

**PATENT YOUR MINING CLAIM.**

**Your Title to the Ground is Only Possessory Until That is Done.**

Judge Parker, of Jefferson county, Montana, has rendered a decision to the effect that a railroad has the right of way over an unpatented mining claim. The case at issue was that of a locator who was working a claim north of the town of Boulder. It was located and held under the usual form of discovery and declaratory statement.

When the new line or cut-off of the Great Northern was constructed through there last fall, it was surveyed, located and constructed across the mining claim and in such a way as to cover the mouth of the tunnel by which the ground was opened. Prim brought suit for damages. The case came to trial, but on a statement of law by council for the company the plaintiff was knocked completely out and had the costs assessed to him besides.

The company's attorney set up insufficiency of complaint and also the fact that, according to an act of congress in 1875, railroads are granted a right of way over government land until a patent or absolute title is obtained by the occupant. A miner on such ground has only a possessory right until a patent is secured. He might have thousands of dollars of improvements on his mining claim, but a railroad company could come along and take a right of way anywhere through it and he would have no recourse.

Evidently the same ruling would apply to the occupant of a homestead through which a railroad might locate its line at any time previous to the occupant securing title from the government and the occupant would have no recourse for damages against the company.—Exchange.

**First Cranston Elevator on John Day.**

J. K. Firth, representing the Joshua Hendy Machine Works, of San Francisco, was in Canyon City last week. His company is the builder of the Cranston elevators, and it is likely one or more will be installed in this section of the country. This elevator is used in working mining ground where there is not sufficient fall for a dump. The first machine of this pattern was put in successful operation on Canyon creek many years ago by a man named Cranston, who left here to have a pattern made by some iron foundry, but never returned. The machines are a success wherever used, and is considered the only practical method of working over the placer ground along the John Day valley and on Canyon creek.—Canyon City Eagle.

**Oregon Mill Treating Present Need Ore.**

Joe Reese and Fred Morey have leased the Oregon mill until January 1. After being thoroughly overhauled by J. C. Hill it commenced work Tuesday on a trial run of twenty tons of roasted ore from the Present Need. This will be followed by a run on Cougar ore, and when that is completed it is expected the Present Need will keep the mill going steadily.—Prairie City Miner.

**New Map of the Cable Cove District.**

Engineer W. H. W. Hamilton has just completed a new map of the Cable Cove mining district, 17x23 inches in size, showing the various properties there, the mountain ranges, water courses, wagon roads and trails. Blue prints of the same are for sale at THE MINER office at \$1.50 each, sent postpaid to any address on receipt of the price.

**ORDINANCE NO. —**

AN ORDINANCE PROVIDING FOR THE TIME AND MANNER OF IMPROVING MILL STREET FROM THE NORTH LINE OF AUBURN STREET TO THE RAILWAY CROSSING ACROSS SAID MILL STREET SOUTH OF BEECH STREET.

Whereas, due and legal notice of the proposed improvement of Mill street from the north line of Auburn street to the railway crossing across said Mill

street south of Beech street, pursuant to the order of the City Council, having been given by posting notices as required by law, and no legal remonstrance thereto having been made or filed by owners of property abutting upon said proposed improvement, therefore,

The City of Sumpter does ordain as follows:  
Section 1. That Mill street from the north line of Auburn street to the railway crossing across said Mill street south of Beech street, shall be improved in the manner and within the time hereinafter provided.

Section 2. That said improvement shall be made by grading said Mill street within the limits of said proposed improvement to the proper grade, as established to Austin street by ordinances heretofore adopted, and as may be established by the City Engineer and adopted by the Council, from said Austin street to said railway crossing, and by graveling said Mill street within the limits of said proposed improvement to the depth of forty feet with washed gravel to the depth of ten inches, and by the laying of all necessary crosswalks, sidewalks and gutters.

Section 3. The surface of the street shall be cleared of all obstructions excepting such sidewalks and crosswalks as are now laid and are properly constructed, in proper place and in good condition and on such established and to be established grade.

Section 4. The contractor or contractors for said improvement shall not dig up or disturb the surface of the street for a greater distance than— hundred feet at any one time.

Section 5. The contractor or contractors shall be responsible for any loss or accident resulting from carelessness or neglect, and such improvement shall be completed to the satisfaction of the City Engineer.

Section 6. The contractor or contractors shall complete the same within such time as the Council may hereafter order.

Section 7. The contractor or contractors to whom the contract for said improvement is let, shall look for payment only to the fund to be assessed upon the property liable for such improvement and paid into to the City Treasury for that purpose.

Section 8. The City Engineer is hereby required to prepare an estimate of the probable cost of the improvement above proposed, including costs of engineering and superintendence and file the same with the City Recorder.

Passed the Council this 25th day of May, 1901.  
E. L. MANNING, Recorder.  
Approved, May 27, 1901.  
J. H. ROBBINS, Mayor.

**ORDINANCE NO. II.**

AN ORDINANCE TO PROVIDE FOR THE PREVENTING AND REMOVAL OF NUISANCES AND TO PROVIDE FOR THE PROTECTION OF THE PUBLIC HEALTH AND SAFETY.

The City of Sumpter does ordain as follows:

Section 1. No person shall expose or offer for sale within the city limits any spoiled or tainted meat, fish, fruit or vegetables, or the flesh of any calf less than four weeks old, or cast, leave or keep in any road street or alley or other place within the city limits, any spoiled or tainted flesh, fish, fruit, fowl, hide or skin, or any part of any dead animal, or any stagnant or impure water or unwholesome substance of any kind. Any person violating this section, shall, upon conviction thereof, in the Recorder's court, be fined not less than ten nor more than fifty dollars.

Section 2. The owner, agent or occupant of any premises within the city limits to which a privy belongs or appertains, who shall use or keep the same or permit the same to be used, or kept as to cause a noisome or offensive smell, shall be deemed guilty of maintaining a nuisance, and shall, upon conviction thereof, in the Recorder's court, be fined not less than ten nor more than fifty dollars, and the City Marshal shall cause such nuisance to be abated. The expense of abating such nuisance shall be taxed, as costs in such prosecution, but shall be paid by the city in the first instance and thereafter recovered from such owner, agent or occupant, provided, however, that no prosecution shall be instituted under this section unless such owner, agent or occupant shall refuse to abate such nuisance within twenty-four hours after having been notified so to do by the Marshal.

Section 3. No person shall permit or suffer to accumulate in or upon any yard, lot, place or premises, owned or occupied by him, or for which he may be agent, or upon any street or alley adjacent to such yard, lot, place or premises, any stagnant or impure water, refuse, vegetables, decayed or decaying substances, garbage or filth of any kind, not suffer such lot, place or premises to be or remain in such condition as to cause or create a noisome or offensive odor. Any person violating this section, shall be deemed guilty of maintaining a public nuisance, and upon conviction thereof, in the Recorder's court, shall be fined not less than ten nor more than fifty dollars, and the City Marshal shall cause such nuisance to be abated. The expense of abating such nuisance shall be taxed as costs in such prosecution against such offender, but shall be paid by the city in the first instance and thereafter recovered from such offender, provided, however, that no prosecution shall be instituted under this section, unless such offender shall refuse to abate such nuisance within twenty-four hours after having been notified so to do by the Marshal.

Section 4. Whenever the Marshal is directed to abate a public nuisance, he is authorized to remove any obstruction necessary to abate the same.

Section 5. It shall be unlawful for any person to deposit, or cause to be deposited, in any road, alley or street within the City of Sumpter, or upon any land belonging to the city, any refuse, waste or rubbish of any kind, except upon such land as the council may designate as a public dumping ground, and anyone violating any provisions of this section, shall, upon conviction thereof, in the Recorder's court, be fined not less than five nor more than fifty dollars.

Section 6. That ordinance No. 11, new series, of the Town of Sumpter, entitled "An Ordinance Providing for a Public Dumping Ground," be and the same is hereby repealed.

Passed the Council May 25, 1901.  
E. L. MANNING, Recorder of the City of Sumpter.  
Approved May 27, 1901.  
J. H. ROBBINS, Mayor.

**ORDINANCE NO. —**

AN ORDINANCE FIXING THE COMPENSATION OF THE CITY PHYSICIAN.

The City of Sumpter does ordain as follows:

Section 1. The City Physician of the City of Sumpter shall receive as full compensation for all duties performed by him under the Charter and Ordinances of the City of Sumpter, the sum of Fifteen Dollars per month, to be paid by warrant drawn on the City Treasurer.

Passed the Council May 13, 1901.  
E. L. MANNING, Recorder.  
Approved this 25th day of May, 1901.  
J. H. ROBBINS, Mayor.

**Joshua Hendy Machine Works**

Nos. 38 to 44 Fremont Street

SAN FRANCISCO, CALIFORNIA



IMPACT WATER WHEEL

Quartz Mining and Milling Hoisting, Pumping and Saw Mill Machinery, Hydraulic Mining Machinery, Giants, Water Gates and Hydraulic Riveted Pipe. Water Wheels and Water Motors, Engines, Boilers, Pumps and Machinery of every description. Prospecting Machinery.

WRITE FOR CATALOGUE AND PRICES

**OPERA HOUSE SALOON**

SUMPTER BEER ON DRAUGHT  
BILLIARD AND POOL TABLES

Agents for Mattingly and Moore Whiskey—a 20-year-old whiskey as good as Elixir of Life. All whiskies are out of

bond and guaranteed the genuine article. Popular resort for Commercial Travelers and Miners.

SUMPTER,

OREGON

Famous.....

**HOP GOLD BEER**

STAR BREWING COMP'Y.  
Portland, Oregon

IN KEGS, BARRELS OR BOTTLES AT PRICES UNEQUALED BY ...OTHERS...

Sumpter Forwarding Company

Distributors  
SUMPTER, OREGON

ASK FOR HOP GOLD



**RIO GRANDE WESTERN RAILWAY**

IN CONNECTION WITH THE DENVER & RIO GRANDE OF COLORADO MIDLAND RAILROADS

OFFERS CHOICE OF THREE DISTINCT ROUTES AND THE MOST MAGNIFICENT SCENERY IN AMERICA.

IT IS THE ONLY TRANSCONTINENTAL LINE PASSING DIRECTLY THROUGH QUANT AND PICTURESQUE

**SALT LAKE CITY, LEADVILLE, COLORADO SPRINGS and DENVER.**

Stop-overs allowed. THE RIO GRANDE WESTERN RAILWAY OPERATES THREE FAST TRAINS TO THE EAST DAILY, CARRYING

Pullman Palace and Pullman Ordinary Sleepers TO OMAHA AND CHICAGO WITHOUT CHANGE.

Free Reclining Chair Cars. Perfect Dining-Car Service.

FOR INFORMATION OF PASSENGERS INQUIRE OF J. D. Mansfield General Agent Portland, Oregon

GEO. W. HEINTZ, Gen'l Pass'r Agt., Salt Lake City

**Sumpter Bottling Works**  
Gagen & Sloan, Proprietors.

Manufacturers of all kinds of carbonated drinks and ciders. Orders filled and shipped on short notice.

SUMPTER, OREGON