

RENDERS OPINION ON SCHOOL LAND LAW

District Attorney of Maricopa County Puzzled

Attorney General Clark Interprets The Statute

(From Saturday's Daily)
In answer to a request for an opinion concerning the interpretation of the school land law, received from District Attorney Bullard, of Maricopa county, Attorney General Clark yesterday rendered the following opinion:
Prescott, Feb. 7th, 1908.
Mr. G. P. Bullard, District Attorney, Phoenix, Arizona.

Dear Sir:
I have yours of Feb. 4th relating to the controversy regarding the leasing of certain school lands in Maricopa county.

You state that a certain portion of a school section in said county was, prior to the enactment of Title 45 of the Revised Statutes of 1901, occupied by one Titus, who expended some money in improving the same; that after the passage of said act, Titus conveyed his improvements to one Sampson, who was and is a non-resident of Arizona; that Sampson has intermittently cultivated said land through a tenant named Frazer, but has never himself been a citizen of Arizona; that on October 8th, 1907, G. H. Rothrock made application to lease said land; that the board of supervisors immediately accepted said application, but have not yet executed the lease; that subsequent to the application of Rothrock, Sampson conveyed to his tenant Frazer all of said improvements and Frazer, on the 5th day of December, 1907, also applied to the board of supervisors for a lease of said land, claiming to be the occupant thereof. You submit two questions which you consider to be the leading ones in the case, as follows:

1. "As between Frazer and Rothrock, which is entitled to the lease?"
2. "If Rothrock is entitled to the lease, as against Frazer, was Sampson, the assignor of Frazer, such an occupant of the land at the time of the application of Rothrock to lease the land, as would entitle either Sampson, or his assignee, to receive payment for the improvements?"

I advise you first, that under the provisions of paragraph 4044, the supervisors are empowered to lease school lands only to citizens of this Territory, or those who have declared their intention to become such. Assuming, therefore, that Sampson was not a citizen of the Territory, and has not declared his intention to become such, he was not entitled to lease the land under any circumstances and the board would have no power to lease it to him. This being the case, it is obvious that Frazer acquired no rights merely as a sub-tenant or agent of Sampson, but if he was a resident of the Territory during his occupancy of said land he was, none the less, an occupant because he was also acting as the agent of Sampson. This brings us to a consideration of paragraph 4046, in which it is provided that anyone wishing to lease school or university lands shall make application to the board of supervisors and shall state, among other things, whether the land is occupied and, if so, by whom; that, if said lands are occupied, the supervisors shall notify the occupant of said lands that he must, in order to retain possession thereof, pay the leasing value and take a lease of said lands, or that the supervisors will proceed to appoint appraisers to appraise said improvements.

It becomes very plain, therefore, that where school lands are occupied, the board of supervisors acquires no jurisdiction to lease the lands as against the occupant, unless a proper application has been filed, setting forth that said lands are occupied, and by whom, and further, that the supervisors would have no jurisdiction even then to lease said lands as against the occupant, unless the board had notified the occupant, as provided in paragraph 4046.

I believe this whole question turns on whether Rothrock in his application stated the lands were occupied and by whom, and whether the board then notified the occupant, as it is required to do under the provisions of said paragraph. It seems to me to have been the legislative intent that any occupant of school lands, whether in his own right, or as agent of some other person, should have notice of an application for a lease of the tract occupied by him in order that he might elect whether he himself would lease the land, or have his improvements appraised and purchased. Rothrock's application, therefore, unless it contained a statement of occupancy and unless the board notified the occupant, can have absolutely no standing before the board, as against Frazer. To hold otherwise would be depriving Frazer of due process of law.

Unless advised as to the condition of the record upon the points above raised, I shall be unable to answer your questions satisfactorily. If you will kindly advise me whether Rothrock's application contained the necessary statement as to occupancy and, if so, whether the board gave proper notice to the occupant, I shall be glad to consider the matter further.

Very respectfully yours,
E. S. CLARK,
Attorney General.

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E. S. CLARK,
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T. F. B. MEMBERS ENTERTAIN OFFICIAL

Mrs. Emma R. Neidig, vice president of the Fraternal Brotherhood, was the guest of honor of the two local lodges of that order yesterday. Prescott lodge, No. 122, held an afternoon meeting, at which Mrs. Neidig delivered an interesting address on the good of the order. A reception and banquet followed.

Last night the distinguished visitor presided at a meeting of Yavapai lodge, No. 122, exemplifying the work of the order to a class of six candidates. This was followed by a banquet at Harter's cafe, which was an elaborate affair, the caterer fairly surpassing himself and providing a feast of choice viands, while the tables were tastefully decorated with smilax and flowers, the center-piece being a standard of American flags within a circular base of oranges.

During the evening speeches were made by the guest of honor and members of the order, Mrs. Ben Belcher officiating efficiently as toastmaster. The happy gathering dispersed after midnight, all joining in singing "America."

Mrs. Neidig will leave today for her home in Los Angeles.

M'CABE COUPLE ARE UNITED IN MARRIAGE

(From Friday's Daily)
Miss Dorothea B. Greenwood and Carl D. Edwards were united in marriage in McCabe, Monday evening, February 3. The ceremony was performed by Justice of the Peace David Foley of McCabe, in the presence of a number of relatives and intimate friends of the contracting parties.

The bride is a native of San Francisco. Since making her home in McCabe two years ago, she has endeared herself to a wide circle of friends there. The groom is the son of Mr. and Mrs. J. B. Edwards, highly respected residents of McCabe, which has been the family home during the past eleven years. He is one of the enterprising young miners of the Big Bug district where he has promising interests. The happy couple will make their future home in McCabe.

MORE FURNACES

DOUGLAS, Ariz., Feb. 4.—Two more copper furnaces have been started in Douglas, one by the Copper Queen company and one by the Calumet & Arizona. The additional furnaces give the Calumet & Arizona five and the Copper Queen eight, making thirteen furnaces in all. This will be the maximum number of furnaces ever worked in Douglas at one time. These additional furnaces will give employment to probably 100 additional men and it will also result in employing more men in the mines at Bisbee.

LIST OF OFFICERS

The sheriff's office of Maricopa county has just issued the newest thing in literature and which is bound to have a wide circulation in Arizona. It is a compilation of a list of all the peace officers in the Territory from constable to sheriff. The address of each of them is given. In addition to the county and precinct peace officers there is a roster of the Territorial Rangers with the station of each, the names and addresses of the force of the United States marshal and a list of the live stock inspectors.

Journal-Miner want ads—try them.

CELEBRATION OF CHINESE NEW YEAR ENDS

Concluded Last Night Amid Much Pomp And Ceremony

Some Things Observed At The Joss House And Elsewhere

(From Saturday's Daily)
With a final fusillade of hundreds of firecrackers and the beating of cymbals, the celebration of the Chinese New Year, 4605, came to an end last evening in front of the Joss house in the local Chinese quarter. The new year entered Saturday morning, just after midnight, and the celebration lasted seven days.

Scores of Chinese gathered in the Joss house, last night, to take part in the final observance of the entrance of the new year. Clad in their richest oriental garbs, they greeted each other with the words, "Kong Hae Fat Tsi," which, translated, is an equivalent for the English, "Happy New Year." At intervals any evil spirits that might have been lurking around were frightened away by the discharge of hundreds of firecrackers.

Inside the Joss house the stranger, no matter of what nationality, was welcomed, treated to choice Chinese delicacies, and sent on his way with the "Kong Hae Fat Tsi" greeting. The decorations in the Chinese house of worship were elaborate. Chinese lanterns hung everywhere, crimson silk draperies hid the otherwise bleak walls, scrolls of Chinese prophecies and sayings of Confucius were profusely scattered about, and myriads of lighted candles and burning punk and incense lent aid to the air of orientalism which pervaded the place.

On one side of the big room, at the end of which stood the Chinese altar, adorned by the immobile Joss, the Chinese musicians were seated, all wearing hats or some other head covering, as did the visitors who entered from time to time, in groups of three and four, to stand chatting awhile, discussing the music which struggled, piecemeal, from the several performers, and then to go on to the "Noodle Joint," where Chinese refreshments awaited them.

There was only one untoward incident to mar the celebration of the new year. This was the death of Charles Shut, who was found dead in Miller's Lane, just as the rising sun greeted the first day of the Chinese new year. It is said that Shut, unable to comply with Chinese tradition, which provides that all obligations must be paid off before the entrance of the new year, drank himself to death to avoid the disgrace of being in debt on New Year's day. Shut's funeral, it was noticed, was not attended with the usual pomp and ceremony pertaining to the burial of a Chinaman.

The Chinese New Year is a movable feast. Celestial time "goes fast" for three years, and every fourth year they take in a month to even up. Their method of calculating the ages of themselves and offspring is equally as curious as their computation of time. If a child had been born in the Chinese quarter Friday night, or New Year's Eve, it would have been two years old the next morning, and by the time the first anniversary of its birth rolled around, it would be three years old.

Few of the Americans who called on their Chinese friends last night to witness some of the incidents in the final celebration, knew the proper mode of procedure, and as a result some of the Chinks were rather insulted, especially when one offered to shake hands with them. The proper thing is to shake your own hand in greeting your Chinese acquaintance. This is but one instance of the topsy-turvydom of the Flowery Kingdom. In China the men wear the gowns and the women the trousers. White is a symbol of mourning. Chinamen laugh at death and brides wait at weddings.

As a party of Americans entered the Joss house last night one of the women in the party stepped up to the high dignitary of the local Chinese and asked: "Me wantee see Chink-a-Chink smok-um hop, Joan. Alle samee you slavvee?" The grave oriental main-

tained an untroubled calm and dignified silence, but when her request was repeated, only in a still more outlandish jargon similar to the above, he lost patience.

"Madam, you are an American. Why on earth don't you speak intelligent English?"

It is needless to add that she hastily withdrew from his presence.

PUBLIC RECORDS

Instruments Filed As Reported by the Prescott Title Company.

Crazy Basin Mining company files affidavit of assessment work on eight mines, Peck district.

T. F. Averill to T. T. Scott and Blanch Robinson. Q. C. deed, \$535. Standard placer, Big Bug district.

Frank A. Barnard et al. locate eight mines, Silver Mountain district.

F. P. Robinson et al. incorporate Arizona-Lilly Mining company. Capital stock \$7,500,000.

C. L. Paddock et al. incorporate American Mineral corporation. Capital stock \$10,000,000.

H. B. Cressey et al. incorporate Arizona-Rainbow Mining company. Capital stock \$5,000,000.

Arizona Copper Mines company files affidavit of assessment work on thirteen mines, Cherry Creek district.

R. H. Burmister locates three mines, Eureka district.

R. H. Burmister et al. file affidavit of assessment work on Wire Gold mine, Squaw Peak district.

R. H. Burmister and Alfred Quetu file affidavit of assessment work on 1906 mine, Walnut Grove district.

R. H. Burmister, agent, files affidavit of assessment work on Pochontas mine, Eureka district.

United States to John C. Bullard. Receiver's receipt, \$980. Sweepstake, Washington, Homestake, South Star, Emily, Rattler, Producer, International, Spellar and Avalanche mines, Pierce district.

J. K. Mullen files affidavit of assessment work on ten mines, Weaver district.

James Cash files affidavit of assessment work on two mines, Pine Grove district.

Joe Sandri locates Salinas mine, Tiger district.

Charles Born, Sr., locates Silver Bell mine, Black Rock district.

J. W. Wilson and wife to S. L. Duncan. W. deed. Center 50 feet of lots 16, 17, 18, block 6, Fleury's Add., Prescott.

E. D. Seaton files affidavit of assessment work on Long Pine mine, Turkey Creek district.

Fred Brown and Thomas King locate Little Blue mine, Humbug district.

C. A. Kessler et al. file affidavit of assessment work on three mines, Humbug district.

R. H. Burmister and wife to C. F. Ainsworth. Q. C. deed. "Great Scott" group of mines, Black Rock district.

C. F. Ainsworth and wife to Robt. J. Dodds. Q. C. deed. Same property.

Wm. D. Powell and wife to Wm. E. Fry. W. deed. Lot on Cottonwood mine, Cherry Creek district.

W. E. Fry and wife to Romance Mining company. Q. C. deed. Same property.

J. M. Comer to L. Comer. Power of attorney. Concerning mines in Copper Creek district.

Gazelle Gold company to Gazelle Mining company. M. deed. Lebanon, McKinley, Seventh South Extension, Eight South Extension and Gazelle mines, Tiger district.

Joe Crawley and wife to Samuel Strahan. Q. C. deed. Lot 28, Sparklin tract, Jerome.

John Kinney locates three mines, Big Bug district.

Hecla Copper company to Amalgamated Metal Exploration company. M. deed. Deception Gulch Nos. 1, 2, 3, 4, 5 and 6, Hecla Nos. 1 and 2 and Cap Fraction mines, Verde district.

Otto Lebaron and Geo. P. Harrington amend five and locate one mine, Tiger district.

Tiger Gold company file affidavit of assessment work on two mines, Tiger district.

George Mahard et al. locate thirteen placers, Walnut Grove district.

Coronado Gold company locate two placers, Martinez district.

W. P. Hamlyn files affidavit of assessment work on Texas mine, Blue Tank district.

J. C. Newton to Maurice Powers. Q. C. deed. Stine placer, Big Bug district.

L. W. Baldwin et al. file affidavit of assessment work on Reward mine, Humbug district.

J. M. Encinas files notice of possessory right on 40 acres near property of Vaeger Canon Copper company.

J. C. Wilson and wife to Maier Brewing company. W. deed. Lot 14, block 1, Bashford Add., Prescott.

J. C. Wilson to Maier Brewing company. Assignment. Assigns lease of on N. 25 feet, lot 25, block 13, Prescott.

J. C. Wilson to Maier Brewing company. Bill of sale. Saloon fixtures, etc., of Star saloon, Prescott.

H. Voigt to Mildred Gold Mining company. M. deed. Two-sixteenths interest in same mines.

FITZHUGH LEE VEIN SHOWING UP WELL

(From Friday's Daily)
So well pleased is the management of the Arizona Mining and Milling company, with the showing in the Fitzhugh Lee vein where tapped by the winze, that the force of miners is being increased and preparations being made for more extensive development. The winze taps the vein at a depth of 350 feet from its apex and 100 feet below the tunnel. It is 600 feet in from the mouth of the tunnel.

A station is being cut and drifts will be started on the ore body each way as soon as the station is finished. G. P. Henderson, superintendent of the company, who left here yesterday for his camp after employing several miners, stated that the showing in the winze, where it taps the ledge, is even better than anticipated. The ledge was found within six inches of the point where it was expected to find it according to Mr. Henderson's measurements. When the drifts are in a short distance from the station, the winze will be continued down along the ledge. Power drills will be used in the work.

The company's holdings are located immediately south of the Poland Mining company's properties at Poland. The equipment includes a hoisting plant installed in the tunnel at the winze, a fifty-ton mill, air compressor and other modern mining and milling machinery. It was formerly known as the Poland Extension property.

PREPARING TO RESUME AT THE PITTSBURG-MAYER

Lon D. Hall, general manager of the Pittsburg-Mayer Mining company, is here from his camp in the Mayer district. He is accompanied by Dr. John Crawford, a director of the concern, who recently arrived here from Pittsburg, Pa., and who is so charmed with Arizona that he has decided to locate permanently at Mayer.

Mr. Hall stated that the directors of the company were financing the concern for large operations. He is expecting orders to resume work in the near future. The mine has been shut down since work ceased at the Humboldt smelters. The resumption of work at the Humboldt smelters will be followed by operations on almost all the properties in that district, which have been closed during the last few months.

Journal-Miner want ads will get you anything you want.

SUES DEAD TIGER FOR MONEY HE SQUANDERED

Lost The Coin Over Albuquerque Gambling Tables

Alleges It Was The Property Of His Company

(From Saturday's Daily)
ALBUQUERQUE, N. M., Feb. 7.—Three suits, aggregating \$8,000, were filed in the district court yesterday against three well known Albuquerque saloon owners by the John Finnegan company; the actions seeking to recover large sums of money alleged to have been lost on the gaming tables operated in the saloons mentioned by David L. Murphy, until recently manager here for the Finnegan company. The allegation on which the actions rest is that the owners of the saloons and games in question knew that the money used by Murphy in play was not his own, but the property of the company he represented. The actions are unusual and are the first of the kind to be brought in this court. They are of added interest since, owing to the recent death of the tiger, they are the last gambling debt suits likely to be filed.

Mr. Murphy, who had been manager for the Finnegan company here for two years or more, was recently displaced, it being announced by the company's auditor at the time that his accounts showed a shortage of about \$8000. It is now alleged that that sum was lost on the gambling tables. The suits are against Frank E. Sturges & Co., for \$5,000; against Ben Bothe for \$2,000, and against George K. Neher for \$520. The complaints, which are identical, set forth that Murphy at various times between March, 1906, and January 1, 1908, lost large sums of money at the gaming tables of the defendants, it being alleged that the defendants wrongfully received the money from Murphy "knowing at the time that it was the property of the plaintiff." The complaint further states that proper demands have been made by the plaintiff upon the defendants for the return of the money and that in each case defendants refused to return it.

There have been numerous suits to recover money lost on the gaming tables during the long run of gambling in New Mexico, but it is believed that this is the first action of just this character to be brought. E. L. Medler appears for the plaintiff.

(From Saturday's Daily)
Circulating Among Friends.
Henry Clay, of Dewey, is in the city circulating among his friends.

Confidence

when eating, that your food is of highest wholesomeness—that it has nothing in it that can injure or distress you—makes the repast doubly comfortable and satisfactory.

This supreme confidence you have when the food is raised with

ROYAL

Baking Powder

Absolutely Pure

The only baking powder made with Royal Grape Cream of Tartar

There can be no comforting confidence when eating alum baking powder food. Chemists say that more or less of the alum powder in unchanged alum or alum salts remains in the food.