

AN IMPORTANT SUBJECT.

DOES A PATENT TO THE RAILROAD CONVEY MINERAL?

Latest Decision of the Matter by the Department of the Interior - Commissioner's Decision.

The question as to whether a patent issued by the Government of the United States in pursuance of a grant to a railroad company, which grant by its terms excepted the mineral land, is one of public interest, and especially in view of the liability of the discovery of mineral on land after it has been patented.

The decision is comprised in a letter from the Commissioner of the General Land Office to the Secretary of the Interior, and its recitation of facts, statements of parties, cause of action and the conclusion of the Commissioner himself are so clearly set forth as to need no further introduction by the "Record-Union."

The Honorable the Secretary of the Interior - Sir: I have the honor to submit herewith in accordance with instructions a report on the petition of George H. Cushing et al., for permission to institute in the courts of the United States having jurisdiction, a suit in the nature of a bill of equity to have patent issued to the Central Pacific Railroad Company for the southeast quarter of the southwest quarter and the southwest quarter of the southeast quarter of section 27, township 7 north, range 21 east, M. D. M., set aside because of the alleged mineral character of the land.

The said petition is in substance as follows: 1. That petitioners are the owners of a placer claim 3,000 by 1,000 feet in size, located December 18, 1892, known as the Cushing placer, upon which valuable deposits of placer gold have been discovered in sufficient quantities to pay for working same.

2. That petitioners are the owners of a quartz mining claim 1,500 by 900 feet in size, located December 18, 1892, known as the Sugar Loaf Gold and Silver Mining location, upon which a vein or lode of mineral-bearing rock has been discovered. That said lode claim is upon a portion of what is known as the Brunswick lode, from which last named lode or vein, millings, respectively, of gold and silver have been extracted.

3. That petitioners have complied with the law in regard to the performance of the annual development work thereon.

4. That the petitioners have constructed a line of sluices within the placer claim and have opened the ground by means of cuts out of which they have obtained placer gold in valuable quantities.

5. That petitioners have run an open cut and tunnel upon said quartz claim about fifty feet in length exposing a ledge two to three inches thick.

6. That said claims are within "Six Mile Canyon," and upon the southeast quarter of the southwest quarter and the southwest quarter of section 27, township 7 north, range 21 east, M. D. M., which land was patented to the C. P. R. Co. on the 18th day of December, 1892, said patent reserving "all claims to the United States of the same as mineral lands."

7. That the whole of said tract is mineral land, and of no value except for the mineral it contains.

8. That since obtaining patent the Central Pacific Railroad Company has conveyed the land to the Virginia and Truckee Railroad Company.

In an ex parte statement filed with the case Mr. Cushing states that within the boundaries of the placer claim there is a bank of ore-talcs estimated to contain to the value of \$100,000, and the assay value of about \$600 per ton of gold, silver and quicksilver.

Petitioners accordingly ask for permission to sue in the name of the United States to annul, cancel and set aside the patent because said tract is mineral land.

The said petition is sworn to by the petitioners, but no service thereof appears to have been made upon the patentee or its grantee.

An examination of the records of the office shows a survey of this township (17 N. 21 E. M. D. M.) to have been approved August 31, 1897, the following return as to the character of the lands being made therein:

"This township is a rough, barren, volcanic country; the south of the township contains gold and silver bearing quartz veins, the Great Comstock lode passing through the township, from the 32nd to the 33rd."

It further appears from the records of this office, however, that the Central Pacific Railroad Company, among other tracts, selected the south half of the southeast quarter and southwest quarter of said section 27, township 7 north, range 21 east, M. D. M., and a hearing was held at the Carson City Land Office on April 10, 1873, to determine the character of the land.

From the testimony submitted at said hearing this office, by decisions dated May 14, 1873, and August 25, 1873, decided said tracts to be non-mineral in character.

Thereafter, upon December 5, 1876, the said lands were patented to the Central Pacific Railroad Company. I do not find any allegation in the petition for vacation of patent that the said lands were known to be mineral at or prior to the assumed patent to the railroad company; petitioners appearing to base their claim upon discoveries and locations made in 1891 and 1892, fifteen years after the issuance of patent.

ALIVE TO HOME INTERESTS.

WHAT THE CHAMBER OF COMMERCE IS DOING.

Several Important Matters Considered at the Directors' Meeting Yesterday.

The directors of the Chamber of Commerce met yesterday, and as evidence of their faithfulness, every member of the board who was not out of the city was present. President Steffens demonstrated his ability for dispatching business by disposing of all the matters and adjourning the meeting in one hour and fourteen minutes.

MINING MATTERS. The Committee on Mines and Mining. T. L. Enright, Chairman, submitted the following report: "To the Board of Directors of the Sacramento Chamber of Commerce - Gentlemen: Your Committee on Mines and Mining regards with favor the interest that has been awakened in gold mining throughout the civilized world, and although the excitement produced by the reported rich discoveries in the frozen regions of the north has attracted the attention of the masses, we confidently expect good results to the mining sections of our State where the conservative element may invest in legitimate mining with reasonable prospects of fair returns on their investments."

THE CITY WHARF. Secretary Coleman reported on the matter of a city wharf as follows: "On the 14th inst. an application was made at this office by a representative of the steamboat H. C. Grady for assistance in arranging for a suitable landing at Sacramento. After conferring with the Chairman of your Committee on Public Improvements, a call was made on the Mayor and the Chairman of the Board of City Trustees."

Articles of Incorporation. Articles of incorporation were yesterday filed in the office of the Secretary of State as follows: Western Refrigerator Company. Principal place of business, Petaluma. Directors - Galen Burdell, M. A. Burdell, James B. Burdell, Burdells, Marin County; John L. Coleman and George Ormsby, Petaluma. Capital stock, \$100,000; subscribed stock, \$15,000.

TO HELP CALIFORNIA. A communication from G. W. Lynch of San Francisco, referring to the matter of the county of Central California uniting with the California Hotel Association in establishing a Central California Agency, or Bureau of Information, in the city of New York, was referred to the Committee on Immigration and Lands. It reads: "D. A. Lindley, Esq., Vice-President Chamber of Commerce, Sacramento - Dear Sir: Herewith I hand you a copy of a resolution, which is self-explanatory, informing you of the action taken at the called meeting, held at the Palace Hotel, on the 16th day of August, 1897. Kindly advise me on what days of the week you have your regular meetings, so that I can come up and discuss with you in detail this movement, with a view of gaining your financial support to the same. I would also suggest that you canvass the matter among your principal people previous to the meeting. I shall visit the office of the Boards of Trade or Commerce in the Central California counties as rapidly as I can make the rounds."

DUBOIS ESTATE SUE. Phillip Stewart, by his attorney, E. J. Dwyer, has filed a complaint in the Superior Court in an action against the estate of Manuel Dubois, deceased, to recover the sum of \$714, with interest and costs of suit.

JUVENILE ATHLETIC CLASS. The Sacramento Athletic Club, in response to repeated requests, has resolved to re-establish a juvenile class in physical culture. The officers say that it is done to oblige, and is not an attempt to make a source of profit. Those who wish, therefore, to have their boys and girls avail of the class should enter their names without further notice.

A Healthy Body and a Clear Head. If indigestion, constipation and biliousness torment the body, the head cannot be clear. The best remedy is a purgative, the most healthful, and produce a cleansing effect on the system. Dr. A. T. Sandon's Electric Belt is a powerful purgative, and exerts a powerful influence on the system. It is a powerful purgative, and exerts a powerful influence on the system.

LOST HIS LUNCH. An Absent-Minded Youth Creates a Big Excitement. "Hi, there! Stop that car! Stop that car! I want my lunch!"

THREE CLASSES OF MEN. It tells how manly strength may be regained, either by mail or the office. Call or address Dr. A. T. Sandon, 682 Market St., San Francisco, Cal.

DR. SANDON'S ELECTRIC BELT. It will root out the seeds of nervous debility, restore your vigor, your energy. Then you can look your fellow men in the face, and feel the fire of youth, the confidence that tells you that you have found your Mecca; you have regained your manhood. Read the little book.

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EVERYBODY'S COLUMN.

SACRAMENTO YOUTH AT BERKELEY.

Eda, "Record-Union": Sacramento has representatives in Berkeley this year, of which she should be proud. The number is above the average, consisting of nine boys and three young ladies. They have all entered and are now ready for work. Most of these are working their own way. Two of them, Sam Dixon and Will Downer have started a dairy. They have just enlarged upon it, but still have more orders than they can fill. Ingwald Flaa and Roy Grieve have rented a cosy little cottage on Berkeley street, where they will cook the midnight chicken and burn the midnight oil. They have obtained positions as solicitors for the students' woodyard, at which they will work Saturdays and other spare times.

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CRONAN & WISSEMAN, 330 K Street and 1108-1110 Third Street, Sacramento, Cal.

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GAMBRINUS' 600 K Street, MILLER & BERGER, 1015 K Street, Sacramento.

BUTCHERS' HOME, 1022 J St., Sacramento. FRED ECKHART, Proprietor.

DEFECTIVE EYES CORRECTED. \$6 EYE GLASSES FOR \$3.25. OR \$3 FOR \$1.50. Expert Optician, 28 Third Street, San Francisco.

IN THE SUPERIOR COURT, STATE OF CALIFORNIA, County of Sacramento, in the matter of the estate of A. D. OAKLEY, deceased.

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Witness my hand and the seal of said court, this 18th day of August, 1897. (Seal) W. B. HAMILTON, Clerk. By E. S. Wachhorst, Deputy Clerk.

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State Fair Pools. Cash and percentage bids for exclusive Auction and Paris Mutual Pooling Privilege for State Fair of 1897 (no booking privileges to be let), will be received at the office of the State Agricultural Society, Sacramento, at 3 o'clock p. m. MONDAY, August 23, 1897.

WANTED. Bids for Macadamizing. BIDS WILL BE RECEIVED BY G. G. HALLIDAY, County Clerk of Solano County, for the macadamizing of one and one-eighth miles of road in Vacaville Township, Solano County. Specifications are on file at County Clerk's office to which bidders are referred.

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70c Tapestry Carpets. We are showing some of the Fall Patterns in Tapestry Carpets having just reached here from the manufacturer. They come with handsome borders, or without, and are as handsome a line of colorings and designs as we have ever sold for 70c yard, sewed and laid. Your carpet will last a long time. Why not buy here, where the greatest care is taken in securing the proper carpets to offer to our patrons. John Breuner, CORNER SIXTH AND K.

SPECIAL NOTICES. MRS. WINSLOW'S SOOTHING SYRUP has been used for over fifty years by millions of mothers for their children while teething with perfect success. It soothes the child, softens the gums, allays pain, cures wind colic, regulates the bowels, and is the best remedy for diarrhea, whether arising from teething or other causes. For sale by druggists in every part of the world. Be sure and ask for Mrs. Winslow's Soothing Syrup. Twenty-five cents a bottle. Vehicles - Baker & Hamilton - Hardware, Carts, Buggies, Carriages, Phaetons, Bain Farm and Header Wagons, Wholesale Hardware. Send for catalogue. WHOLESALE LIQUORS. HAUB & GASTMANN, AGENTS FOR PABST BREWING Co.'s Milwaukee Lager Beer. The Pabst Cafe, 1015 Sixth street. CRONAN & WISSEMAN, 330 K Street and 1108-1110 Third Street, Sacramento, Cal. IMPORTERS AND WHOLESALE DEALERS in Fine Whiskies, Brandies and Champagne. EBNER BROS. COMPANY, 116-118 K Street, Front and Second, Sacramento. IMPORTERS AND WHOLESALE DEALERS in Wines and Liquors. Wholesale Eagle Soda Works, 218 K street, Sacramento. LIQUORS, WINE, BEER, ETC. - CALL ON JIM & HARRY, 1009 THIRD STREET. GAMBRINUS' 600 K Street, MILLER & BERGER, 1015 K Street, Sacramento. BUTCHERS' HOME, 1022 J St., Sacramento. FRED ECKHART, Proprietor. DEFECTIVE EYES CORRECTED. \$6 EYE GLASSES FOR \$3.25. OR \$3 FOR \$1.50. Expert Optician, 28 Third Street, San Francisco. IN THE SUPERIOR COURT, STATE OF CALIFORNIA, County of Sacramento, in the matter of the estate of A. D. OAKLEY, deceased. Notice is hereby given that FRIDAY, the 27th day of August, 1897, at 10 o'clock a. m. of said day, and the courtroom of said court, at the Courthouse, in the city of Sacramento, County of Sacramento, California, will be held a hearing, to be appointed as the time and place for proving the will of said A. D. Oakley, deceased, and for hearing the application of Chauncey H. Dunn for the issuance to him of letters testamentary thereon. Witness my hand and the seal of said court, this 18th day of August, 1897. (Seal) W. B. HAMILTON, Clerk. By E. S. Wachhorst, Deputy Clerk.

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