

non-compliance with it. And I do not think that the circumstances dealt with in the Order-in-Council were such as were contemplated by the words: "To meet cases which may arise and for which no provision is made." Seasons were not less likely to be late after than before the passing of the Act, and if the Legislature had intended to create an exception in such event from section 24 they would have done so. It is not even as if compliance with the Act had been impossible. The work might have been done before the commencement of the winter season. To delay it was to incur a known risk of increased difficulty, with, of course, additional expense. And this case itself shows that the event sought to be provided for by the Order-in-Council is too uncertain to be ascertained beforehand.

To speak of the intention of the Legislature is as has been said by an eminent authority to use a "slippery expression," and the rule that a mining claim can be held (before grant) by the doing annually of the work required by the Act, or what it allows to be equivalent, is so essential a part of our mining laws that if I were in doubt I think I ought not to hold that the language of section 161 gives the power assumed, but I am of the opinion that to do so would be to disregard the enactments to which I have referred. The judgment will be for defendants with costs."

Whether this decision will be conducive to further litigation on like grounds it would be difficult to say, but it is quite likely that when opportunities and temptations are sufficiently strong, advantage may be taken of those who having inadvertently failed to comply with a requirement of the Mineral Act, relying on the Order-in-Council in question for protection.

But, be this as it may, it is to be hoped that upon the earliest possible occasion, those Orders-in-Council aimed to protect the claim owners against the loss or forfeiture of his property for neglect in complying with regulations which are difficult or impossible to carry out, will be embodied in the Mineral Act.

It seems now at least possible that early next spring preliminary construction work on a railroad starting from a point on the C. P. R., either at Kamloops or Ashcroft, and affording communication with the historic gold-fields of Cariboo, will be commenced in earnest. An English company known as the New Besse Syndicate, Ltd., having acquired at a cost, we understand, of \$15,000, the charter originally granted the Cariboo Railway Company, in 1890, but amended in 1897, to compel the grantees to fix the initial point of the road and the approximate line of route before May the 5th, 1899, and furthermore stipulating that actual work was to be commenced before that date. If these terms are complied with the company will be entitled, under the Subsidy Act, to a large grant of land and this independently of the apparently remunerative nature of the venture itself, should be a sufficient inducement to the new owners of the charter, who are amalgamating with the Cariboo & Omineca Chartered Company, to make every effort to secure the necessary capital for carrying out the undertaking. Such a railway would unquestionably be of incalculable assistance in opening up the rich mining and agricultural country known to exist north of the main line of the C. P. R. at Kamloops. While, of course, it is likely to be

many years before Omineca enjoys the advantage of railway transportation facilities, the commencement of work on the Cariboo road will tend to stimulate and encourage quartz prospecting in that district as well as in Cariboo itself. The quartz discoveries in Omineca this season have been eminently encouraging and there is no reason why, in the course of time, lode mining in northern British Columbia should not become as important an industry as it has grown to be on the southern boundary within the last eight years.

The investigation we are promised Mr. Ogilvie is to conduct into the charges of corruption and malfeasance that have been made against Government officials in the Yukon, are not, in our judgment, likely to bring out any very startling revelations one way or the other, if for no other reason than the difficulty that will be met with in finding witnesses ready to testify. If the charges are true, men who benefitted by official wrong-doing, and therefore participated in it, will be naturally reluctant to appear and in a sense incriminate themselves; and again, others who might be in the possession of evidence more conclusive than that of hearsay, have probably by this time, left the country not intending to return. It is suggested that this enquiry should be made the subject of a Royal Commission, and doubtless, at an enormous expense the truth or otherwise, of the injurious reports which have been circulated would be thus more satisfactorily determined. We do not, however, believe the Federal Government will consider any such course of action and the country will be politely requested to be content with Mr. Ogilvie's finding, even if his verdict is the Scottish one of "not proven." At the best the matter is more or less unsavory and the sooner it is forgotten and done with the better. The Yukon will, it may be confidently asserted, be administered in the future to the satisfaction of the mining community, and with better facilities for carrying on the public business, such as improved conditions of transport, and perhaps in due course, telegraphic advantages, all cause of complaint will be removed. There can be no doubt that the irregularities of which we have heard so much, were, in the majority of cases, not the result of deliberate official wrong-doing, but were due to the fact that the offices were undermanned. The most unfortunate part of the question is, that it has been made a subject of political party debate, and the fair name of Canada has hence been unnecessarily besmirched.

The slipshod system followed in the registration of mineral claims in the Recording offices of the mining districts is a matter to which attention should be directed, and in the interests of prospectors and others who frequently find it necessary to refer to the official records for information, it is of the utmost importance that at any rate a more convenient method of registration than that at present in force should be adopted. Taking, for the sake of example, a district where several thousand claims have been registered, some idea of the time and labour required to obtain data from the official registers concerning any one mineral property, may be gathered when it is stated that in the majority of offices at least no attempt of any kind is made at classification, and it is therefore needful to search first the "Re-