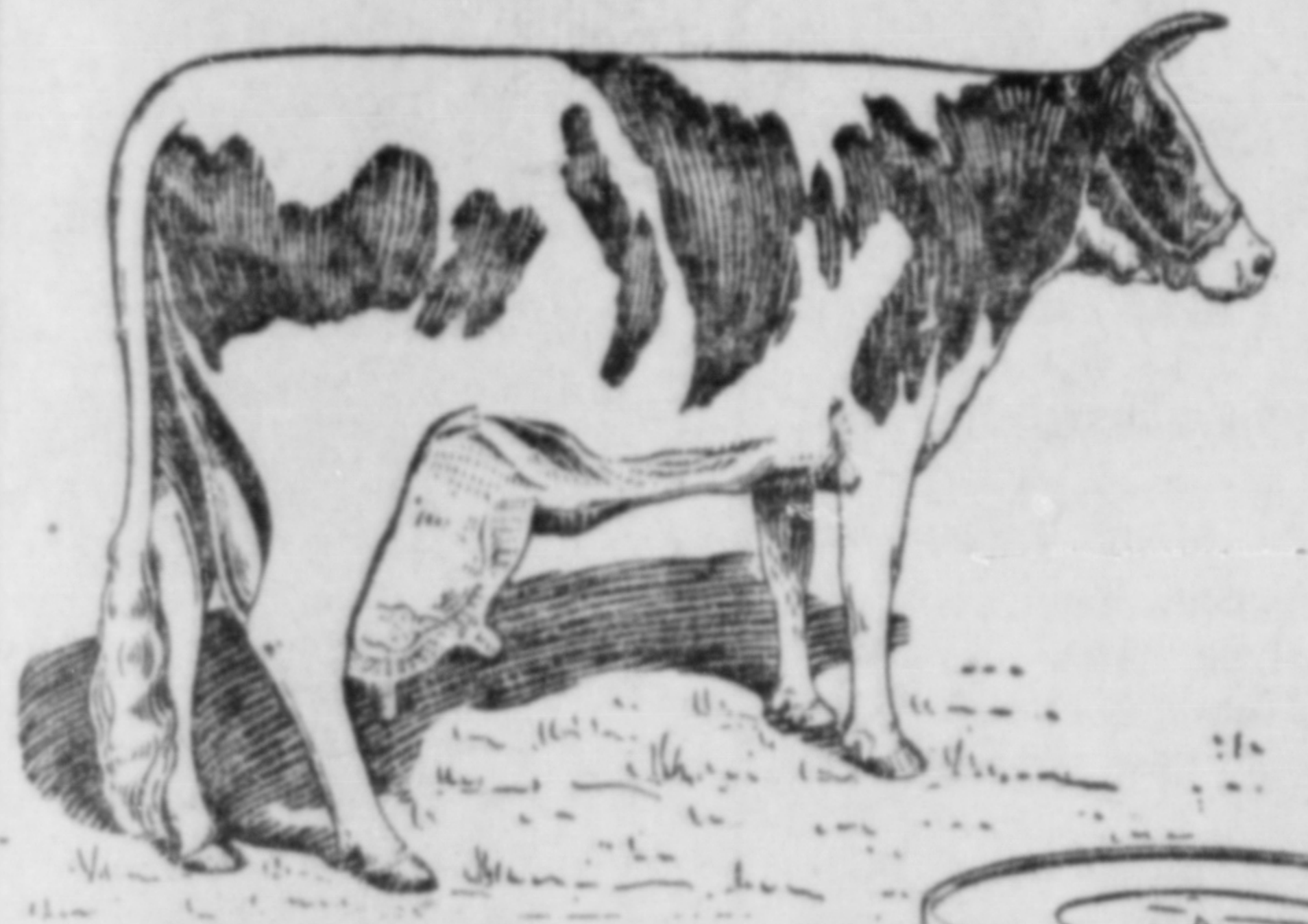


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Advertise in "The Daily News"

THE ASSOCIATED MINING & MILLING COMPANY, LIMITED.

16th November, 1927.
NOTICE IS HEREBY GIVEN that the Resident Engineer No. 2, Eastern Mineral Survey District, British Columbia, upon receiving notice of an advertised and solicited sale of shares in a certain Company, viz., The Associated Mining & Milling Company, Limited, upon statements or terms set in accordance with the actual facts and conditions, has notified the undersigned, the Minister of Mines, upon investigation and in pursuance of Section 19 of the "Mineral Survey and Development Act," Chapter 160, R.S.B.C. 1924, finds it necessary to prevent injury to investors to give the following notice:

That the said Resident Engineer, under date of 1st November, 1927, has submitted to the Minister of Mines a detailed report and comment on statements contained in publications issued under the name of the aforementioned Company and composed in terms which solicit the sale of shares in the said Associated Mining & Milling Company, Limited.

(1) A leading paragraph of one of the said publications reads:
"The property was later bought by the Valparaso Gold Mining Company from which the Company shipped considerable gold and silver ore. The Company spent large sums of money on tunnel work, the shipments being made from the 125 foot level. The owners at that time are said to have had litigation over a railroad contract in which they were interested and the Company ceased operations on the 'Valparaso' mine during the spring of 1902."

The said publications set out further:
"The properties were worked thirty years ago as gold properties and under obsolete methods have been made to pay."
The said Resident Engineer's comment on the foregoing follows:

"The facts are that there is no record of any profitable production having been made by the Valparaso Gold Mining Company, which developed the 'Valparaso' and 'Government' claims in 1900, 1901 and 1902. If any shipments had been made they would have been recorded in the quarterly returns required under the 'Taxation Act'."

(2) The said publications further read:
"It is proposed to continue the tunneling in one shaft of the mine to follow the vein on the 725 foot level on the North and under the Valparaso and Government tunnels. This will block out an ore body 800 feet long and 725 feet in depth, giving an approximate tonnage of 1,500,000 tons."

The ore blocked at the present time is estimated at 600,000 to 700,000 tons. The average estimated profit is about \$7.00 per ton. A tentative contract is under review for the construction of a mill for the milling of the Company's ore with the United Lode Mining Company, Limited, who are operating in the same district. Considerable amounts of milling and shipping ore are already available from the present ore blocked out and existing on ore dumps at the portals of the various tunnels.

"The tonnage blocked out by open cuts and tunnels is estimated to be approximately 800,000 to 700,000 tons with a probable tonnage of over 1,500,000 tons in the Valparaso Lode. The tonnage is only estimated to the 725 foot level. Experts agree that the ore bodies continue to below the 2000 foot level; the future tonnage after development will probably total over 6,000,000 tons. This tonnage is estimated on the basis of 12 1/2 cubic ft. per ton, with an average width of 5 ft. The vein is a fissure vein in granite and extends to great depth. The ore bodies are mineralized throughout and not a barren sample has been taken from any part of the vein, the higher gold values will no doubt be found in depth. According to assays already received from various parts of the vein, there will be sufficient silver to pay the cost of mining, thus leaving the gold values mostly payable."

"The Sarah 2nd mine will also develop enormous tonnage, the strike and dip of the vein being similar to that of the Valparaso."
"The Valparaso Lode together with the Sarah 2nd vein will develop sufficient mill feed and shipping ore to pay the capital expended many times over and place your Company in the list of British Columbia's leading dividend paying mines."

"It is conservatively estimated that the Valparaso Lode alone contains 600,000 to 700,000 tons of available ore. This lode occurs about 2200 feet above the level of Kootenay Lake, experts agree that the ore bodies continue to more than 2000 feet in depth. The future tonnage is tremendous and will probably total over 8,000,000 tons."

The said Resident Engineer's comment on the foregoing follows:
"As regards the above quoted published statements as to the ore tonnage available in the Valparaso Lode and Sarah 2nd mine, the facts are that while assays can be obtained in places on the surface no ore of any commercial importance has yet been developed in the underground workings. This statement is based on a careful sampling of both properties referred to. It is therefore impossible to estimate any appreciable tonnage of material of commercial value at the present time."

(3) The said publications also set out the following:
"A further indication which bears on the success of the Company is the fact that they are working in the greatest Gold producing formation the world has ever known. That is the Pre-Cambrian formation. This formation is found in the world's greatest gold fields which have proven it to depths of many thousands of feet. Examples of this are amplified in the following mines:"

The said Resident Engineer's comment on the foregoing follows:
"The Valparaso Lode and Sarah 2nd quartz veins occur in granitic rocks of the Nelson batholith which are tentatively referred to the Jurassic or Post-Jurassic periods."

HONOURABLE WM. SLOAN,
Minister of Mines.

SANKEY CASE DISCUSSED IN COURT VIEW TO A POSSIBLE CHANGE OF VENUE AND THEN IS ADJOURNED

(continued from page one)

been made for 21 new jurors who were bound to be picked up from the streets of Prince Rupert, without prejudice to his application for a change of venue. Mr. Bird submitted that he was entitled to time to investigate the new jury panel before the case proceeded.

Mr. Bird continued that he had very cogent material to produce in support of his application for a change of venue. One newspaper report of a statement purporting to have been made by Sankey was "most gross and misleading." It purported to say that Sankey at one time had told the police:

Mr. Johnson suggested that His Lordship might read the affidavit in this matter so that undue publicity would not be given it.

"Both papers have been equally guilty," continued Mr. Bird. The Daily News, however, had been more particularly in error. In the latter paper, Sankey had been stated to have said something that was most absurd, something that would convince all that he was a liar.

In this jurisdiction, in view of what had been published, Mr. Bird contended that to hold the trial would be very dangerous.

EDUCATING JURY
Mr. Justice W. A. Macdonald inquired if Mr. Bird might simply be engaged in educating such jurymen as might be present.

Mr. Bird replied that the appearance of the mistatement magnified the fact that it had been published at all. He then cited to the court cases that he claimed paralleled the present one and in which changes of venue had been made.

His Lordship stated that he had seen no new evidence. He pointed out that Mr. Bird's application had twice been refused by Mr. Justice Morrison. Was there any reason why he should change those decisions?

Mr. Bird replied that the onus in the matter now fell upon the trial judge. He submitted that the circumstances gave weight to what had been suggested. There was not even a doubt that the line of demarcation had been passed. He held that even this jurisdiction had not been combed for jurors as far removed as possible from the city where the publication had occurred.

At the suggestion of Mr. Johnson, His Lordship then perused affidavits which had subsequently been taken in conjunction with the matter.

Mr. Bird then referred to a further newspaper article on October 15 when Sankey, without qualification, had been referred to as "the murderer of Loretta Chisholm." That was in line with the complaints he had to make.

WAS IT WARRANTED?

"But would that warrant a change of venue?" inquired His Lordship.

"If it is a just indication of the tone prevailing" submitted Mr. Bird.

"You must satisfy me," His Lordship stated, "as to what extent the people of Prince Rupert would forget their oath and do an injustice to the accused."

Mr. Bird replied that he did not suggest such a thing. He was not acquainted, however, with the new jury panel.

Already, the judge pointed out, the application for a change of venue had been refused on two occasions. Unless new matters were brought before the court, he did not see why he should now change the decision. More experienced judges than himself had already dealt with the case. He sympathized, however, with Mr. Bird's contention that he should be given the opportunity of studying the new jury panel.

ONLY ONE ERROR

After further discussion, His Lordship stated that it struck him that there was only one error in the paper. "Do you think that is a very material error?" he inquired.

"Yes," replied Mr. Bird.

"But I am sure a jury would give its verdict on the evidence and not on newspaper reports," His Lordship stated.

"Sometimes, it is difficult to throw off first impressions," replied Mr. Bird.

"In any community such errors may occur," stated His Lordship. "In any case you know it is my custom to warn juries to deal only with the evidence and put outside impressions from their minds."

Mr. Johnson referred to the principle that facts as laid down in a court and not opinions ruled such cases. Jurors



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from various electoral ridings as Omineca, Skeena, Mackenzie, Prince Rupert and Atlin could be empaneled in Prince Rupert. Could it be said that a representative jury had been empaneled following the attack that had been made on the newspapers? It was unfortunate that there had been too much newspaper notoriety in connection with this case. Whether it had affected prospective jurymen was a matter that must be proven by fact rather than opinion. He submitted that His Lordship should make his judgment on the matter in the light of the circumstances which presented themselves today. It could be seen the position that he (Mr. Johnson) was faced with.

"Has the situation been altered?" inquired His Lordship.

All the material that Mr. Bird had produced had already been passed upon, replied Mr. Johnson. He pointed out that the present judge was not a court of appeal upon his brother judges unless new material were adduced. He (Mr. Johnson) was bound to assist the crown but he did not think he should be asked to give his own personal views. It was a matter of discretion. The facts were there. It was not for him to judge if an injustice would be done the accused.

WOULD NOT GIVE VIEW

"What is your view?" pressed His Lordship.

Mr. Johnson admitted that there was new material which would undoubtedly have been considered at the hearing of the former application regarding effect upon juries.

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not sufficient. Mr. Johnson cited cases to show that prejudice was considered no reason for a change of venue.

"You do not seem prepared to take a stand," observed His Lordship to Mr. Johnson.

It was up to him only to point out the facts reiterated Mr. Johnson. He could not say whether or not what had been published in the newspapers would affect the jury.

"Will you admit then that a fair and proper trial is impossible?" asked His Lordship.

"I am not prepared to say," replied Mr. Johnson.

"You are not prepared to take a stand," concluded His Lordship. "We will proceed with the other case. Decision is reserved and the Sankey trial adjourned until the conclusion of the Whitewash case."

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