

CLABON GOT \$6,750

Justice Walkem gives Judgment in the Clabon-Scott Case.

A FAR-REACHING RULING

The Plaintiff Allowed the Value of 25,000 Shares at 27 Cents Per Share—The Rights of Promoters to Distribute Stock.

In the Clabon-Scott case yesterday, Justice Walkem gave judgment for \$6,750 in favor of Clabon. The case was in regard to an agreement entered into between Clabon and Scott, whereby the former secured the appointment of the other as a director in the Dundee company. Scott received 50,000 shares of Dundee stock for permitting the use of his name as an officer of the corporation. Clabon claimed half of the script, or 25,000 shares for his services rendered in getting Scott the appointment. Justice Walkem's decision was in part as follows:

The facts, as proved at the trial of this case, are that Messrs. J. L. Parker, Charles Dundee and W. A. Gallihier, were, prior to October, 1890, owners of the group of mineral claims near Ymir known as the Parker group.

These gentlemen decided to incorporate themselves under the Companies Act, 1890, as the Dundee Gold Mining company. Before doing so, however, they cast about for a person of influence who would join them in their venture, and, as an inducement to do so, they told the plaintiff, who is a mining broker, that they would give such person 50,000 shares in the stock of the company when it was incorporated.

The plaintiff soon afterwards, without giving names, mentioned this matter to the defendant, and after some negotiations it was agreed between the two that if the defendant should prove acceptable to the above named gentlemen the plaintiff should, in consideration of his services as broker, receive half of the 50,000 shares. The jury found that this arrangement had been made.

It seems to be impossible to deny that after the directors had allotted the promised 50,000 shares to defendant, they could then and there have divided the balance amongst themselves, as the property which formed the capital stock as well as the shares, were absolutely their own. In fact, they did so divide them and caused certificates to be issued to each other for such proportion as each may have been entitled to; having, however, agreed beforehand that all the shares should be pooled, that is, so withdrawn from sale or alienation for a period which, as it happens, has not yet expired. Now, in view of these facts, it is clear that as no shares had been, or indeed have been sold, the directors are not trustees for any shareholders.

The defense was that this case is governed by the principle that a director, being in a fiduciary position, cannot accept or retain shares, or receive any benefit from promoters as an inducement to become a director. This principle does not apply to the present one. As pointed out, there were no promoters in this case, in the sense in which that term is used in the authorities mentioned. The promoter, as observed in one of them, is an elastic expression. Again, there were no vendors or purchasers of the property. The statement of claim used the term "promoters," and it is used in one of the questions submitted to the jury; but it is used in the sense of such persons being the originators of the company, for to use it in any other sense would, manifestly, be inconsistent with the evidence. The defendant received a certificate for his 50,000 shares on the 14th of May, 1897, he and his fellow directors having agreed to pool the shares.

The plaintiff frequently applied for his 25,000 shares, but the defendant denied that he had ever agreed to give him any shares, whatever. The jury, however, found in favor of the plaintiff's contention; and the fact that the defendant has disabled himself, by pooling the shares, from carrying out his agreement with the plaintiff, is no excuse for his breach of that agreement. The jury also found that the pooling was done without the plaintiff's consent.

The plaintiff having asked for damages as an alternative remedy for non-delivery of the shares, in my opinion, entitled to them, and at the rate of 27 cents each—the value of them at the trial, as found by the verdict. Judgment will, therefore, be entered for the plaintiff for \$6,750 and costs.

THE ATHABASCA MEETING.

The Shareholders Appreciate the Service Rendered by Local Manager.

The first general (statutory) meeting of the Athabasca Gold Mine, limited, which was held in London on September 30, was one of the most encouraging of all British Columbia companies, and it was no empty vote of thanks that the shareholders tendered to E. Nelson Fell, the company's manager in this province. His reports, which were read to the shareholders, showed that he had accomplished a great deal, had kept his expenditures within the limit set by the directors of the company, performed the work desired within the time and a great deal more.

When the company's manager took over the Athabasca property he was informed that there was available for development purposes a fund of \$50,000, and with this he was instructed to erect a 10-stamp mill and make the balance go as far as possible in the development of the property. His report, which was read to the directors, was to the effect that the stamp mill was ready for operation and that the development of the property had proceeded to such a stage that the management has sufficient high grade ore to keep the 10-stamp mill running for six months. This is saying a great deal, for high grade ore at the Athabasca means ore which will run up to \$30 to the ton, and the steady operation for six months of a 10-stamp mill upon ore of this quality would mean something handsome in the way of dividends.

RESULT OF PROSPECTING.

MacCann Went Away a Heavyweight and Returned a Welterweight.

When Robert MacCann left here three months since with Sheldon E. Thompson for a prospecting trip in the regions to the west of this place he weighed 305 pounds. When he returned on Wednesday he tipped the beam at 150. His waist when he started out measured 44 inches and it is reduced to 38. The clothes that he left, when he put them on when he returned, hung as loosely about him as many folds in them as the sail of a full-rigged ship in a dead calm. While away Messrs. MacCann and Thompson prospected through the Similkameen, Okanagan, Copper Mountain and Osoyoos countries and it was while walking over the hills, mountains and valleys of that section that the reduction took place in MacCann's adipose tissues. They were looking for free milling gold ore and passed over without staking a number of smelting propositions. They staked five claims of free milling ore on Cedar creek in the Osoyoos Mining division. The ore in these claims is a decomposed porphyritic quartz, carrying gold. The assays give returns of from \$9.30 to \$18.25. The vein is over 100 feet in width, and can be traced for a long distance through the locations made. Both the prospectors think that they have a good thing. It is 175 miles from here to where these properties are located. Among the places that were prospected are the Shuswap river, Assenalle river, Ollala creek, Cedar creek and Cedar creek. They tried to prospect in, but as they tried to get out of the beaten track of other prospectors there were weeks at a time when they did not see a soul.

The Homestake Assessment.

The first assessment of two cents on Homestake Mines stock has nearly all been paid. The old debt of \$10,000 against the property has been entirely wiped out, and it is expected that a few days the Homestake assessment will supply air to the Gopher, and sinking in the Gopher winze will be pushed with air drills. Assessments on the Robert E. Lee are coming in at a very satisfactory rate.

Will Devote Himself to Mining.

F. R. Blochberger, the United States consular agent in Rossland, has resigned his position to take effect on the 25th of the present month. His resignation was forwarded to the department of state two weeks ago, but as yet nothing has been heard from the department as to whether or not it will be accepted. Mr. Blochberger was appointed to the office on the 25th of last October, and will have filled the position for just one year up to the time named in his withdrawal. He has some 19 different claims in the Leardene, and expects to devote his entire attention in the future to his mining interests.

DRAUGHT TO DEATH.

George Curtis Meets a Fearful Fate at Edwards Ferry.

GRAND FORKS, Oct. 20.—[Special.]—Last Monday evening George Curtis, while driving a special stage between Grand Forks and Cascade City, was thrown from his seat and killed. It seems that Curtis was driving along quietly until he came to the foot of the large hill at Edwards ferry, when his team suddenly shied and jerked the unfortunate man from his seat with great force, dragging him for some distance. Another team following close behind picked up Curtis' apparently lifeless body and brought it to Cascade City, where medical aid was summoned, but nothing could be done, for he had received a severe fracture of the skull and he died today.

Work on the King Solomon claim in Copper camp is being pushed along a seven-foot ledge of native copper, ore having recently been encountered samples of which assayed 80 per cent copper. The King Solomon is owned by D. O. Corbin and A. Hagenburg of this city have opened an hotel at the head of Brown's creek at the Summit and right on the railway tote road in the neighborhood of which 2,000 will be working immediately.

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IT IS A ROUGH ROAD

Ellis Has a Poor Opinion of the Ashcroft Trail.

FOUND BUT LITTLE GOLD

It Is Five Hundred Miles Longer Than Represented to Be by Its Boosters—Homestake Assessment Paid—Other Mining Notes.

W. G. Ellis, a Rosslander who spent the summer prospecting in the Stikine river country, is back again, well satisfied with Rossland as a mining camp. Mr. Ellis with a party of two others and an outfit of pack horses left Ashcroft early last summer for Glenora on the Stikine. The party intended to prospect along the way, and hoped to get hold of some placer ground worth having. Mr. Ellis has a mighty poor opinion of the Ashcroft trail and of the country generally. From Ashcroft to Glenora, according to the boosters of that much advertised route, is only 600 miles. Mr. Ellis discovered that 1,100 miles was the real distance. For the greater part of the way the "trail" is merely a blaze route cut by a government gang of explorers. The only possible way of traveling over Mr. Ellis made a few colors, and discovered some promising quartz, but got hold of nothing worth keeping. There was intense suffering along the trail, he says, and had it not been for relief parties sent out from Glenora many would certainly have perished.

THE CONTRACT IS LET.

J. T. Fabian Will Erect the Big Skating Rink.

The contract for the construction of the skating and curling rink has been awarded to J. T. Fabian by John Honan, the architect for the Rossland Skating & Curling Rink, limited. The building when completed will have a surface for skating of 65x161 feet and six inches. There will be curling rinks on each side of the skating space. 150x161 feet in the center. Between the skating and the curling rinks there will be a walk six feet in width for the entire length of each. Above the plank walks there will be galleries the same width as the walks, so that spectators will have a first class view of everything that goes on during the progress of games, and even during the time that the rink is devoted to skating. In the front the main entrance is in the center. Twenty feet of the space is taken up by the main entrance to the skating rink. There will also be a space for promenading on the ground floor in the front portion of the building. On one side of the entrance will be a ladies dressing room, and on the other a similar apartment for gentlemen. The front will be perfectly plain. The front of the building will be no attempt at ornamentation. The idea was to secure the greatest amount of interior accommodation and the largest quantity of ice for the least money. Further on, when the company is in a more prosperous condition, an ornate front will doubtless be put in. The roof is to be of corrugated iron, and the timbers of the framework will be heavy, with simply a covering of board. This will make the building as near fireproof as it is possible for a wooden structure to be.

Rossland Will Have a High School.

This year there will be about 12 applicants from the Rossland public schools to take the examination for admission to the provincial high schools. The qualifications are very severe, but last year five of the six applicants from Rossland succeeded in passing the quiz successfully. At present the nearest high school is at Vancouver, but Principal Blair of the Rossland schools, hopes to have a high school here in about a year from now. The provincial regulations provide that there must be at least 20 pupils who have passed the high school examinations successfully before a school will be established in any town. Already there are five qualified pupils in Rossland, and there will be 12 applicants at the coming quiz. Next year it is hoped that the necessary 20 pupils will be secured and the high school erected.

Dominion Alliance Meeting.

At the Methodist church reading room, the Dominion Alliance met Thursday to complete such business as was left over from the annual meeting held last week. As the plebiscite campaign reports were given and discussed at the previous meeting the main business last night was the annual election to fill the places of the retiring officers. After prayer by Rev. D. McG. Gandier, President Dunlop called for nominations for the four officers and 12 members of the executive committee. The following persons were elected unanimously: President, the ensuig year: George S. McNeil; vice-president, David Playfair; treasurer, George R. Gordon; members of the executive committee, David D. Birks, F. W. Bauer, Dave S. Dunlop, J. W. Fownall, J. E. Mills, J. H. M. Hungerford, Thomas Morey, A. B. Clabon, A. D. Christie, T. E. Plewman, D. A. McG. Lennan, J. W. Schmidt. Rev. D. McG. Gandier, Rev. G. H. Morden, Rev. F. A. President and the Salvation Army captain were counted as ex-officio advisory members of the executive committee.

Rev. Gandier, as chairman of the special committee appointed last week to look after liquor selling during the election, reported that the committee found the salaried and hotel bars paying from \$25 to \$50 a week for the privilege of doing business, further than to lock their front doors, but open the side doors and sell as usual. The committee intended to lodge a formal protest against the violation of the law.

Satisfaction was expressed that the latest returns from the plebiscite showed a larger majority than the papers at first reported, the majority outside of Quebec being 122,000 in favor of prohibition, and that dissenting province, according to latest reports, being likely to give an adverse majority of 70,000 instead of 90,000, which the liquorists at first claimed.

Stanley Henderson of Vancouver, district manager of the Montreal Life Insurance company, is at the Allan.

THE MIDWINTER CARNIVAL

It Will Be an Immense Success This Year.

Participants Will Come Here From Points Outside of British Columbia.

(From Friday's Daily.)

It looks now as if the coming winter carnival to be given in Rossland soon after New Year's will be the greatest celebration of the kind that will ever have taken place in the northwest. Already it is certain that champion athletes from all over Canada will be present, and it is altogether likely that world's records will be established in the sports in which they will participate.

Mayor Wallace has called a public meeting to be held in the city hall next Wednesday evening at 8 o'clock, when preliminary arrangements for the carnival will be made. Every one who is interested in the project is invited to be present, and the promoters of the carnival hope that the hall will be literally packed.

The athletic clubs of the city are taking intense interest in the celebration. The hockey team has been in correspondence with rival associations all over the northwest. It is assured that not only all Kootenay and British Columbia clubs will be represented but that hockey clubs from the Northwest Territories will also be competitors. The trophy is the magnificent silver cup, valued at \$100, which is presented by the citizens of Rossland. It carries with it the championship of British Columbia. Last year the cup was won by the Rossland team, which will make strenuous efforts to retain it this year, but there is such keen rivalry for the trophy that it is impossible to say how the match will result. The cup becomes the property of the club winning it for three times in the annual tournament, and on that account the residents are particularly anxious to win it again this winter.

The ski races, which last year created such interest, will be on even a larger scale this season. The contests are for the championship of Canada, and for the two great silver cups presented by the Le Roi Mining & Smelting company and the Le Roi Mining & Smelting company. In the past few years ski running has come to be one of the popular sports of Eastern Canada, and it is altogether probable that some of the ski champions of Ontario and Quebec will compete in the races for the Dominion championship.

The Rossland ski runners, under the leadership of the redoubtable Olaus Jeldness, who won both trophies last year, have organized a team to represent the city. They plan to have a number of practice races this winter prior to the carnival. Instead of contesting on Red Mountain, as was the case last year, the ski races this season will compete on the northwest slope of Deer Park mountain, where the snow is always fine and the full course is in plain view from the town.

The curlers, who are organizing a club in Rossland, say that there will be visiting rinks from all over British Columbia and as far east as Winnipeg to participate in the bonspiel for the championship of British Columbia. There is sure to be a heavy attendance at the carnival from all over the Dominion. J. E. Coyle, passenger agent for the C. P. E., has promised about half fare rates from any place in the province to Rossland, while a rate of about a fare and a fifth will be given parties of eight from all other points reached by the C. P. E.

MINING NOTES.

The vertical shaft on the No. 1 is down about 200 feet, and representing for the ledge will be commenced about the first of the month.

The machinery for the Iron Horse's new compressor has been shipped from the Montreal factory of the James Cooper Manufacturing company.

In the window of the store of John E. Honeyford is some fine looking copper ore from the properties of the Golden Gate Mining company. The ore is from which this ore was taken, 20 feet wide and it goes \$77 to the ton in all values.

The Royal Electric company has secured the contract for the supply of the electrical machinery for the Iron Horse compressor plant. The plant will consist of a synchronous motor of the Stanley indicator type complete with all its appurtenances, and will cost about \$4,000.

Nicholas Tregear, acting for the Le Roi company, has purchased 50 tons of ore on the dump of the Iron Horse. This ore will be sent to the Northport smelter. It contains a large percentage of iron and will be mixed with the silicious ore of the Le Roi in order to facilitate its smelting.

It is reported that the Monte Christo is to be examined by J. B. Hastings, the superintendent of the War Eagle, and Mr. Hardman of Montreal, to determine what the future of the property will be. Those who hold the stock of the Monte Christo will await the dictum of these two experts on the value of the property with considerable interest. The shares of the Monte Christo yesterday reached the lowest point in many months, selling as low as 13 1/2 cents.

W. D. McCadden, treasurer of the Command Mining & Smelting company, has returned from Cooper Lake district, Montana, where he and his associates have staked 10 claims, in what promises to be a rich copper, gold and silver district. Mr. McCadden brought back with him some pretty specimens of copper glance ore as it is possible to see anywhere. These carry from 20 to 63 per cent copper, small values in gold and as high as \$70 in silver. The district in which the claims were staked is a new one and the formation is similar to that which attains at Butte, Mont. The ore is on exhibition in the office of the Reddin-Jackson company.

Thinks It Is a Mine.

Superintendent Shelton of the Canadian-American Gold Mining & Development company, reports that he has a mine in the Silver King, of the Alms Mater group, from which assays of \$799.85 and \$2,793.13 in gold and silver were respectively obtained. In cross-cutting the 50-foot ledge he obtained values of \$5,555.40, and \$296.03 in gold and silver. He says the presence of the ore body is established beyond a doubt. The ore is a clean free quartz under porphyry capping, similar to that in the Republic camp.

J. L. PARKER, Consulting Mining Engineer.

Cable Address, "Parker," Rossland. Moring & Neal's and Bedford McNeill's Codes.

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Mines Examined and Reported On. Special Attention Given to the Placing of Mining Properties and the Management of Mines. Box 54. Rossland, British Columbia.

IN THE SUPREME COURT, IN THE MATTER OF O. K. GOLD MINING COMPANY

Limited Liability, (Foreign). In Liquidation. The Undersigned Official Liquidator Will Sell by Private Treaty Subject to Ratification by the Court IN ONE LOT

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. mineral claim, official number 678. The property is about two and one-half miles west of the City of Rossland and close to the main wagon road and Red Mountain railroad, both leading from the City of Rossland to Northport, in the State of Washington.

Buildings.—The principal buildings include the following: The new mill building containing 25 stamps, mill, but designed and built to accommodate 25 stamps; engine and boiler house, office building, mess room, cook house, store room and manager's residence. The development consists of three main tunnels, with one winze and numerous drifts, together aggregating over 1,500 feet of work. The property is open to inspection, but an order for that purpose must be obtained at the office of the liquidator, 3 Imperial block, Rossland, B. C., where price, terms and further information can be obtained.

Under an order of the court heretofore issued the undersigned is authorized to give a short option or working bond on the mine. Telgraphic and cable address, Plewman Rossland. RICHARD PLEWMAN Official Liquidator Bedford McNeill's Code.

Charles Dangerfield STOCK BROKER

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