Corbin's Title to the Surface, Except be removed. This is entirely unfoundthe Zenith, Confirmed.

MINE GETS THE MINERAL

Chief Justice Davie's Decision Reversed in Many Particulars-Rock in Place, Abandonment and Neces-

sity for a Bond All Dealt With. [From our Special Correspondent.]

VICTORIA, May 3. - Today the full court delivered judgment in the appeal of the Nelson & Fort Sheppard railroad versus Jerry et al, appellants. The whole province, and the mining men interested in British Columbia in particlar, have looked forward to this with inmease interest. The court upsets the judgment of the chief justice, except in so far as the surface rights outside the old Zenith claim are concerned. No costs are awarded, as Jerry et al failed in so far as they claimed all the surface rights as well as the mineral. The main interest in the case is that it established whole amount of ore shipped to the Trail smelter last week amounted to nearly 100 car loads or 20 train loads of five cars each. what "rock in place" means in locating

located and further declaring that the location of the Paris Belle was illegal and void and granting an injunction.

the legislature a land subsidy for the construction of their railway. Section five of this act compensates the company for any lands which were taken up under either the land or mineral laws in blocks belonging to the railway, the crown expressly reserving to free miners the right of locating claims on such lands. Subsequently the crown on March 8, 1895, granted to the railway company certain of the subsidy lands in which the defendants' claim, the Paris Belle was located, and the grant excepted all lands held by pre-emption, completed sale or lease or as mineral claims, prior to March 23, 1893, and allows entry by miners with compensation for surface rights.

Justice McCreight's Opinion. On June 15, 1892, the Zenith claim was located by Joe Noel. A portion was covered by the Paris Belle location on defeated. December 24, 1894 and recorded January 3, 1895. McCreight in his judgment gives a short resume of the case, which states that the Zenith claim was recorded June 17, 1892, and so in ordinary courts as a good claim up to June, 1893. The introduced on Saturday, in regard to chief justice had considered the claim abandoned in 1892, but McCreight does not agree th this, but considers it a good claim to June 1893. It seems three aldermen to represent the city on plain to him that all claims held before March 23, 1893, would in no way revert

What Constitutes a Mineral Claim. On the contention of the railway that there is no mineral in place to justify CASSIAR CENTRAL ACT the location of the Paris Belle, McCreight the location of the Paris Belle, McCreight states that the legislature in its acts has made a definition which states "a minmade a definition which states "a minplace or position in which they were orplace or position in which they were oreral claim shall be marked by two legal posts placed as near as possible on the line of the ledge or vein." These words "ledge or vein" are disjunctive, and show that the legislature did not consider a vein to be necessary, though it might be sufficient for a location. "Rock in place" means "valuable deposits of mineral," the word "valuable" being defined as "capable of being valued." The applicant, therefore, for a claim need not swear to the value of the mineral found in a place, but merely that he has found it. McCreight considers it is Rossland, protesting against any alien not intended to subject the miner to amendment as disastrous to the country, finding a "substance" between defined was read. walls before recording, as the chief justice nad neid, because often a large expenditure is necessary in order to find changing the name of the organization of B. N. A. tice had held, because often a large exthe walls and vein between the walls, | ioned in taking goods through Alaska to and often without success even as to the the Canadian Yukon, was carried, and

adopted a rule that if land is worth more ing now only for 35 years instead of 50. for agricultural purposes than mining it The Companies act was partly put is not mineral land, though it may con- through committee. tain some measures of gold and silver. Attorney General Eberts introduced a It has not been shown that the lands bill to make further provisions for dividadjacent to the Paris Belle were of value | ing the province for judicial purposes.

Paris Belle Location Valid. tioned is the suggestion of bad location to lease blocks of land of 20 acres to acand record. They obtained their certifi-the occupiers to purchase. In the same new powers assume control in June. cate of improvements on November 8, bill is a provision that where crown validity of such a certificate could not be impeached on any other ground than fraud. The plaintiffs in their pleadings fraud. The plaintiffs in their pleadings government. certificate, and this, therefore, acts as

The Judgment.

McCreight can not agree with the declaration that the location and record of the Paris Belle claim by Jerry was illegal, but thinks the plaintiffs are en- determine whether the first or second defendants from claiming the right to sell the surface or deal with it as owners in fee. The appellants partly succeed as their conduct in series and the expenditure of the surface of th partly succeed, as their conduct in set- joined from selling lots. The Paris Belle general reason. ting up a wrongful claim disentitles is enjoined from interfering with Corthem to costs, the defendants' appeal be-ing against the whole decree of the chief that the railway company has no claim justice. The injunction, which the on what is inside the Zenith location but plaintiffs were obliged to apply for, and only deals with that portion of the Paris which is properly limited to intended Belle outside of the Zenith. The formal

Justice McCreight concludes by saybe made as to what compensation the plaintiffs are entitled to receive in respect to their surface rights." Walkem reading and passed, and the Companies' railroad, involving the right of the railagreed verbally. Drake also agreed, ex- act passed through the committee cept in believing that costs should be stages.

granted. Walkem. "As to rock in place," he tion that no Japanese or Chinese could was sustained and the defendant says, "it appears to be all rock which be employed by members of such institute to file an amended answer. has not been broken from the main tutes. It was voted down. body. How valuable its deposit of ore minerals may be may not be discovered until extensive work has been done." Appeal will be taken to the privy

Work Is Certain to Be Resumed On the

A rumor has been circulated that the machinery of the City of Spokane is to ed. The machinery is to remain on the ground, and may be started up as soon as a new engineer is appointed for the Lillooet, Fraser River & Cariboo Gold Lillooet, Fraser River & Cariboo Gold Fields, the company which owns the City of Spokane. The instructions received by the superintendent of the mine, Dan Maguire, were simply to close down pending the appointment of a new engineer to take the place of Robert Jamieson, resigned, and to go over to Waterloo and stop work on the Aaron Group for the same reason. Group for the same reason.

It is understood that there is a good showing on the Aaron Group, and that work there will certainly be resumed.

COLUMBIA & WESTERN.

It Was Crowded With Ore Last Week. Best Gold Mine of All.

The capacity of the Columbia & Western railroad has been taxed to the ut-

what "rock in place" means in locating mineral claims.

This appeal was from the judgment of Chief Justice Davie, declaring that the plaintiff, the Nelson & Fort Sheppard railway, were entitled to the exclusive about 1,150 tons of ore shipped last week possession of the land on which the the revenue from this source alone was Paris Belle and Zenith claims were \$2,300, or at the rate of nearly \$120,000 per annum. We have no means of arriving at the revenue from the incoming The Land Grant Law.

The plaintiffs in 1892 obtained from foots up to a respectable figure.

Alien Amendment Defeated by a Vote of 13 to 12.

Working Miners Must Still Have Licenses-Companies Act Passed Its Second Reading.

[From our Special Correspondent.] VICTORIA, May 3.—Rossland can rest easy. Braden's alien amendment was killed tonight by a vote of 13 to 12, close,

The effort to take off miners' licenses from mere workmen in the mines was The Woman's Franchise bill was

killed by 16 to 12. The Companies act was read a second

introduced on Saturday, in regard to

The Greenwood Water, the Fairview Power and the Pend d'Oreille Power companies' bills were passed.

Amendment.

Mr. Kellie and the Alien Law-Th Paris Belle Decision-Companies Act Still in Committee.

[From our Special Correspondent.]

VICTORIA May 4.—In the house today ploration." a telegram to Speaker Higgins from the British Columbia stock exchange of

Rogers' motion to take steps towards the Cassiar Central railway bill was read the third time and passed, the lease be-The land department appears to have the third time and passed, the lease be-

for agricultural rather than mineral A bill to provide for non-resident property holders voting in municipal-

ities was also introduced.

Kellie's Explanation. Kellie says he has been misunderstood judge thinks, have a fatal effect on their favor of blocking aliens working in mines. He believes in them having to take out their papers, however, before locating

Paris Belle Decision. The Paris Belle judgement does not sales, etc., of land, should be continued. order of the court has not yet been made.

In committee on the Farmers' Insti-

Rock in Place Defined. In committee on the Mineral act Baker Rossland, or any camp in Kootenay, you policy had been agreed upon. There should send them The Weekly Ross- were doubts as to whether more than

C. O'BRIEN REDDIN, President.

C. F. JACKSON, Secretary-Treasurer.

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'The Reddin-Jackson Co., Ltd.

P.O. Box 397, Rossland, B. C.

Belle judgment delivered yesterday. The amendment read: "Rock in place shall be deemed to mean and include minplace or position in which they were originally formed or deposited, as distinguished from loose fragmentary or broken rock or float, which by decomposition is found in wash gravel or sand.

Welveble deposits of minorals shell mean Valuable deposits of minerals shall mean and include mineral in place in appreciable quantity, having present or pros-pective value sufficient to justify ex-

Company Licenses Raised. This was carried, as also a new fee scale which makes every individual free miner's certificates \$5 as now, but for companies having a capital of \$100,000 or less, \$50, and above this \$100.

Have to Get Other Jobs.

President Winter, Kendrick, Hannaford, Phipps and Moore Will Have to Make Other Arrangements.

Another ground on which the rights of | Martin introduced a Land Act Amend- | dicate that there will be very decided the Paris Belle locators cannot be ques- ment bill, giving the government power kind should be deferred until the policy sess them to exercise them without any Pacific executive department when the of the government upon the Crow's Nest supervision. There was no reason why

positiveness that General Manager Ken- conferred upon any corporation further liament should see that the obligations drick, Traffic Manager Hannaford, expowers in respect to this pass. He was Receiver McHenry, now chief engineer, not in a position to intimate what the The country should be assured that it The country should be assured that it and Land Commissioner Phipps will be opinion of the government was. It had was not going to be encumbered as to sion of the defendants to give security on the alien question. He favored free to make other arrangements. It is not had an opportunity of considering passenger and freight rates beyond what to the gold commissioner can not, the Graham's amendment, but is not in probable that General Freight Agent the matter in all its bearings, very many the actual necessities of the railway Moore will also be supplanted, and of other important matters having en-called for. the heads of the departments only Baird, grossed its attention. assistant general freight agent, and one other, whose name is not yet given out,

will remain in their present places.

THE DEMURRER OVERRULED. Spokane's Case Against Jim Hill Will any doubt or uncertainty which might kite-flying concerns. Be Tried On Its Merits.

SPOKANE, Wash., May 3 .- [Special.]-Judge Hanford of the United States regard to its right to proceed with the pany obtained its charter without a blow delays address court this morning overruled the de- work of construction. There was a gen- being struck. He did not believe in givmurrer of the defendants in the case of eral clause in the act chartering the ing power to any company to go through ranioad, involving the right of the rall-road to charge higher rates for freight shipped to Spokane than are charged on shipped to Spokane than are charged on the same class of freight shipped to the coast, in violation of the contract to give or lessee.

It could construct from the termination have control of them for the purposes of the future.

Pass Must Be Free.

Wood, of Hamilton, expressed his agrees with McCreight and tute bill, Smith made a ridiculous mo- Spokane the same rates. The complaint was sustained and the defendants given

mineral in place in line with the Paris LAND MINER. It costs only \$2 a year. one line of railway could go through the can country read THE RossLAND MINER. P. O. Box 258.

BILLS STAND OVER

Reasons Why No Company Should Be question of railway legislation. Two Given a Charter to the Crow's Nest years ago a bill was put through parlia- 70 Douglas St., - Victoria, B. C. ion's Policy.

McLeod and thence through the Crow's branch lines from the northwest angle, Nest Pass to Hope, where connection Hudson Bay, and another branch from Supervision of Mining Development Work. may be made with the Canadian Pacific, St. Maurice river to Montreal.

Acting For the C. P. R.

Pass Must Be Free. portant to a railway that he thought it ister, which he said would give confiwould be well to have it under the contion was adopted and the bill stands. If you have any friends interested in trol of the government until the final

pass. At any rate there were points where it would be practically impossible for more than one line to run. "We want to assure the people of this country," said the minister, "that in the future and for all time they are going to

Mr. Blair made a statement when the next bill was taken up, which was important as indicating his view of the

Pass-Time to Change the Domin- ment authorizing an association of promoters to build a railway from Quebec through the Pine River pass, the north Yellowhead pass, to Port Simpson and the Pacific coast. Since then absolutely nothing has been done. Today the bill the Alberta Railway and Coal company's from the Trans-Canada Railway comcompany, and adding to its already for a railway from Lethbridge to Fort enormous powers the right to build

a distance of 800 miles, 300 miles of Blair said that the parliament of Can- 503 Traders Block, SPORANE, WASH. SPOKANE, Wash., May 3.—[Special.]— which is already built and operated. ada could do better in the future than it had done in the past in respect to Reports received here from the east in-dicate that there will be very decided for a renewal of its lapsed rights.

The power to build the company has asked mit companies to possess themselves of mit companies to possess themselves of Blair suggested that legislation of this unlimited powers, or when they do pos-Pass question had been considered. any dozen men securing railway char-While he would be sorry to offer the ters should be allowed to risk making The news that President Winter will slightest objections to the bill, he their hundreds or millions out of float-

> Favors a Railroad Commission. Without committing himself to any He felt warranted in assuming that proposition he suggested that some sort this company was acting in concert with of tribunal or railway commission should

exist as to its powers.

Speaking particularly of the bill under responsible party anywhere on earth. Could be consideration he emphasized the fact into. CAN FURNISH REFERENCES TO SATthat years had elapsed since the comthat years with a responsible party anywhere on earth. Could be gin shortly after a proper agreement was entered into. CAN FURNISH REFERENCES TO SATthat years had elapsed since the comthat years had elapsed since the com-

He regarded the pass as so very im- gratification at the remarks of the min-

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NELSON, B. C. Bealey Block, .

It is also stated that General Passenger Agent Fee can stay where he is if he
so elects, and he probably will. Specific
reasons for this wholesale change are

of thousand of failway committee which would supervise
the C. P. R. This company had indithe exercise of power conferred on railis fied with their superintendent, or some manis dissatisfied with their superintendent, or some manway committee which would supervise
the constituted w company desired to be in a position that it could further negotiate with the company desired to be in a position that opportune time to pause and consider. I can make an assay, retort and melt bullion, build roads and bridges, keep books, run a store—opportune time to pause and consider. I can do what a mine manager should be able to do. I am 33 years old, am married be able to do. I am 33 years old, am married

JOHN P. SCHMIT,

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LIGHTS

Trail Smelter's

LARGEST D

Line-How the Steam Power

TRAIL, May 4. lights were turne night, and with th candescent globe works almost as The incandescent nearly a month a would also hav same time but for at Arrowhead, w of some necessary Now the electri for the completio supply pipe befor erator of 260 hors used in running smelter. Work this pipe line, smelter plant wil

all this power is It was built esp by the Canadian pany. Including convey the wat "golden stairs," Perhaps the

of the plant in which it is opera from Trail, R. and is emptied a mile from I water is tapped duits, one 22 i inches in diame to the edge of t above the electr inch pipe divide the contents goe in disintregati with the conte shoots down th below through This pipe, whi meter, falls abo of 40 degrees. pressure of 1 inch at the botte Just before el the pipe divide force against which generate

From the Pe carried by big chines, which Chief among th tor of 260 hor largest machin fected. The el tor will be t power through powers each of in the smelter.

The other dy are an incand light capacity ting the fiftee switch boards of marble finis In the smelt

railway depar the general of mess house 30 arc light is pla hill, and anoth shops. The 1 by the stores

J. J. Tutle i country, where claim about and seven m specimens of of which was assayed 170 c and 65 per cel rock from th \$30 in gold. five feet of there. Mr. 1 ing the name He returned

NORTHP Double Stand Six Ban NORTHPORT -The Doubl feet, and it i it has been r opened by th A train of Northport f was perhaps yet gone ove. pard railroad There are bridge now. and work ha

> the ferry is the hill on cording to 12 teams are the same n Dodge Br rented the street and of groceries The walls block are co are about fo ing vigorou One nigh were stole Officer Wi lumbia ave sounded lik waited tor more and

the last thr

very fast on

The railro

work at the Wigdon say goods are before long Northpor appearance ing. It 1