

NOT OPEN TO ALASKA

Facts as to Mining on Cape Nome Beach.

RESERVED ROADWAY IS TAKEN

Claims Extend Below the Tundra and Only a Small Strip is Free When the Tide is Out.

William H. Lewis, a well-known attorney of Seattle, Wash., has written a letter regarding the status of the Cape Nome legislation at Washington.

Mr. Lewis was formerly located in Washington as secretary of Justice Hall, of the United States Supreme Court. In that capacity he was attached to the Behring Sea Tribunal Arbitration, which met at Paris in the years 1892 and 1933. Since that date he has been located at Seattle, and has interested himself quite largely in Alaska matters. He was the author of a comprehensive review of the Alaska boundary dispute, which was published in the Review of Reviews last Summer, and has recently been making a study of Cape Nome affairs. He writes as follows:

The Alaska mining man who has relied on assurances that he would be allowed the privilege of free mining on the Cape Nome beach during the coming Summer seems doomed to severe disappointment, and this is not entirely because he has been wilfully misled, but also because of a failure to recognize the difference in meaning between certain common expressions. The impression that the term "beach" meant the same as "tidal lands" or "land below the line of ordinary high tide" has been responsible for much of the confusion. Another cause of the widespread misunderstanding has been the positive statements of men who thought they understood the whole subject, but who were relying upon a superficial knowledge of the facts, and no knowledge of the law.

It has taken several weeks of careful investigation for me to assure myself what is the situation with regard to Cape Nome beaches, and while the result is not altogether satisfactory there is some satisfaction in knowing what are facts and what are fancies.

For instance, in the Logan case, the Interior Department decided, January 1, 1900: "It is perfectly clear that the mining locations in question, so far as it is attempted by the claimant to embrace the line of ordinary high tide, are without authority of law and therefore void, and the Land Department is without authority to grant any concessions whatever with reference to the desired occupancy or working of said tidelands for mining purposes or otherwise."

Now this decision is a reasonable one, and was accepted everywhere as strictly in accordance with law. It was received with joy by the men who wished to take gold from the Nome beaches the coming Summer with rockers, as they did last year. The entire diggings were worked then by the miners under their own regulations, and honesty and fair play prevailed. The general understanding of this decision by the Department is impossible to secure title to any portion of the beach at Cape Nome. In that event it must be held to be open ground for all miners for the next year. Acting upon this supposition, active measures were taken and a representative sent to Washington to secure legislation that would permit the miners to regulate mining upon the beach.

Accompanying the report of the decision were reports that the Land Office had decided that the line of ordinary high tide would be construed by the Department in all cases as being the upper line of the beach; that is to say, at the line of tundra or vegetation. I was told by several well-informed men that this decision had been made, and went to the Land Office to get confirmation of the report. But there I was told point blank that no such decision had been made; that, in fact, such a decision never could be made by the Department; that the line of ordinary high tide could not be fixed or changed by the Land Office or any other Department in Washington; that the Land Office had fixed the line of ordinary high tide on the question was not where the Land Office might construe it to be, but where it actually is. It could be determined only by the courts in each individual case.

Following up my problem, I went to members of Congress, and from them learned that it was brought out in the Cape Nome hearing by the committee on Alaska matters, that there is only about two feet difference between high tide and low tide at Cape Nome. And it was the general consensus of opinion that the "line of ordinary high tide" on the Cape Nome beach is about half or two-thirds of the way down the beach from tundra.

Now if, as we know it to be, this is the case, and if the actual, average line of ordinary high tide is in or below the middle of the beach, and if, as is reported, placer mining claims have been staked along the entire length of the beach down to the line of high tide, where is the poor man to come in who owns no claim, but wants to take gold from the beach with his old-time rocker? He can take out gold below the line of high tide, when the tide is out; or he can perhaps secure a "lay" from the more fortunate placer owner of a placer claim above the line of high tide. There is no other choice left him if he wishes to mine for himself, unless he can find some new rich ground, or some new construction, or new legislation can be invoked for his protection.

With this in view, something of an effort has been made to get the Land Office to extend the tundra line to May 14, 1898, providing for a roadway of 60 feet along the Alaska Coast in front of agricultural and manufacturing lands. It is that it might cover any claims located on the Nome beach under the placer mining laws. And it is generally understood that the Land Office has so construed the law. But when inquiry there was made, the answer was that the tundra line again met with a powerful obstacle, a denial, and a wish that the men who made such statements had acquainted themselves with the facts before making such positive assertions. This question came up in connection with the Logan case, above mentioned, and the Secretary said: "The effect of this provision (providing for the 60-foot roadway) has not been sufficiently considered by this Department to justify any expression of opinion at this time." At the same time I was informed that the Department would not construe that provision until a case should be brought before it on a contested application for a patent for land covered by the roadway. Such a case cannot be brought to the Department within a year so that the decision will be of no use to those desiring to work the coming Summer. And, furthermore, the official with whom I talked, and several other prominent citizens, assured me that by no possible contention could the act providing for the roadway be construed to affect in any way claims taken up under the placer mining laws.

A further effort in behalf of the beach miners was made in the Lacey bill before the House. The measure was, however, so poorly drawn that it did not effect the purpose intended, as it expressly exempted lands located prior to its passage in accordance with the act prescribing the roadway. The amendment in the Senate by Senator Barry to the Carter bill, was aimed at the same condition of affairs. But after careful discussion it was voted down in the Senate upon the ground that an uncertainty, many of them after years of prospecting in Alaska, and located their claims in good faith, and that they ought not to be put out of

their rights for the benefit of those who came afterwards when the field had been found to be rich. There are in the Senate a number of old Western miners, who believe that the prospector who goes first and locates the claims should in every case be protected against those who come afterwards. They have little sympathy for those who did not locate claims and practically say to them, "Go as these other men did and find rich ground and locate it. What we want is to open the country and to develop its resources, and the man who goes first is the man we protect." And there is little chance of moving them from that position. When it is suggested that many of the Nome claims were illegally taken they say that "it is a question for the courts; the remedy is there and not with us."

And it therefore seems improbable that any legislation will be passed this session which will in any way relieve the situation as to the placer mining on the beaches by those not owning claims. The Alaska case is before the Senate, and will go also before the House, and in both places it is, of course, subject to amendment. But the disposition of the members of both houses is such that there is a general impression that the measure that finally passes will not materially differ from the Carter amendment to the code which was adopted yesterday, and is as follows:

Provided, further, That, subject only to such general limitations as may be necessary to exempt navigation from artificial obstructions, all land and shoal water below mean high tide on the shores, bays and inlets of Behring Sea, within the jurisdiction of the United States, shall be subject to exploration for gold and other precious metals by citizens of the United States, or persons who have legally declared their intentions to become such, under such reasonable rules and regulations as the miners in organized mining districts may have here tofore made or may hereafter make governing the temporary possession thereof for exploration and mining purposes until otherwise provided by law; provided, further, That the rules and regulations established by the miners shall not be in conflict with the mining laws of the United States; and all permits heretofore granted, authorizing any person or persons, corporation or company to excavate or mine under any of said waters are hereby revoked and declared null and void. And the reservation of a roadway 60 feet wide, under the 10th section of the act of May 14, 1898, entitled "An act extending the homestead laws and providing for right of way for railroads in the District of Alaska, and for other purposes," shall not apply to mineral lands or town sites.

By this provision it will be observed the miners are allowed the right to take gold from land and shoal water below high tide, under rules and regulations to be made by themselves in organized mining districts. It also settles the disputed question as to the 60-foot roadway, giving it to the claimowners who have located it. It will be seen that this provision enlarges the power of the miners' meeting, giving it jurisdiction over all mining below high-tide land, whether on land while the tide is out or in deep water by dredges. It does, however, take from the miners' meeting all jurisdiction over the title to claims above the line of actual high tide.

And in the meantime the question is whether any Alaska legislation can be secured before the rush to Cape Nome. The Senate bill is being debated from day to day, but at this writing Senator Carter, who is in charge of it, has been unable to get a time set for a vote upon it. After passing the Senate, it must be considered by the House, and then a conference with the Senate upon the points of difference. It seems probable, therefore, that at the time the miners reach Nome, at a time when there is the greatest need for the law, the law will not be in force. The people at Cape Nome will find themselves entirely in the dark as to what the law is to be, and also without any court by which they can appeal for the enforcement of existing law.

Governor Brady, Senator Carter and a number of members and Senators from Western States are doing their best to prevent the passage of the bill, but it is doubtful if they can do so before the rush to Cape Nome sets in.

POSSIBILITIES OF WORDS.

Infinite of Alternatives Susceptible of Equal Demonstration.

PORTLAND, April 25.—(To the Editor.)—The febrile "Intemperance vs. Vice" logomachy has convulsed into a case of stubborn dilemma or paradox. This is at least the diagnosis of a cursory examination. One good man's assertion has encountered that of another good man, and the disputants are buttressed against each other like the British and Boers at Wepener. It is unfortunate no conclusion can be reached, in order that the boggle-eyed intemperance could be convinced that they are criminals.

Thanks to all hands, the clouds of indelicacy which first obscured the dispute have at length been cleared away. Such a strong light has been focused upon the controversy that the hitherto colligative point at issue has been revealed to both astigmatic intemperance and nepotism. Spectators have been able, with satisfaction, to follow the cryptic deputations through all the labyrinthine by-ways until they, too, have beheld the real horns of the Minotaur. All the seed thoughts written in this controversy on intemperance cluster about these often unrealized alternatives: Intemperance is a vice, intemperance is a crime.

It has been demonstrated that by means of poor things like words, we can argue our opinions into any form we like. We can prove that the moon is made of green cheese, and then we can prove that it isn't. We can show that the sun's heat is wanting, and then by meteoric reasoning we can be led to believe that it is getting hotter. We can prove that the earth revolves from east to west, and from west to east. We can prove that the earth turns over in the night, and next morning nullify the argument by looking at the pumpkin still on the stump. We can prove that we actually walk on a firm foundation, and contravert that we amble on our heads. We can demonstrate that what we see is the only reality, and on the other hand that what we see is simply a vain show. We can place a chair in the middle of a dark room and really a chair, and then we can foment our shins with a lotion of Berkeleyan philosophy and say if it were not for mind we could never even know the chair, because it never felt it. We can prove that the most wonderful thing in America is the fall of water over Niagara; or we can prove that it could be the most wonderful thing in the world if the water of Niagara did not fall over the cataract.

We can prove that Diogenes with his lantern was a fool, and at the next breath that he was the wisest of men. We can prove that Socrates was a cheap stone orator, or we can prove that he was the greatest man that has ever lived. We can prove that benevolent assimilation is the best way to deal with the barbarian, and we can prove that the process is pretty hard on the barbarian. We can prove that the God of the Jews was an anthropomorphic god, because he was a jealous god, because he delighted in revenge, because he tortured the body of Jehoshaphat several days, because he destroyed the Jews for the reason that when they were hungry in the wilderness they had the temerity to want something to eat, and because he contrived to get even innumerable times with those who had incurred his displeasure. Furthermore, we can indicate with some show of success that the God of the Jews was not anthropomorphic and was not endowed with infinite mercy and love, else he could not have turned Hagar out in the wilderness, could not in his infinite omniscience have created man in order that he should drive him from Eden, torture and drown him; could not have ordered the people of Jericho and Ai to be ruthlessly murdered; and could not have sent his only Son to die for the prey of his chosen people, whom he has cursed ever since.

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"It is with pleasure that I write to you to let you know the great benefit I have received from your medicines, and by following your advice regarding self-treatment at home," writes Mrs. Selma Erickson, of 496 Rice Street, St. Paul, Minn. "You kindly advised me to take Dr. Pierce's Favorite Prescription and 'Golden Medical Discovery,' and 'Pleasant Pellets.' When I first wrote you I had been to three different doctors, and two of them said I would never get better without going to the hospital for an operation. I just sat down and cried, and said, 'If I have to die, I will die at home with my two dear little ones. I had a miscarriage in May last and was weak all summer. Was not able to do anything. If I would get up and walk to the kitchen and back I would have to lie in bed for a day, or sometimes two days. Last August I picked up one of Dr. Pierce's pamphlets and read of his wonderful work. I wrote to him for information and received an answer within five days from the day I wrote, advising me to try his medicines. Now I have used six bottles of his 'Favorite Prescription' and six of the 'Golden Medical Discovery,' and the result is just wonderful. I did not tell the doctors what I was taking. I have not been to any physician since the day I received the

first letter from Dr. Pierce, and I feel as good as I ever did. Before I had the miscarriage, I was so nervous I had to have some one by my side all the time, even in day time, and I could hardly eat anything. I took treatment from a doctor twice a week, and everytime I would go there I felt so sick, but since I quit all the doctors, and began taking your medicines, I gained right along. I gained forty pounds within the last four months. I weighed 125 when I began taking your medicines (in August) and now I am up to my usual weight, 165. I cannot thank you enough for your wonderful medicines, and I wish you every success in the treatment of other cases, as you have had in mine. When I think about how I suffered last summer, it seems now like a dream. My aged father was by me all summer, and at times used to get out of patience and say, 'Daughter, what makes you so peevish? What will you be when you are my age?' His speaking so would only make me feel worse. I did not know I was a misery to every one around me, but can realize it now. I will cheerfully recommend your remedies to all my afflicted friends, for to-day I am as well and feel as good as ever."

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all the truths and absurdities of this world, and prove each at our pleasure. We can prove that intemperance is simply a vice, and we can prove that the tariff should walk that they appointed only the Hillsboro oracle's closest friends on the resolutions committee. How can some people care when they are defending and shielding a traitor to the people's interests. Mr. Tongue owes his nomination to the Federal office push, and not to any service he has done the state. He has done nothing but stand in with the trusts since his election to congress.

CHINESE MANUFACTURERS.

Their Competition Not Likely to Prove as Bad as Feared.

Consul-General Goodnow writes from Shanghai, January 27, 1900, in regard to statements that he has seen in United States newspapers relative to the magnitude of Oriental competition in the cotton manufacturing trade. The articles refer to a cotton mill at Hankau, in which it is alleged only Chinese labor is employed at wages averaging \$1 75 per month. The mill has 34,000 spindles and 700 looms and makes good yarn. Other mills, it is said, are located in Shanghai. The real facts about cotton manufacturers in China, says Mr. Goodnow, are these:

The mill in Hankau has discontinued weaving cloth, as it could not meet the competition of foreign piece goods. The looms are being taken out and are being replaced by spindles. In Shanghai there are 700 looms running. It is claimed that these are now (but only very recently) making a considerable profit at a profit. The cost of making this sheeting is fully as much as the manufacture of the same grade of cloth costs in America. Instead of wages averaging \$1 75 per month, the cheapest coolie laborer receives \$5 Mexican (\$3 gold) per month; carders and spinners receive \$25 to \$30 Mexican (\$12 to \$15 gold) per month; engineers and weavers receive \$30 to \$40 Mexican (\$15 to \$20 gold) per month. Wages have risen very fast in the treaty ports with the building of mills and the establishment

of the foreign businesses, and are maintained at the higher level. The labor, however, is less effective than the American labor. The American workers accomplish two to three times, and American spinners at least four times, the results attained by corresponding Chinese workmen in the same time. Two of the mills in Shanghai are now run entirely by Chinese, two have a foreign supervising engineer, and five have foreigners for the managers and heads of departments and supervisory places. The yarn manufactured at this point and at Hankau goes to the Province of Szechuan, and is there made into cloth on handlooms in the villages and houses of the consumers. Only the coarse grades of cotton yarn are made, and the higher price of raw Chinese cotton, as the demand has increased, together with the competition of Indian and Japanese yarn, has caused these mills to run at a loss to the present time.

The cotton cloths dominating the market in Northern China and now challenging trade in Central China are from America.

A Test of Faith. Washington Correspondent of the Chicago Record.

Mr. Blaine used to tell about a deep-water Baptist preacher who was chaplain of the Maine Legislature when he was a member of that body. The situation at Augusta was somewhat difficult, and the old parson watched it with an anxious eye. Finally he could restrain himself no longer, and in opening prayer in the Assembly he said: "Oh, Lord, have compassion—have compassion upon them! Teach them, thy servants wisdom! Teach them understanding! Teach them to follow the paths of duty

and righteousness and leave the result of the next election in thine omnipotent hands!"

A Deserved Nomination.

Hood River Glacier. Malcolm A. Moody was unanimously nominated for Congress. Hon. E. L. Smith made the nominating speech in the District Convention. Mr. Moody's vote for the Porto Rican tariff doesn't seem to have hurt him with his constituents. Republicans can quarrel over leading issues that affect the policy of our Government until they might think the party would rent in pieces, but when the nominating conventions come round and the campaign is on they can come up smiling, hold a love feast and vote the straight ticket. Then they will tell how Democrats still vote for General Jackson. However, in this case, Mr. Moody has been faithful to his trust and well deserved a re-nomination.

A Pile of the Opposition.

The Dallas Times-Mountaineer. Republican papers of Oregon are endeavoring to make the money question the paramount issue in the campaign, and are pointing out the danger to the Nation going to the silver basis if a few Democratic Congressmen, County Clerks or members of the Legislature are elected. Don't the poor things know the gold standard has been fastened firmly upon us by the currency bill that passed Congress last month and that it will require at least six years to effect a change in the United States Senate that would repeal the law? And have they ever stopped to consider that precinct and county officers, and even state Legislators, do not pass financial bills for the Nation?

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