a rich full voice by Mrs. Frederick W. Low. The sympathy displayed in the program Mrs. Low's voice no doubt carried her solo to be the best applauded number of the evening. The "Hallelujah Chorus," familiar to frequenters of Hullah's concerts in the Sydenham Crystal Palace, sung by the entire choir, was well attempted and accomplished successfully by the Philharmonic chorus of 50 performers. If fault is to be found it is that the final sustained treble notes of the chorus seemed strained.

The whole of the second part of the program was taken up by Mendelssohn's cantata 52, the "Lobgesang." The leading roles of this minor oratorio were taken by E. White, who sang to better advantage than he has hitherto been heard in Roseland. Mrs. Parker and Miss Cora Aldrich, whose rendering of that duet was excellent, Frederick Low, who taking the tenor strains, was in excellent voice, though he did not exercise all that power which he is known to possess. The solo (Mrs. Parker) and chorus of "The Departing Night," was an exquisite bit of music, and the treble chorus showed careful and painstaking training. This was followed by the famous Hymn of Praise, celebrated through the musical world, and which had adequate justice at the hands of our talented fellow townspeople. The final chorus, though not equal in merit to the opening, was exceedingly well rendered.

Where so much is to be praised it seems invidious to be too critical. Still it must be said that in one or two parts the chorus would have stood more practice. There would have been, perhaps, a better general effect if the first part had been altogether in a lighter vein.

Great praise must be given to the young accompanist, Miss Nettie Beardsley, who, if she chooses to cultivate the art, must have a great musical future before her. Miss Pearsall, who is a graduate of the Toronto college of music, made her debut last night. The correctness of her playing and the accuracy of her execution is to be highly commended.

Frederick W. Low is a musical conductor of some reputation from Puget Sound, and deserves credit for the painstaking manner in which he has managed the long continued practices and kept the attention of his chorus.

**Vacant Houses Becoming Scarce.**  
The population of Roseland is increasing rapidly lately, and this is evidenced by the fact that there is an increased demand for small residences of from two to five rooms. There was a time last year during the early part of the winter when they were probably 150 vacant houses and shacks in the city. This plethora had the effect of lowering rents, as the supply was greater than the demand. Now, however, there are but few vacant houses, and the indications are, with the increased number of men who will be given employment through the operations of the British America corporation and the natural increase in the other mining properties as their underground workings are enlarged, the demand will be greater than the supply. It is evident, therefore, that it will not be long before there will have to be more buildings erected to supply the demand that is now certain to rise.

THE MINING SCHOOL

Iron Ores Was the Subject of Last Evening's Lecture.

MR. BURNS MADE A TALK

A Letter Received From James Baker, Minister of Mines, in Which He Says the Government Cannot See Its Way Clear to Help the School.

The subject of the lecture at the School of Mines Friday evening was iron ores, which was treated at some length. Mr. Burns, inspector of public schools, who was present, gave a short address on the utility of scientific instruction being afforded in a mining camp such as Roseland, and the necessity of having the lectures illustrated by practical tests. He also pointed out the benefits which would be derived from the study of chemistry in relation to mineralogy. He intimated that he would at all times lend his assistance to the movement, and that he would be pleased to lecture to them at any time on his own special subject of chemistry.

The secretary, Archibald Cameron, intimated that Mr. Carlyle and Mr. Ferrier, formerly chief lithologist of the Dominion geological survey, but now resident of Roseland, had expressed their willingness to give their advice and assistance to the school. He also read a communication from the minister of mines in reply to the petition for a grant, which is as follows:

VICTORIA, April 19, 1898.  
SIR: I beg to inform you that I am in receipt of your letter of the 18th inst., enclosing a petition from the officers of the School of Mines at Roseland, with respect to a grant being made in aid of the funds of that institution.

I can assure you that it affords me great satisfaction to hear of the establishment of this school, which cannot fail to be of great advantage to the miners of your district, but I regret that I do not see my way at present to asking the government to make an appropriation for the purpose you desire, as there are already so many demands on the funds at our disposal in connection with transportation facilities and other means of opening up the mining districts.

I feel sure Mr. McConnell when he arrives will lend you what assistance he can in the way of maps, books and geological specimens. I am, sir, your obedient servant,  
JAMES BAKER,  
Minister of Mines.

ARCH. CAMERON, Esq.,  
Secretary Roseland School of Mines,  
Roseland, B. C.

The following letter, which is self-explanatory, was also received:  
VICTORIA, April 11.  
C. O. LALONDE, Esq., president School of Mines, Roseland:

Dear Sir: Allow me to congratulate you and others of your fellow citizens whose enterprise has resulted in the establishment of a School of Mines at Roseland. In my opinion this is a matter which really should be, as is the case in the Australian colonies, a government institution, but our provincial administration is not yet ready to do this. I shall be glad to offer you any assistance in my power—such as free advertising, if this is likely to be of any use to you, and I shall also be happy to put the lectures they are given if you care to send me MS. Yours very truly,  
The Mining Record, Ltd. Liability,  
H. Mortimer-Lamb, Man. Editor.

SAN JOSE SCALE ACT.

It Prohibits the Importation of Trees and other plants from the States.

A copy of the San Jose scale act has been received at the local customs office together with instructions in relation to its provisions. Inquiry at the office of the Northern Pacific Express office in this city revealed that no instructions had been received by post in charge of the act. It was the intention of the act to prohibit the importation of trees, shrubs, plants, vines, grafts, cuttings or bulbs, commonly called nursery stock, from any place to which the act applies are prohibited, and any entering shall be forfeited to the crown, and may be destroyed. Anyone importing nursery stock from any such country or place, or causing or permitting the same to be imported, shall be deemed guilty of an offence under section 6 of the customs tariff, 1897, and shall be liable to the penalty prescribed in that section. The countries to which the act applies are the United States of America, Austria, Japan and the Hawaiian Islands. The plants exempted from the operation of the act are greenhouse plants, with the exception of roses, (such as palms, ferns, orchids, cacti, etc.), but not roses or any other woody plants, herbaceous perennials (the tops of which die down in winter), herbaceous building plants, such as geraniums, pansies, etc., all conifers and bulbs and tubers. Customs officers are requested to strictly enforce the act and seize all forbidden nursery stock from these countries.

FROM THE GAZETTE.

**Latest Incorporations, Registrations and Assignments.**  
The last number of the British Columbia Gazette contains the following announcements:

A municipal court of revision will be held at Grand Forks on Tuesday, the 31st of May, for the purpose of hearing all complaints against the assessment for the year 1898, as made by the assessor. The Evening Star Mining company has registered as an extra-provincial company. It has a capital stock of \$1,000,000. The head office is located in Spokane, and the office in the province is at Roseland and James Hunter is the attorney.

Salmon River Consolidated Mining company has also registered as an extra-provincial company. It has a capital stock of \$1,000,000, divided into 1,000,000 shares of \$1 each. The head office is at Waneta and Fred Adie, justice of the peace, is the attorney.  
George Edward Martin has given notice that he has applied to the benchers of the law society of the province for a call to the bar and admission as solicitor of the supreme court of British Columbia, subject to the provisions of the legal profession act.

CANADA, PROVINCE OF BRITISH COLUMBIA,

No. 3. In the Supreme Court. In the matter of

O. K. GOLD MINING CO.

Limited Liability, (Foreign). In Liquidation. The Undersigned Official Liquidator Will sell by tender, Subject to ratification by the Court.

The property known as the O. K. Mine and the buildings belonging to the said company. Also the entire mining and milling plant of said company, the whole situated on the south slope of O. K. Mountain, in the Trail Creek Mining division of West Kootenay, Province of British Columbia. The claim is surveyed and crown granted and known as the O. K. fraction mineral claim, official number 678. The property is about two and one-half miles west of the city of Roseland and close to the main wagon road and Red Mountain Railroad, both leading from the city of Roseland to Northport in the State of Washington.

The O. K. ore was at first largely free-milling, and to work it the first stamp mill in the district was erected. That mill, a five stamp one, has now been sold, being superseded by the new ten-stamp mill. The O. K. mine has been operated since 1893 and was a producer from the start. From January 14th to June 19th, 1897, 2472 tons of O. K. ore were milled, exclusive of several hundred tons of custom work for adjoining mines. The O. K. property is favorably situated for every mining purpose and for the development of a large custom trade for the mill. The new ten-stamp mill is thoroughly equipped for the economical handling of ore. It is connected with the mine by a 600-foot gravity surface tramway, with 20 wire rope carrying rollers, etc., complete, the elevation of the workings being 200 feet above the mill, one 3-wheel brake, with 650 feet 3/4-inch steel wire rope, two self-dumping ore cars 18-inch gauge. The mill contains two 50-horse power Standard tubular boilers, each containing 54 12-foot tubes, an 85-horse power Corliss engine, one 10-stamp mill, one No. 6 Blake crusher; one grizzly 4 x 10, 3 x 3/4 iron, two Challenge automatic feeders, one overhead Crawl with iron track, one 1-ton Weston differential pulley block, one gold retort, with cover, wedges and condenser pipe, one Rand straight line, class C, 12 x 18 air compressor, capable of running four drills, one 28-inch x 8 feet air receiver, one No. 7 Miller duplex pump, three 6-foot Fraser & Chalmers' Frue vanners, plain belts, one 4-cone hydromatic sizer, one Woodbury concentrator, one bumping table, and one Fraser & Chalmers' ore sample grinder, etc.

**BUILDINGS.**—The principal buildings include the following: The new mill building, containing 10-stamp mill, but designed and built to accommodate 25-stamps, engine and boiler house, office building, mess room, cook house and store room, manager's residence, etc.

The development consists of three main tunnels, with one winze and numerous drifts, one shaft down 15 feet, altogether aggregating over 1,500 feet of work, which is entirely confined to one corner of the property, at least two-thirds of the claim being as yet unprospected.

Tenders are now invited for the sale of the property as a whole, including the new 10-stamp mill, the mine, four machine drills and entire plant, machinery and all buildings connected therewith. The liquidator reserves the right to accept or decline any tender, and to withdraw the property from sale at any time, and the further right to fix a reserve price upon the property and to make such other conditions as may meet with the sanction of the court.

The property is open to inspection, but an order for that purpose must be obtained at the office of the liquidator, 3 Imperial Block, Roseland, B. C., where an inventory can be seen and any further information obtained from the undersigned.

TELEGRAPHIC AND CABLE ADDRESS—PLEWMAN, ROSSLAND. Bedford, McNeill's Code.

RICHARD PLEWMAN, OFFICIAL LIQUIDATOR.

J. A. McRae and J. Ross have applied for coal prospecting licenses.

William J. Armstrong of Vernon, merchant, recently made an assignment to the benefit of his creditors to A. G. Pemberton, sheriff of the county of Yale, who was made the assignee. A. G. Pemberton has been removed and William Skeene, accountant of Vancouver, has been appointed to fill the vacant place.

The following certificates of incorporation have been issued:  
To the Mines Development Trust & Guarantee Company, limited, with a capital stock of \$50,000, divided into 50,000 shares of \$1 each. The registered office of the company is in Roseland and the principal objects for which the company was formed are to act as agents for extra provincial and foreign companies mining properties and to promote and incorporate joint stock companies.  
To the Oro Mining & Milling Company, limited, with a capital stock of \$200,000, divided into 200,000 shares of 10 cents each. The registered office of the company is at Oro in this province. The object of the corporation is to carry on a general mining business.  
Ben Williams and Alfred A. Hughes have given notice that they intend to construct a tramway under the provisions of the tramway act of 1895 and amending acts, from the head of navigation on Big Windy or Taku Arm of Tazish Lake, Cassiar district; thence in a southwesterly direction by the most feasible route, a distance of 15 miles, to the head of Skagway river; thence westerly to the westerly limit of the Province of British Columbia.

George Goderham's Terriers Won.  
New York, April 23.—The Bull Terrier Club of America concluded its first bench show at the American horse exchange tonight. Among the awards was the following: Best kennel of four smooth fox terriers, Geo. H. Goderham of Toronto.

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J. M. MILLER, President and Treasurer. GEO. N. TAYLOR, Vice-President. M. F. CHESNUT, Secretary. CLOUGH'S CODE USED.

The Old Gold Quartz and Placer Mining Co. LIMITED.

Capitalization 1,500,000 Shares, Fully Paid and Non-Assessable. 500,000 Treasury Shares. Par Value \$1 Each.

A Grass Root Proposition: One Hundred Dollar Ore on the Surface.

The officers of the Old Gold Quartz & Placer Mining company take pleasure in announcing to the public, that they have completed the purchase of the famous Silver King and Silver Queen properties of the Lardeau-Duncan country, and that the same have been amalgamated with the already promising properties of the Old Gold company. The Silver King and Silver Queen have two well defined and highly mineralized ledges running through the entire properties, each being over five feet in width. A number of assays have been made from the property, every one of which shows over \$100 in value and one reaches the magnificent sum of \$135.75. Average taken assays across the entire ledge give values of 102-37.

They are located only about one mile from the rich Gainer creek gold properties, are within three-fourths of a mile of rich placer grounds, are nestled among such well-known mines as the Bad Shot, Silver Cup, Wagner and Bannock Burn groups.

The Old Gold properties now consist of eight claims, (comprising about 400 acres of mineral lands) six of which are on the North Fork of the Salmon river, one of the most promising gold producing districts in British Columbia.

The last assays taken from the quartz ledges on this group give the satisfactory results of over \$20 per ton.

**NOTE THE FOLLOWING FACTS:**  
1. A large area of rich mineral lands. 2. Low capitalization. 3. Shipping ore from the surface. 4. Water and timber in abundance. 5. No salaries to any officer until the property becomes dividend paying. 6. A careful, economical and honest management. 7. The company is out of debt, has money in the treasury, and nearly 400,000 shares of unused treasury stock.

The above are some of the reasons why an investment in the shares of the Old Gold Quartz & Placer Mining company at present prices is the most profitable that can be made in British Columbia.

M. F. CHESNUT, Secretary. P. O. Box 148, Roseland, B. C.

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