

Elk City Mining News.

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\$2.00 The Year.

BRIGHT FUTURE FOR DIXIE

Good Work Done on Placer and Quartz in That Well Known Camp.

Dixie, during the past summer, has produced a good many rich prospectes. A great deal has been done which will in the near future give Dixie a good pay roll. The proving of the continuation of the old channel will, before next fall, show up much rich placer. It has already been proven beyond a doubt that the rich placer of Dixie has not been worked as yet. Danforth claimed from the time of his settling in Dixie that those gulches, Nugget, Dixie, the Melhorne Diggins and Mr. Hazzlett's placer, could not be the end of the pay dirt. He spent a great deal of time following out these old diggings and discovered that the same formation continues on through the heads of Sams and Straight creek and entered the great basin just above where Crooked Creek makes its mighty leap for the Salmon river. Danforth has discovered by shafts that all the park-like slopes which make out from the Big Creek divide and running in a southerly direction, are high bars, well sprinkled with placer gold. He located much of these himself and is interested in many others. He has

two water rights to these great fields and is now putting in a ditch in order to be ready when the water comes in the spring. This ditch will give him a head of 200 feet. His cut for bedrock flume is all dug and heavily timbered, and covered with poles so no snow can bother him. The ground he is to move next spring has been cleared and made ready, and the lumber for all his work has been secured. None of his work has been done blindly. All of his ground has been thoroughly prospected the past two seasons while water lasted and the cuts he has run and the holes dug is a surprise. In every instance he has found good pay dirt. He and associates discovered and located twenty quartz claims this year, and during the coming summer, he expects to do extensive work on some of them. He got assays from these veins running from \$5 to \$285.35, but in no instance has he done any underground work, or claims anything but surface showing. Just below where Big creek enters Crooked creek he has a mill site located where he expects to install an electric plant for power to use in mining.

Annual Labor and Relocation.

The question of the right of a locator of a claim to profit by "his own negligence in failing to perform the annual labor" (or to make improvements) required by the Federal law is one which has run the gauntlet of the courts. The question as it came before the Supreme Court of Utah was: "Can the locator of a quartz mining claim, who has allowed his location to lapse by failure to perform the necessary work, make a relocation or a new location covering the same ground?" The court decided that such right was recognized by the Circuit Court of the Ninth Circuit (Warrack v. De Witt, 11 Utah, 324; Supreme Court on appeals, for failure to comply with Rule 10) and also by the Land Department. Further, the fact that a prior locator, after his right has lapsed, may renew it by resuming work, would appear to be a favor or right granted to such prior locator, but to deny him the right to locate is to deny him the right given to strangers. The case in the circuit court referred to is that of Hunt v. Patchin, 35 Fed., 816, and that of the Land Department was a letter from Acting Commissioner Holcomb to a man in Leadville, Colo. The case of Hunt v. Patchin does not seem to apply directly to the question, that being a case wherein several co-owners were concerned, and arose over an instance where one of a number of partners attempted to relocate for himself alone, while excluding his copartners. In the instance of Land Commissioner, it was not a litigated case, but merely the opinion of the Commissioner, expressed in a letter, that one of several co-locators

all of whom are in default, may relocate in his own name, and hold the claim adversely to his former partners.

The Federal law makes discovery and location of a mineral vein or deposit, the basis of the title to such property, and subsequently its development, by working and improvement, as a condition upon which it may be held. (Erhardt v. Boaro, 113 U. S., 527, 532, 5 Sup. Ct. Rep., 560.)

Lindley on Mines calls attention to another important phase of this question, which is of particular interest at this time, on the eve of a new year, which is that "the forfeiture is not complete until a relocation has been made. It is the entry of a new claimant with intent to relocate the property, and not mere lapse of time, that determines the right of the original claimant. The right to resume work before relocation by another is evidence that the original estate is not wholly lost by failure to do the work. (Larkin v. Sierra Buttes G. M. Co., 25 Fed., 337, 343.)

The Supreme Court of Colorado has said: "As between the locator and the general government the failure to do the annual assessment work does not result in a forfeiture. In other words, it is not necessary to perform the annual labor, except to protect the rights of the locator against parties seeking to initiate a title to the same premises. . . . To otherwise express our views, it might be said that, after a valid location, the title thus acquired remains so, whether the annual assessment work is performed or not, until forfeited or abandoned. (Beals v. Cone, 27 Colo., 473.)

Forfeiture is not complete until some one else has appropriated the property." (McCarthy v. Speed, 11 S. D., 362.)

By location the locator is given by the Federal laws from one to two years (according to date of making location) within which to perform his assessment work. Within this time his claim is valid and no one can deprive him of it. If at the expiration of the time (end of the second calendar year after date of location) he is permitted to relocate he may hold the claim another period of two years without work, and in this manner, by making a relocation biennially, he could hold the claim indefinitely without any work whatever, which is clearly contrary to the spirit of the law.

Annual work if performed as required by the Federal statutes (in addition to such further acts as may be required by state or territorial and local laws) secures the locator in his title as against all others, and if the locator has failed to perform his assessment work his claim is subject to relocation, which he can only prevent by resuming work before a stranger enters upon the claim for this purpose.

Unfortunately the Supreme Court of the United States has never passed upon this question, but there is little doubt but that the attempt to hold a claim indefinitely or for any period longer than that allowed by the statutes by the mere act of relocation would be declared noncompliance with the laws and the claim subject to relocation by a stranger. —Mining and Scientific Press.

A Boston Enterprise

Maay and devious are the ways of wary men who work the unwary with meretricious mining schemes, though seldom is much notice given herein, as our readers are of the intelligent class who need no exposure of dubious measures. But a case just to hand needs brief notice, as illustrating the brazen nature of such creatures. In Challis, Idaho, is published a creditable local paper, the Messenger, which tries to have a good word for legitimate mining development and has justly earned a good reputation for accuracy. A Boston firm, trading in the truthfulness of the Idaho paper, has issued a facsimile of the Challis Messenger, reading matter, advertisements and all, calling it the Messenger, and purporting it to be published at Challis, Idaho, but with 'booming' notices of sundry mine prospects of alleged value, that would not find place in the paper that is thus so flagrantly counterfeited. The Challis paper proposes to prosecute the enterprising Boston gentlemen. Probably that is what they want; anything for notoriety. It certainly is natural for a reputable paper to seek some vindication in such a case, but its proprietor cannot get any substantial judgment for the manifest injury done him, and suit would only give them further advertising. The United States postal authorities could probably be of most assistance in such a case. —Min. and Scientific Press.

Telephone Line to Orogrande

Wm. Hogan returned to camp Thursday of this week on a flying trip. He reports the machinery for his company as arriving

OROGRANDE M. & M. CO.

New York Company Organized to Operate in Elk City District.

E. M. Aldrich of Spokane returned to Elk City last week from New York where he has been for several months on mining business. While there Mr. Aldrich succeeded in placing a group of sixteen claims with a New York company, organized for the purpose of operating in this district. The company is organized under the laws of New York and has a capitalization of 2,000,000 shares with a par value of \$1.00. The new company starts out with a paid up capital of \$50,000, which they figure will be sufficient for all preliminary development and the installation of a 100-ton plant, from which point it is expected the property will be self supporting. A crew under Pat Murphy began work Monday of this week erecting winter quarters, and de-

velopment work will begin immediately these are completed.

The property is situated on the east fork of Crooked river, near Orogrande, and was located by J. R. Hutchison, who sold it to the above company. The consideration was not given out, but it is understood to be in the neighborhood of \$20,000.

The company is composed of a group of leading New York financiers and men who stand high in the councils of the Empire state, and the president of which is Hon. F. A. Schroeder, chairman of the Board of Quarantine Commissioners of the port of New York, and who during a brief visit here last summer made a host of friends by his genial unassuming manner.

E. M. Aldrich of Spokane is resident manager.

at Stites. He thought it probable that Mr. Oliver would extend his telephone line to Orogrande from Elk City. "In any case," said Mr. Hogan, "a telephone line will be put in at once."

When asked how the camp stood outside he said: "The out-

side people are awakening to the fact that Elk City district is all right. A number of prominent men have expressed the determination of visiting the camp soon." Mr. Hogan expects to start up the new plant not later than May 1.

Local Mining Notes of Interest.

Little Butte-Great Western

G. W. Widmeyer reports 125 feet of tunnel work for the year on the Great Western group of four claims, owned by himself and associates and situated on Deadwood mountain. Also 65 feet of tunnel on the Little Butte in the same locality, which makes for the latter group a total of 400 feet, which is pretty good work for a crew which for nine months in the year consists of one man, and two men for the other three months.

American River Developments

Late reports say that important development work is being prosecuted on the Oro Grande group of quartz claims, situated on the American river about two miles north-east of Elk City. The high grade of ore mined on this property by sinking a shaft about two years ago warranted more extensive developments, which are now being made by running a tunnel which is to extend about 250 feet on the vein. C. Brinton of Lewiston is the owner of the property, and the work is being done under the management of C. E. Svenson of Elk City.

The Boyer Claims.

These claims were formerly owned by the Galena Creek M. & M. company, represented by J. D. Boyer, but were recently sold at auction by Sheriff Seay for debt. M. J. Sweeny, brother to Charles J. Sweeny, president of the Federal company, bought the property, consisting of a number of very promising claims and a 10-stamp mill and other machinery. Mr. Sweeney has a force of men at work clearing out the old tunnels, drifts and stopes, preparatory to starting operations in earnest in February.

Thinks Well of Dixie.

F. M. Meyers of Seattle, Wn., returned from Dixie Monday of this week, where he put in several days inspecting property for Seattle and eastern men. Mr. Meyers expressed himself as being generally pleased with the country as far as his limited time permitted him to see it. He did not look for an extravagant boom, but thought there would be a strong, sustained movement of capital in this direction if it were not discouraged by any unreasonable attitude of claim owners in regard to prices asked for property. "One thing I was glad to see," said Mr. Meyers, "and that was the absence of 'knockers.' I was led to believe they were plentiful; but they must have been weeded out, as I did not meet one." Mr. Meyers left on Sunday's stage.

The Baboon Placers.

A large reservoir and a new cabin have lately been completed on the Baboon placer mine, situated about two and one-half miles north-east of Elk City, preparatory to a profitable run next season. The results of working this mine in a small way the past two seasons has proved the values of the ground and the wisdom of making more extensive improvements, which will soon be made by excavating a ditch one and three-fourths miles in length. This improvement can be made at a comparatively small expense, and when completed will make this a valuable mine.

The Ben Hur.

Dr. Parks, who recently acquired an interest, completed the assessment work on the Ben Hur group this week and expresses himself as well pleased with the showing. The work done shows the ore body to be much more extensive than at first supposed.