

BUCK & SULLIVAN GIVE THEIR SIDE

Noted Fight Between Miners and Timber Men Is Reviewed by Mining Men—Denounce Eddy's Decision as Unfair.

To the Editor:

We have had so many inquiries from prospectors and miners of Jackson, Josephine and Siskiyou counties about or cases, Buck & Sullivan vs. Smith and Buck & Sullivan vs. McKenna, involving timber and mineral claims, and the cases having caused such widespread attention throughout Southern Oregon and Northern California, that we would beg space in your valuable paper to present the facts of our cases to the interested public.

These cases are the outcome of the location of timber entries on the south half of section 6, township 41 south, range 3 west, upon which we had six mining claims located at the time. At our hearing before Commissioner Briggs at Ashland we introduced sufficient evidence to convince any fair-minded man that we had valid mining claims, according to the United States mining laws, on the location of quartz mining claims, in which the only requirement exacted of a locator is that he must have mineral bearing ledge in place. In our testimony we showed that we had complied with all the laws, local and government, in regard to locating, staking and required assessment work.

According to the law governing timber locations, an applicant must swear to a non-mineral affidavit and that there are no adverse claimants upon the tract. Now, upon one of these quarter sections in question we showed two well-defined Gosson-capped ledges in place from 30 to 50 feet in width, and with a strong outcrop across almost the entire tract upon which we had located four claims, one of which, the John L., had been located four years, on which were three tunnels, totaling about 75 feet of work, and three had been located about three months at the time of the timber entry. Upon each was a freshly posted notice and a 4x12x6 discovery cut, required by Oregon state law, and six square stakes, four feet high, making a total of 24 stakes and seven open cuts and tunnels with center lines blazed through entire length of claims.

Now, the law requires the timber applicants to thoroughly examine the land before making application. With all this evidence upon the surface, would it seem possible that a party of men could thoroughly examine this land and not know that it was mineral land, and that there were adverse claimants upon it?

We herewith give a copy of the decision rendered by Mr. Eddy of the local land office, involving the claims above mentioned:

"The testimony shows that there has been some prospecting for mineral upon the land, and some small excavations have been made, but there is nothing in evidence to show the discovery of valuable minerals. A considerable portion of the testimony relative to the mineral discovered on other premises and on behalf of protestants, the theory is advanced that the surface indications are the same on this land, and therefore they expect to find mineral by further exploration. Even exhibit of ore introduced in the case comes from other lands and not from the land in controversy. It is claimed that the land in controversy bears the same mineral belt on which are situated valuable deposits of mineral at other points. It is admitted, however, that there is not a paying mine on the alleged mineral belt. The testimony shows that the land is valuable for its timber and is unquestionably of the character which is intended to be entered under the timber and stone act. We are therefore of the opinion that the protest ought to be dismissed."

This decision as it stands is an insult to our lawmakers and the practical miners and prospectors of the country, and retards the development of the mineral resources of the whole United States, inasmuch as it annuls our congressional mining laws and practically invalidates every prospect in the country that is not on a paying basis, while as yet we had shown no ore on the ledges in question, we produced evidence showing that these great bodies of Gosson copper ore, which has been leached to unknown depths. By the introduction as evidence, samples of sulphide copper ores and the Gosson copping thereof from adjoining ledges in this belt, as mentioned in the decision, showing the surface to be identically the same, and thus practically proved by this and other

testimony wherever the Gosson and leached surface copping had been penetrated, as in the Blue Ledge and many other places in this belt, that our labors had been rewarded by finding sulphide ores of good copper values. Now, with all of this and much other evidence of a practical nature, which space will not permit us to submit, it is a mystery to the miners of this section just what influence caused Mr. Eddy to come to the conclusion that we were working upon a "theory" that the claims in question had the same surface indications as other claims in this belt, and that the Blue Ledge copper belt is an "alleged" mineral belt." Within the past year, and since the date of Mr. Eddy's infamous decision, we have discovered upon the Great Eastern, and are at the present time developing an ore body more than 16 feet in width, showing good copper and gold values, samples of which may be seen in the Exhibit building at Medford. This claim is located on the same ledge and in the same section, one-quarter mile north of the John L. claim of the contested group. We have held this claim since 1902, and the discovery is the result of seven years of practical experience and intelligent prospecting. This ore was found under identically the same surface indications as the claims appropriated by the timber locators, and nails Mr. Eddy to the cross wherein he accuses us of working upon "theories" and "alleged mineral indications."

In the decision of the general land office, Washington, D. C., in affirming Mr. Eddy's decision, it says: "At the hearing several witnesses testified for the protestants to the effect that two outcroppings of Gosson were found in the land in question, both of which were covered by locations owned by protestants; that the said outcrops were traced across this land for a distance of half a mile or more to the north in each case, and that good showings of copper and gold were found on two certain groups of claims at the points indicated to the north. Further, that the land in question is in a mineral belt extending all the way from section 4 of this township and range across sections 5 and 6. It was admitted by these claimants that no paying mines were in operation in any of this mineral belt, although pay ore had been found in some places, and it was contended that the reason that the paying mines had not been developed was because of lack of transportation facilities."

The prospectors and miners are not, as a general rule, millionaires, staring us in the face as we read the

consequently he cannot build a smelter to treat his ore. Then must he lose his years of hard work and his mines by a ruling of the interior department? There is nothing in the congressional mining laws that will sustain the decisions handed down by the interior department.

The Blue Ledge mine, in this same mineral belt, has been under development about ten years. They have millions of dollars' worth of ore in sight, but it is not a paying mine, and will not be until they build a smelter to treat the ore. If the Blue Ledge was not on the forest reserve it could be located and held by the timber applicants on the ground that it is not a paying mine.

"He further says," witnesses testified for the protestants, "that on the easterly portion of the southwest quarter of section 6 there was an outcrop of Gosson extending across the quarter section, and that it could be traced a distance of about a mile leading in a southwest direction to a point where a good showing of gold and copper has been developed, and is being worked on the same indications as those found on this tract."

"The witnesses for the timber claimants, while admitting that there is an outcropping of iron stained rock, state that this is not an indication of mineral that would warrant development; that it is but the common county rock of the region, and that it is not usual to develop the ore bodies from such surface indications in that locality."

We have in this Blue Ledge copper belt developed good copper ore in at least a dozen different places on our claims underneath this same "common country iron-stained rock." The surface indications of the Blue Ledge, the Copper King, Bloomfield, Cook & Green, Enelid, Sullivan group, First National, Hetchel mine, New Albins, Spotted Horse, Iron Hand, Gold Bar, Great Eastern, Blue Ledge extension, New London, Sugar Pine and scores of other mines we could mention in this belt, where copper ore has been developed under this worthless "iron-stained common country rock." What does the timber shark know about the indications that lead to ore in this belt? But it seems that the interior department takes their word in preference to men who make a business of prospecting and mining and who have developed ore under the identical surface indications that is mentioned in the above decision. Is this confiscation of the miner's rights and property? This is the question

staring us in the face as we read the

decisions of the interior department officials in every part of the country, which are almost unanimously in favor of the timber men and against the miner. But when we consider that the department officials are qualified to interpret all the points of our laws and to intelligently weigh the testimony, and such evidence as above given is case aside by them as having no weight, and our good laws under which we locate and work our claims, every act of which we have complied with, are brushed aside by a decision that is an insult to an intelligent people. When we calmly consider all of the above points and see timber locators and cruisers go upon the stand and commit themselves to rank perjury without fear and when cruisers tell our neighbors that we are throwing away our labors; that we will lose all our claims and that it is useless for us to make a fight; when we consider the above points and many more which are forced upon us, we can come to no other conclusion than that the timber barons are in collusion with the interior department officials in an effort to get control of all the available government land, regardless of its character, and that the interior department is rotten from head to foot, and we believe that we voice the sentiment of the whole people when we contend that the only way to purify it is not by a double coat of whitewash, but by an honest investigation and by kicking out the polluted officials.

When we carried our appeal up to Washington we wrote Senator Bourne, Senator Chamberlain, also Representative Hawley, and begged them as an act of justice to use their influence to see that our mining laws were upheld, and Mr. Hawley was the only one who responded. He assured us that he was doing all he could for us. To sit helplessly by and see our favorite prospects stolen and our work confiscated and our cherished hopes wrecked by a thieving gang of timber sharks makes us sick at heart with discouragement. But we must prepare ourselves for ad-

the inevitable—the prospector must go.

We would like to have all newspapers interested in the mineral resources of the country to please copy. We would like for all prospectors and miners who have had trouble with timber locators to write us the facts of their cases.

BUCK & SULLIVAN,
Watkins, Or.

S. P. Hotel at Pelican Bay.
(Kkamath Express.)

The Southern Pacific will erect a summer resort hotel this season costing between \$20,000 and \$30,000 on Harriman's Pelican bay property. The hotel will be located on the hillside just east of Pelican lodge, the country home of the late E. H. Harriman.

It is expected to have the hotel finished by October 1 next and to have it ready for the season of 1911. This move indicates that the Southern Pacific company recognizes the Klamath country as the equal of Santa Cruz and Monterey as a tourists' resort and it will undoubtedly in time have a fine hotel there as it has at Del Monte.

Duke Does Not Belong Here.

Who is the "Duke" the Sacramento Bee says that hails from Medford and alleges that he is a ball player? The only "Duke" that we ever had here was "Dare Devil Duke" and he was too strong to work hard enough to try out as a ball player. That ball player has evidently been using the name of Medford in vain.

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