

WEEKLY ARIZONA JOURNAL-MINER

Pioneer Paper of Arizona.

PRESCOTT, ARIZONA, WEDNESDAY, NOVEMBER 30, 1904.

Forty-First Year

AN IMPORTANT MINING QUESTION

Legal Contest Over Two Locations on One Mining Claim.

The Iron King Vein Figures in a Spirited Legal Battle and Both Claimants Indulge in a Great Effort to Reach "Mineral in Place"

The case of Howell Mining company vs A. J. Carroll was decided by a jury yesterday in favor of the defendant, Carroll. It involved a controversy over rival claims to a piece of mining ground lying immediately north of what is known as the Iron King group of mines. On the southern portion of the Bonanza claim of this group the croppings of the Iron King vein were apparent. Further north for a distance of several thousand feet the vein did not crop on the surface.

On the Bonanza the Blanchard people had sunk a shaft to a depth of over 100 feet, and then drifted on the vein towards the ground in dispute in this case. The Howell Mining company claimed the ground by reason of a location made on the 23d day of May, 1903, and the defendant Carroll asserted his rights under a location made the day before, May 22, 1903. Both discovery monuments were erected at the southern end of the claim and within eighty or ninety feet of each other.

The surface ground gave no indication of mineral, being a wash consisting of sand and wash boulders, and the only reason for believing there was mineral in the ground was the fact that the strike of the Iron King vein was apparently in a northerly direction.

Carroll began sinking a shaft some distance from the southerly end of his claim, and Blanchard prosecuted his work on the south end of his claim, which was called the Gold Deposit, Carroll's claim being known as the Iron King Extension No. 1. Carroll sunk his shaft for a depth of 103 feet before he found any indication of mineral. He then struck bed rock and cross cut for a distance of forty feet when he reached the Iron King ledge. This work was prosecuted so diligently and with such dispatch that all of it was completed inside of sixty days.

Blanchard, representing the Howell Mining company, sunk a discovery shaft twelve feet and then discontinued work. After Carroll struck the mineral in his shaft, the Howell Mining company began a new shaft and sunk 175 feet, striking bed rock, and then drifted thirty or forty feet and found the same vein that Carroll had.

Carroll made application for patent on his claim and the Howell Mining company filed an adverse, and the latter within the statutory time began its suit in the district court, making Carroll defendant, to settle the question of the right of possession to the ground.

The case finally narrowed down to one issue, which of these two locations was made first. The jury was impeached on Friday last, and many witnesses were examined, and at 11:30 yesterday morning the jury retired to consider its verdict. In the afternoon it returned a verdict in favor of Carroll. Eminent counsel represented the rival interests, Hawkins, Ross & Anderson appearing for the Howell Mining company, and Andrews & Pattee, John C. Forest and Robert E. Morrison looking after the interests of Mr. Carroll.

CHAPARRAL CULLINGS

Personal Mention, Mining Progress and a General Retiew of the Doings of the Day in that Center.

McCabe, Ariz., Nov. 28, (Special Correspondence)—Thanksgiving was fittingly celebrated in our camp with an entertainment and dance, both of which were held in Union hall. The entertainment was given by the school

children and consisted of music, recitations and speeches which was greatly enjoyed by the large crowd in attendance. These exercises were followed by an elegant spread and it was almost 10 o'clock before the floor was cleared for the older people and the devotees of the dance. The ball lasted well into the small hours of the morning and was a big success.

Alex Duffy, who runs the Union saloon was accidentally shot with a revolver two days prior to Thanksgiving. The ball entered the shoulder and ranged upward lodging in his neck and was subsequently removed by Dr. Parsons. He is now up and able to be around and will shortly be all right again.

Fred Massey has sold the McCabe boarding house to the Model Gold Mining Co., and will move to Prescott to live.

H. W. Walker, Law Walters, Fred Jacobson and Engineer Fitzgerald, all from the Dividend camp at Chaparral, went into Prescott yesterday to spend a day or two in the metropolis.

The Gladstone has resumed ore shipments to El Paso.

The Dividend mine now has a car of concentrates ready for shipment to the El Paso smelters.

W. J. Shaw has taken a position as mill man at the Dividend.

The Dividend company are laying about 7000 feet of one and one half inch pipe to connect their mill with the Hubbarp shafts for the purpose of using the available water developed in this latter property.

SUCCESSFUL RUN OF THE BRICK PLANT

Under New Management the Problem of Quality and Quantity of Sand Stone Brick is Practically Solved at New Plant.

Yesterday completed a two weeks' trial test of the plant of the Arizona Sand Stone Brick company, under the management of J. F. Kramer. During that time the product yielded aggregates over 200,000 bricks, and in quality they are pronounced the finest ever manufactured since the plant was established in this section, excelling anything heretofore in that line turned out. The quantity also reflects on the capacity of the mechanical ability that was necessary, and in this respect the stockholders were also more than gratified at the results.

For some time this plant will be closed there being no occasion under present demands to resume, or until spring comes along, by which time the government buildings at Whipple it is expected will be under headway on a more gigantic scale than ever. Several hundreds of thousands of these excellent bricks are in the yards of the company for any local demand. The fact that the government has selected this particular make of an article and that all buildings in this city are constructed from the product of this company, is in itself a criterion to judge of the adaptability of the article that is made in this section.

In addition to what has been demonstrated by this enterprise, the last product is to be more favorably considered than heretofore, for the reason that since Mr. Kramer has been in charge, he has solved the question of manufacturing a far better article than has ever been turned out, while the capacity of the plant has been increased also to its maximum rating.

The company operating this plant are to be congratulated for through its introduction the architectural beauty of the city is to be linked more than anything else that can be advanced in the line of a building material.

INFORMATION WANTED.

Widow Kummert, 3 Pladrinstrasse, Stettin, Germany, wants information about the actual address of her son Julius Kummert or of the grandson Wilhelm, or of John Caspar, or of Martha, or of the wife Christina nee Pfeiffer, who about five years ago might have gone over there. 11x29x33w

YEA, YEA, EAGLES.

All Eagles (visitors included) are requested to meet Thursday night, December 1st, at their hall. Business of importance and election of officers. By order of W. J. Bond, worthy president.

Bring your job work to the Journal-Miner office. It will be promptly and neatly done at reasonable prices

STATEHOOD POT BEGINS TO BOIL

Intimation of Trouble Ahead for Arizona.

Governor Brodie Appreciates the Situation at Washington and he Requests Arizonans to Talk Hard Against the Merger Plan.

The Phoenix Republican of Monday morning has the following:

"The board of supervisors of this county have received a letter from Governor Brodie, who is now in Washington, urging the board at the earliest opportunity to prepare strong resolutions against the juncture of New Mexico and Arizona. The board will comply at the next meeting, but the members do not know how to make the protest from this county stronger than it has already been made. No doubt the governor has addressed similar letters to the boards of all the counties in the territory."

From the above it would seem that those in a position to know feel alarmed over the situation on statehood as it is before the senate. As predicted by this paper immediately after the election, and when it was known also that the republican candidate for congress in Arizona was defeated, the worst rebuke ever given an administration was that extended by Arizona. It would seem, accordingly, that from the direct intimation of Governor Brodie, who is now on the scene, that the worst is yet to come, and that there will be a determined effort to link Arizona and New Mexico together, little doubt may be entertained. New Mexico desires such a matter to be crystallized into an actuality, and from now there should be a concerted movement inaugurated throughout Arizona to crush the action that is evidently taking root on the part of the enemies of this territory. Congress reconvenes on December 5th, a week from yesterday, and in view of the warning sounded by Governor Brodie, our people should move on this vital question as soon as possible.

ANOTHER PIONEER HAS PASSED AWAY

George Connell the Wealthy Cattleman of This County. Succumbs to Recent Illness in Los Angeles—He Was a Good Man and Among the Early Pioneers.

A letter has been received in this city from Los Angeles that states that George Connell, of Walnut Creek, has died from the result of an illness with which he has been suffering for the past few years. His death occurred suddenly.

Not until recently was it known that the deceased was a sufferer, on the contrary the belief was that he was in the vigor of manhood, and the fact of him never having been known to be ill, comes as a surprise to the many here that he has passed away.

Mr. Connell was for over a third of a century a resident of this section, and he was universally well known and as well regarded. But a short time ago he returned to this section, but receiving no benefit by the change he returned to Los Angeles, where his family had remained. He followed the pursuit of live stock raising and had amassed quite a fortune. His remains were laid away in that city last Friday.

THE FUNERAL OF DR. M'CANDLESS

The funeral of the late Dr. J. N. McCandless took place Sunday afternoon at 3:30 o'clock from the Episcopal church, Rev. Father Bennett officiating. Many friends and especially the pioneers attended, and to these were added the veterans of the grand army, to which organization the de-

ceased was a devoted member. The floral tributes were many, and as the old pioneer was being laid away sorrow and regret was evident from the many who attended the last sad rites. No man has lived in Prescott in years who was better known than the deceased, his personality being striking, while his convictions were most pronounced. He was a good man, and to those who survive him of his kin, we extend the tender sympathy of the community. He was laid to rest alongside of the remains of his late wife, who passed away two years ago.

At a special meeting of the Yavapai county medical society held in the city of Prescott, Arizona, November 26, 1904, the following resolutions relative to the decease of Dr. J. N. McCandless were adopted:

Whereas, the Yavapai County Medical society, the medical profession of the city of Prescott and the territory of Arizona have, by the death of James H. McCandless, M. D., lost one of the most prominent and honored members who has been identified with the profession of medicine for over forty years; and

Whereas, Dr. McCandless, having served his country in the capacity of a surgeon in the army of the United States during the trying days of the civil war and subsequently endured the hardships and dangers of the Indian campaigns in the western territories, especially in Arizona where he has served the army and the people of the territory since the year 1868, thus making him the physician longest in practice in the territory. During his long residence in this community he has faithfully performed the arduous duties incident to his profession and gained the respect and confidence not only of his professional brethren but the community at large;

Now, therefore, be it resolved that the Yavapai County Medical society extends its sincere sympathy to the bereaved family;

And be it further resolved that said society attend the funeral services, as a body; and be it further

Resolved, that a copy of these resolutions be sent to the family of the deceased, the press of the city of Prescott, the Arizona Medical association and the Journal of the American Medical association. Signed,

Warren E. Day, M. D.,

J. S. Barrett, M. D.,

Henry D. Thomson,

Committee.

AVERRILL'S CASE IN COURT TODAY

The Late Shooting Scrape at Mayer is Before a Grand Jury and the Trial Progresses.

The time of the district court yesterday was taken up in the case of the territory versus Frank Averill, who on the 16th of the present month became involved in a controversy over a game of cards. Later the discussion led to the killing of Tilford and the wounding of Rich by Averill. The particulars at the time were published in this paper. The case has attracted many spectators, all the parties to the trouble being well known in the section where the deed occurred.

The following jurymen qualified and before them the case is being presented by the respective counsel. District Attorney Clark and Joseph Morrison represent the prosecution, while Hicks & Anderson are on the defense. The following is the jury:

J. W. Jackson, E. M. Albreton, Pat Barrett, David H. Biles, Jas. L. Wright, Frank Reynolds, Charles Alabach, Walter Codrington, J. J. Davis, J. S. Atkin, Archie Middleton, Pat McConnell.

It is expected that two or three days will be required to try this case, and on behalf of Averill there are at least a dozen men to testify. The prosecution also has a large number of witnesses. The parties to this sad affair are well known and it is to be regretted that from such a trivial cause the sacrificing of a human life was necessary.

For the first time in over thirty years this is the only case that has been necessary to try in a court room from Mayer, all troubles and disputes heretofore being settled without recourse to this channel. Public opinion in this affair at that place is in favor of Averill, but what the character of the testimony will be remains to be proven.

First class job work at the Journal Miner office.

POSSIBILITY OF REBUILDING IT

Belief That the Walnut Grove Dam Will be Considered.

Influential Channels are Actively at Work on this Magnificent Water Storage Enterprise Located but a Few Miles From Prescott.—A Project of Gold Production and Land Reclamation.

The statement is made from authoritative sources that for some months past an effort has been made to have the attention of the government directed to the recognition of the Walnut Grove dam as a desirable proposition to rebuild. To that end strong influences are at present at work and have been for some time. The belief prevails that a successful culmination of these efforts has taken place, and that this site will be selected as the next one on which in Arizona a fund will be available to inaugurate the work of rebuilding.

Governor Brodie is in Washington at the present time, and while it is not openly stated to be a fact it is believed by many nevertheless that he is devoting his energies to accomplishing this work through governmental channels, and encouragement has followed his representations. Governor Brodie is a civil engineer, of recognized ability in dam building, and in addition to that qualification, he superintended the building of the service dam of the Walnut Grove company that was located on the Hassayampa below the great storage dam that went out in the floods of 1890. He is familiar with the work accordingly, and in addition to the fact that he is more or less today prominently identified with the company that owns this site, it is a fervent wish of his to see this project under headway again at any cost and through any channel.

A favorable matter to be considered in the rebuilding of this great water way is that it will serve a double purpose—the pursuit of hydraulic mining on one hand and the utilizing of the waters from that source for the reclamation of the arid lands adjacent to the mining ground on the other. Surveys have been run from the end of the flume that still stands near the mouth of Hassayampa canyon and to a point as far away as Congress Junction, distant over fifteen miles, the water can be taken by gravity to that point or nearly so. Thousands of acres of fertile ground could be reclaimed accordingly, while placer mining could likewise be fostered without one drawing in anyway from the other.

At the time this dam collapsed, it was the intention of the Walnut Grove company to utilize these waters for these specific purposes, and there is no doubt but what the plan as outlined would have been successfully carried out if they had been permitted to do so. Another desirable feature attached to the rebuilding of this dam is that the initial work incidental thereto is practically solved, surveys being completed, the bedrock foundation is finished, estimates of the height and volume of water that can be stored and other data is perfected, and all that remains to be done is to begin the work on these lines.

This project is one of the greatest possibilities in the entire west so far as fruitful results are to be considered, and we sincerely trust that the belief that prevails today that the government will possibly be identified with it will prove true. It certainly looks as if, under the circumstances which are said to be prevailing today, that the interior department will consider the matter, and that the influence of our governor is significant of action to this end.

A Very Successful Luncheon.

Miss Amy Nelson entertained her young friends at her home on Mt.

Vernon avenue, Saturday at 1:30 o'clock, at luncheon. The decorations were in pink and green. An elaborate center piece of pink carnations with lace fern occupied the centre of the table over which was suspended a green bell. The place cards were in the form of bells with an appropriate verse from Poe's bells transposed to suit each guest. Favors of pink carnations with heart shaped cards tied with pink ribbons. On each card was an original verse which caused no end of merriment. A very elaborate luncheon of seven courses was served. Those invited were Misses Criley, Drake, Fredricks, Fisher, Oliver, Duteber, Bretherton and Gale. The guests all voted Miss Nelson a most charming and original entertainer.

A SAD DEATH.

Little Tommie Miller Passes Away Yesterday Morning.

Tommie, the nine year old son of Mr. and Mrs. Samuel Miller, passed away yesterday morning after a long illness. The little sufferer had battled between life and death for several days, and though it seemed at times his recovery was assured, the malady that proved fatal baffled in the end all that tender care and skill could accomplish. The little fellow was the hope of his fond mother and father, and was always obedient to their wishes. To his fellow playmates he was very much endeared, and in the hour of sorrow and bereavement this estimable family have the sympathy of all.

His remains will be laid away this afternoon amid the scenes he was reared, and to all there is extended an invitation to be present. Mr. and Mrs. Miller have the sympathy of the community in the sad loss they must bear.

RAILROAD WARFARE IN SOUTHERN ARIZONA

The Conflicting Interests of the Santa Fe and the Southern Pacific are Decided in Favor of the Latter.

Attorney Ives, of the Arizona & Eastern, and Attorneys Norton and Chalmers of the Phoenix & Eastern, appeared in the district court at Florence, Monday, to argue a motion on a supersedeas bond tendered by the Phoenix & Eastern railroad company. Before the hearing of the motion a formal decree in conformance with the order made by Judge Doan on the 7th dissolving the injunction previously granted the Phoenix & Eastern, was entered.

This decree awards the right of way in dispute to the Arizona & Eastern and restrains the Phoenix & Eastern from interfering with it. As soon as the formal decree was entered the attorneys for the Phoenix & Eastern presented a supersedeas bond and asked for an order suspending the decree of the court pending the determination of an appeal to the supreme court of the territory.

The court denied the application and thereupon the attorneys for the Phoenix & Eastern filed an appeal bond and carried the case up to the supreme court where, it is understood an application will be made for an order suspending the judgment and decree of the trial court. In the meantime the Phoenix & Eastern will remain in possession of the disputed ground, so far as we know.—Florence Blade.

Arizona Mutual Savings Bank.

Notice is hereby given that subscriptions to the capital stock of a banking corporation to be known as Arizona Mutual Savings Bank, will be received at Room 24, Bank of Arizona Building, Prescott, Arizona, between the hours of 10 o'clock a. m. and 12 m., of each day from October 10th, 1904, until November 15th, 1904. Subscriptions will be taken at par value of stock of proposed corporation, to wit: \$10.00 per share, and must be paid in on or before December 1st, 1904. A large amount has already been subscribed. If a sufficient amount of local subscriptions are received the proposed bank will begin business in Prescott, Arizona, in the near future. Address letters to Lock Box No. 433, Prescott, Arizona. 10x9xSTT1x10

GOATS WANTED.

I will buy a flock of goats five hundred to one thousand if price suits. Address S. O. Holsapple, Camp Verde, Arizona. 28x24w