

LOCATOR HAS BUT SQUATTER'S RIGHT

"The rights of a claim owner in the mining districts of Oregon are solely and simply the rights of a squatter."

The above rather startling assertion was made yesterday to a Miner man by J. Win Wilson, general manager of the Listen Lake mine. Continuing, he said: "Title to unpatented mining ground in this state depends entirely upon the veracity of living witnesses; and perjury is a common crime."

"The statutes of Oregon make no provision for the filing of affidavits of the performance of annual assessment work—commonly called 'proofs of labor.' Proof that a claim owner has complied with the federal laws must be submitted through the medium of oral testimony. Witnesses may die, or leave the country, or desert to opposition claimants, and the state of Oregon is powerless to prevent the loss of possession by a bona fide claim owner of a piece of ground upon which he has performed hard work in compliance with both the spirit and the letter of the federal mining law.

"A claim owner's ability to retain title to a properly located claim—a title guaranteed by the government of the United States—depends upon the strength of his fighting arm and his ability to be a law unto himself in standing constant guard over his location stakes to prevent trespass.

"These are facts not generally known. They are facts, nevertheless. The need of a remedy is imperative. No other matter connected with the mining industry presents such strong claims to the attention of the state legislature.

"The mouths of mining men in this camp are just now full of various suggestions as to the legislation needful for the advancement of the industry. It has been practically decided to make an attack upon the Eddy corporation tax law. While I realize that this law imposes onerous burdens upon Oregon mining companies, yet the movement, in my humble estimation, is ill-advised. Repeal of existing laws relating to mining in this state will not fill the bill. What we want—what we must have—is the enactment of more laws. Oregon ranks high as a mining state. The industry is now of large importance. Its rate of growth is phenomenal. And yet the statute books of this state contain such a paucity of laws relating to mining as to create the impression that there are no mines in existence.

"Hundreds of thousands of dollars have been lost in this camp alone through the inability of claim holders to retain possession of their ground, even after complying with all known laws. Endless litigation has grown out of the same condition. Hundreds of prospective investors have been scared away by a like cause. Shifting location stakes—overlapping lines—back-dated location notices—prior rights obliterated by the assumption of armed possession—perjury by men employed to represent—failure to describe locations by

meets and bounds, which affords room for mile-wide differences in interpretation—the constant danger of mining claims being swallowed up by timber locations—trouble and worry—worry and trouble—all these things explain why Oregon, as a mining state, will never arrive, unless our legislature enacts laws to bring order out of the existing chaos.

"What is the remedy? Frankly, I do not know. I am not a lawyer, nor a law maker. I only know that something must be done—and by 'something' I do not mean the repeal of the Eddy tax law. Under existing conditions the Eddy law is a bad law. It imposes taxation without representation—a condition to remedy which our forefathers fought and died, bathing American history in blood in which our eternal charter of rights is written. The Eddy law takes something from us and gives nothing in return. But under bettered conditions we could stand the Eddy tax—would be willing to pay it. Therefore, let us not fight the Eddy law, but ask for needful legislation in return for carrying a heavy burden of tax.

"There are many laws needful by the mining men of Oregon. The resolutions committee which reported to the miner's mass meeting last Saturday, briefly sketched some important points. That committee, I understand, was empowered to draft an omnibus mining bill, to be introduced at the forthcoming session of the legislature by Representative Smith, which bill is certain to contain measures for the relief and promotion of the mining industry of the whole state. This, I believe, is a move in the right direction. Instead of sending a lobby to Salem to repeal the Eddy law, the better plan is to concentrate all our effective influence upon the enactment of imperatively necessary mining legislation. This is the plan endorsed by State Senator Rand, with whom I had the honor of conferring in Baker City a few days ago. Senator Rand undertakes to push such a bill through the upper house, and the enlistment of his support is of superlative importance.

"I have given the matter of squatters' rights—which, under existing laws, are absolutely the only rights enjoyed by mining claim owners—considerable thought, and have evolved a plan, which, while as yet imperfect in detail, is nevertheless practicable. My plan is to secure the passage of a law embodying such points as will compel locators of quartz claims to observe the following procedure:

"First, discovery and location; second, assessment work within 30 or 60 days; third, application for survey to a state or county surveyor, within 60 or 90 days, instead of filing a location notice with the county recorder, as at present required. This survey is to be absolutely accurate and the claim is to be described by meets and bounds, instead of by reference to some natural object, as the existing law demands. The surveyor is to file his field notes with

the notice of location, and also to plat the located claim on an official plat of the county, upon which is also to be shown all other claims, timber locations, homesteads and unappropriated domain. These plats will constitute an official abstract of all the lands in the various mining counties, and will therefore constitute a valuable and convenient public record, from which can immediately be determined the present ownership of every piece of ground in the county. Blue prints from these plats, which can probably be made to include four sections each, are to be sold to interested parties at a nominal figure. Armed with a set of these plats, a prospector can tell at a glance where to go in search of unappropriated ground and can avoid the common error of driving takes on other locations. These plats would be valuable to the promoter, who can show by the surveyor's certification thereon that such and such a claim has been duly located in compliance with all the laws. Accompanying the surveyor's field notes is to be a certificate to the effect that the required assessment work for the first year has been performed and thereafter the locator is to file an annual proof of labor, which is to be prima facie evidence that the laws have been observed. This surveyor is to be a deputy United States mineral surveyor, with further authority from both the state and county and his original field notes shall be the basis of a final and ultimate survey for patent. In the event of a lapsed location tax re-locator in his application for survey is to so designate and the surveyor is to notify the original locator to appear and show cause why possession and title should not pass from his hands.

"Such is my plan in the main. Details must, of course, be worked out later. The fee to be charged by the surveyor must be decided upon so as not to impose too heavy an expense upon the prospector. Arrangements must be made to plat existing locations so as not to compel old locators to observe an ex post facto law. However, I believe these details can be handled by the proper persons, and therefore respectfully submit my plan to the mining men of Oregon."

COMMITTEE'S REPORT.

The recommendations made by the resolutions committee at the mass meeting of mining men at Hotel Sumpter Saturday night, touching the matter of legislation needful to promote the mining industry in Oregon, contained the following important suggestions relating to the location of placer claims:

"We recommend that the discoverer of a placer mine be required within sixty days of the date of his discovery, to record his claim in the office of the county recorder or county clerk of the county in which the claim is located; that his location notice as posted and as recorded contain the following: First, the name of the claim, designating it as a placer mining claim; second, the name or names of the locator or locators; third, the date of discovery; fourth, the date of location; fifth, the number of acres or amount of ground claimed; sixth, a description of the claim by legal subdivision, if the same is located according to legal subdivision, and if not, by such reference to natural objects or permanent monuments as shall identify the claim.

"That the locator of a placer mining claim be required within thirty days from his location thereof, to mark the boundaries of said claim,

in the same manner that lode and quartz claims are now required to be marked, by substantial posts or mounds of stone, or earth and stone, and that such a post or mound be placed at each corner or angle of each claim.

"At the present time the locator of a placer mining claim is not required to record his claim, and for this reason much confusion has heretofore resulted, as some locators of placer mining claims record them and others do not. We therefore recommend that the recording of a placer mining claim be made compulsory."

FEELING IN BAKER.

The Baker City branch Miners' association held a meeting there last evening, when a vigorous attack was made on the obnoxious Eddy law and the following resolution adopted:

Resolved, That it is the sense of the mining industry and the citizens of eastern Oregon that the filing fee and annual tax against corporations embodied in what is known as the Eddy law, is detrimental and inimicable to the mining industry of the state of Oregon; that it is the sense of this meeting that the Eddy law be modified and adjusted on a fair and equitable basis, looking toward a just and equitable tax on all industrial corporations.

A committee of five, consisting of Jas. H. Graham, E. Storer Tice, Emmet Callahan, Fred J. Mellis and Dr. W. J. May, was appointed to confer with the mining associations of the state and to draw up suitable resolutions to be presented to the legislature, requesting relief from the odious provisions of the Eddy law.

Roy Clark, formerly a resident of Sumpter, a member of the firm of Jusser & Clark, mining engineers, is in town and will remain here several days.

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