

DEVELOPMENT OF MINING LAWS

History is replete with evidences that the development of social institutions has been accomplished in the main by virtue of the accidental, casual, temporary needs of the race and that in cases where far-sighted design and scientific principles are detected in the fabric of laws or customs of the more modern nations they are the result of imitation and the patterning after systems gone before, the bad features rejected and the good retained. Given the experience of an old community, a new community will start upon foundations of which the corner stones are the tested ideas of the past. Laws are the development of centuries, and their fundamental principles are such that it is difficult to shake them.

At the same time, however, the growth of education, the change in social conditions and the steady movement of civilization from the east toward the west call for new precedents, and the development of new phases of old systems interlards the whole structure with the accidental, causal, temporary substances that disappoints perfection. The systems of incipient civilizations have the structure of the ash heap. Patterning systems may conform to a better mode of architecture but the ash heap will not be wholly absent.

The discovery of gold in California and the subsequent activity in the quartz mines called for legal precedents that the Forty-niners did not find at hand. The result was a tacit mining code that became the germ of the well known apex law, or the law of the extra-lateral rights. The prospector who discovered a lead was privileged to follow it as far as he could. Custom did not look forward to the more complex conditions under which the mining industry must later find itself. The notion of apex rights was arrived at by virtue of the accidental, casual, temporary needs of the time. Had the California pioneers emerged from a region old in mining experience, doubtless the apex custom would never have been established and doubtless there would not be today so many wealthy mining lawyers in the west. Mexico, at least, has profited by the experience of the United States in the matter of mining laws, but the apex theory has become so firmly established here upon volume after volume of court decisions that it is doubtful if it will ever be overthrown.

Nature did not place her mineral lodes in conformance with human customs that might later arise. Disputes as to the possession of ore bodies may delay the mining of them, but they will not permanently prevent the production of their underground wealth. Mines do not suffer so much from litigation and inactivity as do their owners. Realizing this, it is not unusual for the owners of mining property to absorb adjoining acreage, or for two neighboring ownerships to combine as a protection against boundary warfare below ground. A great many of the largest mining consolidations in the west have been brought about by this cause. The policy of accretion on the part of the owners of the big Portland mine at Cripple Creek began with the motive of self-protection.

Litigation is not peculiar to the mining industry. So long as there

is such a thing as vested property, property disputes will occur. Farmers fight over their fences, cattle men and sheep men war over the range, irrigation interests contest for the priority of water rights, and in every branch of commerce the lawyers find their specialty. Nor do all mining quarrels arise out of the apex question. At the same time, mining men have learned from long experience that the apex question is one to look out for, and in recent years the number of contested cases growing out of it has been relatively small. One such suit is being threatened at the present time between two prominent Cripple Creek companies, and from Tonopah has just come word that the first serious dispute of this character has been only recently suggested. It is to be hoped that in these cases the matters will be peaceably adjusted.

There is one bit of satisfaction which the mining industry may enjoy in the presence of litigation, namely, that men do not fight over property that is not worth having. The public might have serious reason to doubt the importance of a Cripple Creek or a Tonopah if the apex question were not sooner or latter heard from.—Daily Mining Record.

Origin of "Pounds Sterling."

How many folk who work every day in the year who use the phrase "pounds sterling" are aware of its origin? Probably not one in a thousand. Yet the adjective "sterling," which apart from its commercial sense, has come to indicate worth and genuineness, has a curious historic significance, and is a distinct survival of the times when England did not weigh so heavily in the balance of power as she does now. In the fourteenth century the trade of the known world was, almost without exception, in the hands of the Hanseatic League. Within this league there were many towns, most of which coined money, some using better metal than others. Lubec, a Baltic city, made the best money, and the English merchants, who even then knew a good thing when they saw it, used to contract for payment in the "moneys of Easterlings"—Easterlings being their name for the Baltic merchants. Shortened for convenience, the word still obtains, and has all its original force.—Exchange.

MIDWAY DIRECTOR INSPECTS PROPERTY

The high moguls of the Midway mine have definitely decided to install a compressor plant at that sterling property. Orders will be placed for the machinery at once.

C. E. McKinney, a Sioux Falls, South Dakota, banker, who is a director in the Midway company, arrived in Sumpter Tuesday. Yesterday he went down to Baker to meet H. T. Hendryx, and in company with that gentleman drove to the mine yesterday afternoon, returning late last night. He was highly elated over the progress of work at the Midway and expressed a hearty enthusiasm as to the property's future. After an examination of the affairs of the company, he unhesitatingly endorsed General Manager Hendryx' proposal to facilitate development by the installation of a complete compressor plant of a six-drill capacity.

Mr. McKinney, who is a brother of the secretary and treasurer of the Midway company, returned to Baker City this afternoon, en route to his home.

MORNING MINE LITIGATION

Deputy Sheriff Jesse Snow is in Sumpter today on official business. He is one of the happiest men in Baker City. "Wasn't it a pippin!" he explained when discussing the election. Already rumors are current that Snow will be the republican nominee two years hence. His father, Dr. T. N. Snow, was re-elected county coroner by a comfortable majority.

He is here serving papers on Mr Ames and the other owners of the Morning mine. This is a suit in equity instituted by T. W. Davidson and his associates to force the compliance with a contract. They claim that they had a bond on the Morning mine, that they complied with its provisions and that the owners refuse to deliver the property. A formal tender of the money due as a first payment was made some weeks since, which was refused.

The owners are not stating on what legal grounds they refused this tender. Since that time the parties to the deal have been negotiating almost continuously, with a view to settling their differences, and several times it was thought that an agreement had been reached, but something always arose to prevent a final adjustment. It is reported that Mr. Davidson has \$3,3500 on deposit, with which to pay off the indebtedness and begin development work, with enough more in sight to make a great mine of the property.

It is known that the owners are now considering a proposition from Milwaukee people who are interested in the Lucy, a near by mine. Just what the status of this deal is at the present time is known definitely only to the parties thereto.

RED CHIEF CROSSCUT HAS ENTERED THE VEIN

Harvey Green, of Cohoes, New York, president of the Cable Cove Gold Mining company, owning the Red Chief mine, passed through Sumpter this afternoon on his way home from a trip to the mine. He was accompanied by his wife, who is making her first trip west of Chicago. In the party was also Superintendent W. W. Gardner and his wife, who went through on a visit to their old home near Haines, Oregon. President and Mrs. Green, while en route to New York, will stop over in Salt Lake and Denver. Mr. Green said:

"Our lower crosscut has entered a good vein, which at present is narrow, but which we confidently expect and hope to widen as the drift progresses. Cable Cove is a great mining district, and there are going to be some of the biggest mines in the west developed from the properties up there, which are now being developed. This will, of course, require the judicious expenditure of a great deal of money, but investment of eastern capital is certain to follow when it becomes known how rich and inviting the region is."

Superintendent Gardner said: "Snow at the Red Chief has retarded work. In a few days, however, I will return to the mine with a big force of men and proceed with our

drift on the ledge cut last week. This vein, while narrow where entered by the crosscut, show signs of widening and exhibits unmistakable symptoms of further enrichment. I have great faith in the Red Chief."

TIMBER LANDS NEAR HERE OPEN FOR FILING

Register Davis, of the La Grande land office, has sent out the following notice of the opening for filing of a body of timber land near Sumpter, on Rock Creek:

"Notice is hereby given that the approved plats of the surveys of sections 19, 30 and 31, west half section 20, west half section 29, and west half section 32, township 8 south, range 38 east, Willamette meridian, all of the unsurveyed portion of township 33 south, range 37 east, Willamette meridian; fractional sections 13, 14, 15, 16, 17, 18, township 6 north, range 43 east, Willamette meridian; all of the unsurveyed portion of township 2, north range 36 east, Willamette meridian; all of township 2 north range 37, Willamette meridian; unsurveyed portion of township 2, north 50 east, Willamette meridian, all of township 3 north, range 49 east, and township 3 north range 50 east, Willamette meridian, have been received in this office.

"The above plats of surveys will be filed in this office on Saturday the 16th day of July, 1904, at 9 a. m. On and after that date this office will receive applications for the entry of the lands in said townships."

Special Excursion to The World's Fair.

The Denver and Rio Grande, in connection with the Missouri Pacific, will run a series of Personally Conducted Excursions to the World's Fair during June. These excursions will be run through to St. Louis without change of cars, making short stops at principal points en route. The first of these excursions will leave Portland June 7th, and the second June 17th. The rate from Baker City will be \$60 to St. Louis and return. Excursionists going via the Denver & Rio Grande have the privilege of returning via a different route. This is the most pleasant way, as well as the most delightful route, to cross the continent. The stops arranged give an opportunity of visiting the various points of interest in and about Salt Lake City, Denver and Kansas City. If you wish to accompany one of these excursions write at once to W. C. McBride 124 Third street, Portland, for sleeping car reservations.

D. R. & N. SUMMER BOOK.

The handsome 1904 summer book, "Restful Recreation Resorts," issued by the passenger department of the Oregon Railroad and Navigation company, is just out. It tells all about the summering places of the Columbia river valley—a brief description of the trips up and down the Columbia river, to the mountains, beaches, inland resorts and fountains of healing, where they are and how to reach them. The book has a special designed front cover, printed in two colors, and the inside pages are splendidly illustrated by costly and beautiful half-tones. A copy of this publication may be obtained by sending two cents in stamps to A. L. Craig, general Passenger agent of the Oregon Railroad and Navigation company, Portland.