

The Sumpter Miner

PUBLISHED EVERY WEDNESDAY BY
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According to a press dispatch from San Francisco Thomas W. Lawson, of Boston, owner of vast mining properties in Shasta county, is the subject of an open letter written by one of his associates and fellow mine owners, C. D. Galvin, formerly of Shasta county, but now of Boston. Galvin, in the alleged exposure, accuses Lawson of manipulation of the Trinity Copper company's stock by methods exactly similar to those for which Lawson is denouncing the Standard Oil magnates in the series of articles publishing under the title of "Frenzied Finance."

Now comes one Anthony Mohr and threatens to secede with the Sumpter branch of the State Miners' association. And because of the Portland hog! It would seem that Mr. Mohr should see that the path of Sumpter is none too bright with the rays of fortune and that it does not now need to be further secluded. How much can Mr. Mohr and his branch hurt Portland? How much can Portland help the branch and its field? The answer to these two questions should lead Mr. Mohr from the shadow of the sulks.—Grant County News.

The above and a long column more of the same kind was called forth by a story published in The Miner, in which Anthony Mohr was quoted as expressing the opinion that eastern Oregon is playing the "suoker," in playing second fiddle to the Portland Mining association. The News, however, has formed an entirely erroneous conception of the gentleman's motive. He had no idea of trying to injure Portland; he was not "knocking." To the News' query of "how much can Portland help the branch and its field?" The Miner answers that no one knows how much it can or could help this district, but that it has never helped it in the remotest manner, is a sure thing. That it never will is equally a certainty, if one judges the future by the past. The purpose of Portland operators in organizing the branch associations was to get their endorsement for the establishment there of the government assay office, which by right belongs to eastern Oregon. The impudence of the scheme was irritatingly offensive.

In compiling a "Bibliography and Index of North American Geology, Paleontology, Petrology, and Mineralogy for the Year 1903," Fred Boughton Weeks, of the United States Geological Survey, has done a work that will be of great value to the student who desires to keep pace with the progress of science. It will serve him as a guide to the latest knowledge of the subjects which it covers.

The bibliography consists of full titles of separate papers, arranged alphabetically by author's names, an abbreviated reference to the publication in which the paper is printed, and a brief description of the contents. Each paper is numbered for index reference.

The index is preceded by a classified key, in which are shown the subject headings, their subdivisions and arrangement. Reference is made in each entry by author's name and number of article in the bibliography.

This is the latest of a series of annual bibliographies prepared solely from publications received by the library of the United States Geological Survey. On January 1, 1903, Mr. Weeks was placed in charge of the Survey library and began to make an effort to procure the publications which were not noticed in the bibliographies of previous years. Many of these are noted in the concurrent bibliography, which is listed among the Survey's publications as Bulletin No. 240. John M. Nickles assisted Mr. Weeks in the compilation of the work. It is published for gratuitous distribution, and may be obtained on applying to the Director of the United States Geological Survey, Washington, D.C.

It is reported that Japan has at this time discovered a new gold field, estimated to contain \$500,000,000 gold, which can be recovered at the rate of \$5,000,000 yearly. The Japanese section in the Palace of Mines and Metallurgy at the Louisiana Purchase exposition is a sufficient argument as to the skill of these artisans of the Occident in mining and metallurgy, and if profitable fields of gold have been discovered on the Japanese islands, the Japanese themselves can be depended upon to develop and exploit them fully and according to the best modern practice. Such a discovery may be of great moment to Japan, but it hardly offers much for an outsider, either in the way of furnishing machinery, or capital, or acquiring an interest by location or purchase.

A suit designed to work the forfeiture of the charters of 12,000 corporations, located in every state in the Union, has been brought in the circuit court of Charleston, West Virginia, by the attorney general of that state. It was instituted because of the alleged failure by the corporations to make reports and appoint statutory attorneys, as required by law. A storm of protests has arisen and protest of the affected corporations in other states are being daily filed in the attorney general's office. E. K. Rody, assistant district attorney, who has charge of the suits, declares he will prosecute the corporations. There is only one way in which these corporations can now save themselves, according to the assistant attorney general, and that is by paying a large fee for settlement. The general trend of opinion, however, is not to settle. The attorney general has granted the corporations until the next term of court to save themselves. Should he obtain judgment on that date the law is plain that a forfeiture of charter will take place.

The Red Boy was incorporated under the laws of West Virginia, but since the reorganization the new company got its charter from New Jersey. It looks as if the former state were working a scheme to "shake down" outside companies. There are several West Virginia corporations that own Oregon mines.

Captain Kempf, of the Susanville district, roasts Oregon and "explains" through the Grant County News because he can't sell a prospect, that he admits himself to be a world beater. Some time ago the Captain had much to say about his sylvanite find—that proved to be antimony.

MEANING OF THE WORD "MINERAL"

At times serious disputes arise between the adverse claimants of a mining location as to the sufficiency of the discovery. As to the character of rock in a discovery the statutes are silent, the only requirement being "mineral bearing rock in place." The mineral bearing rock need not necessarily be a vein or a deposit of definite shape, size or form, but must be mineral bearing. Not infrequently valuable mineral—gold or silver, or copper, lead or zinc sulphide—may occur in payable quantity in one portion of a rock, when another portion of the same mass, a short distance away, may be commercially worthless or actually destitute of metallic minerals, or their sulphides, or of the secondary products of their oxidation.

The words of the statute are, "veins or lodes of quartz or other rock in place." What constitutes a lode is a somewhat indefinite proposition, but it is as often determined by commercial as by geological considerations. By "in place" is meant in its original position and not in detached pieces in the alluvial, or in a rock slide on the side of the mountain.

Payable mineral is not confined in its occurrence to quartz. It is often found in limestone, in shale, sand stone and various eruptive and intrusive and metamorphic rocks. Not infrequently the mineral bearing rock or ore is similar in appearance to the barren rock which surrounds it, and the rock only ceases to be considered ore when it no longer pays for its extraction and treatment.

It is for this reason that the phrase "or other rock in place" was introduced into the statute. There is nothing ambiguous in the expression "rock in place." Every class of claims that may be classed as a vein, or lode, may be patented under the laws as a vein or lode of rock in place. This class of mineral lands contemplates all of those where in the mineral is contained in veins, whether fissure or gash veins, or any of the several other forms of mineral disposition. Miners not infrequently claim that a newly discovered vein is not "in place," but has slipped down the mountain or hillside from some other claim. This is rarely the case, and usually there would be no difficulty for a geologist to prove to the satisfaction of the most skeptical that nothing of the sort had ever occurred.

The word "mineral" as applied to veins in the statutes has a somewhat different significance than when used otherwise—for all rocks, whether metal bearing or not, are recognized as being composed of one or more minerals. Minerals, in the mining statutes, has a more restricted meaning, and is understood to imply an ore or mineral substance having a commercial value. A gold bearing rock is properly mineral, and granite has been determined by the courts to be mineral. A valid "discovery" of mineral being rock in place may be made and a claim taken wherever mineral can be found on the unoccupied lands of the United States, and the courts have never insisted that mineral must be found having a commercial value, in either quality or quantity. This is left to the judgement of the locator, who

is presumed to know whether or not the "prospect" is sufficiently good to locate and develop under the requirements of the law. A statute that required payable ore in eight before a valid location could be made would make many mining locations impossible.

Judge Hawley, in the case of Brook vs. Justice M. Co., 58 Fed., 106, 124, said: "Logically carried out, it would prohibit a miner from making any valid location until he had fully demonstrated that the vein or lode, of quartz, or other rock in place, bearing gold or silver, which he had discovered, would pay all the expenses of removing, crushing and reducing the ore and leave a profit to the owner. If this view should be sustained, it would lead to absurd, injurious and unjust results."—Mining and Scientific Press.

Work at the Oregon King.

T. S. Kennerly came up from Baker City this morning, drove out to the Oregon King mine, on Silver creek, and returned in time to take the afternoon train to the county seat. "We are getting out timbers and cordwood and erecting buildings for all winter's work at the Oregon King," he said to a Miner man. "The 250-foot tunnel, driven by a former management, cut a vein of good ore, which I will shortly sort and ship to Sumpter's smelter."

Resume Work at Golden Wizard.

J. M. McPhee left this afternoon for Michigan, on telegraphic instructions from the heavy stockholders in the Golden Wizard. It is supposed that the warring factions have finally gotten together and work will be resumed on the property at an early day. Mr. McPhee says he will stay there two days and then hurry home, expecting to be back in two weeks at the outside, and then push the thing along.

The fire in the shaft of the Baisley-Elkhorn mine, reported in Friday's Miner, originated from a clogged pipe leading from the hoisting plant to the sixty foot level. Manager Ed W. Fields, in attempting to quench the flames, was temporarily overcome. The mine is again in operation.

W. C. Drowley, the Baker City lawyer, who is secretary of the Baker City-Oregon Wonder Electric Railway and Improvement company, popularly known as the Bonta road, came up from Baker City on legal business this morning. He says that Major Bonta is still in New York, financing the road.

Fin printing of the Miner office.

TIMBER LAND, ACT JUNE 25, 1878.—NOTICE FOR PUBLICATION.

United States Land Office,
La Grande, Oregon, Oct. 22, 1904.
Notice is hereby given that in compliance with the provisions of the act of congress of June 3, 1878, entitled "An act for the sale of timber lands in the state of California, Oregon, Nevada and Washington Territory," as extended to all the Public Land States by act of August 4, 1892,

REINHOLD SCHEIBER.

of Sumpter, county of Baker, state of Oregon, has this day filed in this office his sworn statement No. 3122, for the purchase of the N¹/₂ NW¹/₄ W¹/₄ NE¹/₄ of Section No. 22, in Township No. 10 S., range No. 37 EWA, and will offer proof to show that the land sought is more valuable for its timber or stone than for agricultural purposes, and to establish his claim to said land before Charles H. Chance, U. S. Commissioner, at his office at Sumpter, Oregon, on Monday, the 9th day of January, 1905.

He names as witnesses: Frank E. O'Rourke, of Sumpter, Oregon; Peter J. Soards, of Sumpter, Oregon; Van Rensselaer Mead, of Sumpter, Oregon; Charles H. McCulloch, of Sumpter, Oregon.
Any and all persons claiming adversely the above-described lands are requested to file their claims in this office on or before said 9th day of January, 1905.
E. W. DAVIS, Register.