

# LEGISLATIVE BLUNDER COMES TO LIGHT

## Eight-Hour Law For Smelters And Hoisting Engineers Null And Void.

(From Wednesday's Daily)

According to prominent Prescott attorneys, a blunder made by the Democratic majority in the last legislature, is responsible for the repeal of the law limiting the work of smelters and hoisting engineers to eight hours.

Whether by design or otherwise, the Democratic majority rushed through an act, which prominent Prescott attorneys declare, invalidates the entire statute limiting the hours of smelters and hoisting engineers.

Several attorneys were interviewed yesterday by a representative of the Journal-Miner and they were unanimous in declaring that the new law not only repeals the previous eight hour law regarding the working hours of men employed in the smelters and as hoisting engineers but fails to provide any penalty in the event that the amended law is violated and is consequently regarded as null and void.

Thos. F. Weed, councilman from Pinal county, who introduced the substitute measure, is interested in mining in that section. His bill went through without protest from the Democratic majority. It is simply one more instance of the glaring blunders of the Democratic majority. The measure in full is as follows:

### CHAPTER 18.—AN ACT.

Regulating the Hours of Labor of Hoisting Engineers and Furnace Men. Be it Enacted by the Legislative Assembly of the Territory of Arizona:

Section 1. The period of employment of hoisting engineers at the mines in this Territory and furnace men at the smelters in said Territory shall be eight hours per day, except in cases of emergency where life, or property is in imminent danger.

Section 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall take effect and be in force from and after its passage.

Approved March 10th, 1909.

### BULLET SPLIT AFTER STRIKING SHOULDER

(From Wednesday's Daily)

DeWitt Milligan, shot and seriously wounded Sunday evening by D. E. Powell, yesterday submitted to an operation for the extraction of the bullet that was lodged in his body, and the same was removed. Preceding this operation he was brought to an office in this city and placed under the X-Ray, there being no visible indications where the bullet was located, and the doctors attending him desired to be absolutely positive in placing him on the operating table, before they proceeded to extract the leaden missile. A few hours after the X-Ray demonstration was had, the photographic plate was developed, and it served as a guide for the doctors in their efforts to locate the bullet. Accordingly the operation took place immediately afterward, and a very remarkable condition was presented.

After the .45 calibre bullet was shot into his shoulder it came in contact with a bone, and with its force it was split in two, one portion lodging in the shoulder and the other imbedding itself in the arm near the upper joint. The two pieces were extracted, and Milligan was placed in a bed where he will be confined for several weeks. Although he is seriously wounded and the flesh in the region of his shoulder is plowed for several inches in depth, it is believed that no complications will result and in the course of a few weeks he will be able to leave that institution. Milligan stated, however, that since receiving the wound, the pain was felt severely at the point where the bullet entered, and where one portion of it was found to be lodged against the bone, but that the other split piece had not affected him in any manner that he could trace the pain to that point.

The preliminary examination of Powell, accused of the shooting, will take place on Thursday afternoon before Judge McLane. Several witnesses are to be examined, and yesterday Deputy Sheriff Keeler, accompanied by a brother of the accused man, went to Cherry Creek where several witnesses are to be subpoenaed. Powell was yesterday admitted to bail in the sum of \$2,500, which was guaranteed by his brother and father. The latter reached the city yesterday morning, coming from Flagstaff, in the vicinity of which he is said to be engaged in the live stock business.

Mrs. Powell, against whom divorce proceedings have been entered by her husband, the latter shooting her brother as the result of this family trouble, is well known by several in this city, and is likewise highly regarded. She was for years a school teacher of this county, and general regret is expressed by her many friends over the appearance of trouble in her home. She is expected to be present at the trial, and will arrive in the city today.

### CALIFORNIA COMES TO FRONT IN MINING WAY

While other western states are priding themselves upon the forward steps which they are taking in the production of copper, California holds out the Shasta county belt to the attention of the world as an evidence that there is hardly any kind of mineral wealth in which the Golden state does not hold a place upon the production records. The state as a whole produced more of the red metal in 1908 than during any previous year in its history, in spite of the fact that it was a panic year, and the price of the metal was low. The best previous year was 1901, the period of the first great copper boom under the modern conditions in that industry.

Advance statistics for 1908 have just been issued by State Mineralogist Lewis F. Rubery, which show that during that year California produced 40,867,872 pounds of copper, as compared with 32,602,945 pounds in 1907. The output in 1901 was slightly under 35,000,000 pounds. The total value of the copper produced by the state since the beginning of 1887 is placed by Mr. Aubury at \$49,384,785, which of course, does not include any part of 1909. The output of Shasta county runs in the neighborhood of 85 per cent of the state's total. That section made a gain over 1907 from a little under 28,000,000 pounds to almost 35,000,000 pounds. The decline in the price of copper toward the end of 1907 and throughout 1908 makes the record of last year seem like a decrease.

The other copper-producing counties of California, in the order of their contributions to the output, are Calaveras, San Bernardino, Madera, Del Norte, Amador, Nevada, Mariposa, Riverside, Inyo, Merced, Eldorado and Imperial.

In Siskiyou county, in the extreme northern part of California, is a copper belt which is beginning to receive a great deal of attention. It lies near the Oregon border and is entered from Medford. The reports that come from there indicate that this section promises to push the state ahead very materially in its rating as a maker of copper. Shasta county itself is in line for further increases.

### SALE OF WATERLOO MUSEUM.

BRUSSELS, Sept. 3.—The Waterloo museum, well known to hundreds of American tourists who have visited the historic battlefield, was put up for sale at public auction in Brussels today to satisfy a judgment against the company controlling the museum and the hotel operated in conjunction therewith.

The nucleus of the famous museum was formed by Edward Cotton (an Englishman who fought in the great battle) between 1815 and his death in 1849. From time to time the collection was increased by gifts from Waterloo officers and many other individuals.

### RAILROAD COMMISSIONER NAMED BY GOVERNOR

(From Wednesday's Daily)

W. P. McNair, of Douglas, will be the new railroad commissioner to succeed Sims Ely, who resigned from that position a few days ago.

Governor Sloan reached a decision yesterday and the official announcement will be made today.

Mr. McNair arrived in Prescott yesterday afternoon and after a conference with the governor at his headquarters at the Yavapai club, the latter stated to the Journal-Miner that McNair would be the appointee. The formal official commission will be executed today.

Mr. McNair left last night for Douglas, where he will tender his resignation as secretary of the chamber of commerce of that city, and will at once enter upon the duties of his new position.

It has been generally believed for some days that the choice of the governor would eventually fall upon Mr. McNair. The only objection to him in the beginning, was a geographical one, but this has since been removed by reason of the fact that Commissioner Bicknell has purchased property in Phoenix and will make that city his home in the future.

Governor Sloan has received numerous telegrams from prominent persons and commercial organizations all over the territory urging the appointment of Mr. McNair, who was also backed by Hoyal A. Smith, chairman, and George U. Young, secretary of the Republican territorial central committee.

After the railroad commission was created by the legislature last session, there was no man of the forty or more applicants than Mr. McNair. He had the endorsement of the Arizona Commercial association, the Bisbee board of trade, the Douglas chamber of commerce and a particularly strong fight was made in his behalf by the Maricopa Commercial club. Governor Kibbey, however, did not appoint him, and he was severely criticized at the time for not doing so.

When a vacancy on the commission was created the other day, naturally Mr. McNair was deemed the logical man for the place by those who had stood with him before.

It is Mr. McNair's fitness for the position that has been the cause of his strength. For fourteen years he was with the Delaware and Lackawanna railroad, with headquarters at Hoboken, N. J. Then he served three years with the Chicago & Atlantic, at Wichita, Kan.; five years with the Cotton Belt line, and five years with the El Paso & Southwestern. In this period of 34 years, his duties have been principally connected with the transportation department, and this experience is what so eminently qualifies him as an expert on rate-making, and therefore a valuable member of the railway commission.

The new commissioner is a native of Morristown, N. J., and is 58 years of age, although he looks ten years younger. Personally, he is genial in manner and a man who makes friends easily and retains them. He severed his connection with the El Paso & Southwestern to accept the position of secretary of the Douglas chamber of commerce on November 20 of last year, and by his energy and original methods he has succeeded in making that one of the strongest commercial organizations in the territory, with direct benefits accruing to that city.

A strong and ardent Republican he has always taken an active interest in matters pertaining to the welfare of the party, and he was the chairman of the convention at Phoenix, which nominated Ralph Cameron as delegate to congress.

Speaking last night of his policy as a member of the commission, he said:

"It shall be my aim to better conditions and yet treat all interests fairly and impartially. My idea is to consider all grievances that may be laid before the commission, and pass upon them with sober judgment to the end that justice may be meted out both to the people and to the railroads. I apprehend that we have a great deal of work before us. There has been some criticism that the commission 'has done nothing,' but I have had occasion recently as secretary of the Douglas chamber of commerce, to review its work, and I am frank to say that the board has been working along the right lines, and that it will not be long before such results will be shown as to convince the people that the commission has fulfilled their expectations when that body was created."

### LOVETT NEW DIRECTOR.

NEW YORK, Sept. 3.—B. S. Lovett, vice president of the Union Pacific, today was elected director of the New York, Susquehanna & Western.

### ST. LOUIS MEN GET GRADING CONTRACT

(From Wednesday's Daily.)

Over half a million dollars in a railroad grading contract was yesterday awarded in this city to the John Scott Sons company of St. Louis. This action followed the calling for bids on the extension of the A. & C. from Parker on the Colorado river to Bengal on the main line of the Santa Fe, the distance being 90 miles. The above announcement was made at the offices of the S. F., P. & P. in this city by Vice President Drake of this system, after the opening and consideration of several bids that were submitted. Many of the biggest railroad contracting firms in the country submitted bids after personally inspecting the route over which the road is to pass.

The successful bidders are men who have for generations been identified with some of the heaviest railroad contracts in the west, the head of the family, John Scott, over 30 years ago constructing hundreds of miles of the Santa Fe grade in New Mexico. The work that he started in this line has been taken up by his sons, and they now go to a new field, but practically under the ownership of the same system their father was identified with so many years ago. The successful bidders in this contract are at present engaged in the middle west in like work, and are rated as experienced and capable men in railroad constructing centers. Before leaving the city they stated that if the work was awarded them, they would start it at the earliest possible date, setting the middle of September as the time dirt would begin to fly, and had sufficient equipment available in Missouri and at other points.

Speaking of the topography of the country through which the road will run, Chief Engineer Jaeger of the S. F., P. & P. says that for the first ten miles out from Parker some heavy grading will be met with, but after this stretch is passed over, it will be an easy matter for the contractors to reach the goal at Bengal within the specified time of May 1st as the date for the completion of the work. While grading is progressing, track laying will follow, and a short time after the completion of the roadbed, the operating of it will begin. Less than one per cent of a grade will be given on the entire route, while the absence of sand is a desirable feature of the route. It is desert country from one end to the other, and water will be transported from Parker to facilitate the grading work.

It is reported that from 300 to 500 Indians will be employed in this contract, it being an impossibility to secure any other class, owing to the climatic conditions prevailing, and the Indian being acclimated to any condition the desert is burdened with.

The contract awarded is one solely for the building of the roadbed, the company laying the track, building the bridges, and performing other incidental work thereto.

### SEVEREST STORM IN SEVERAL YEARS

(From Thursday's Daily)

Some idea of the severity of the recent storm on the desert near Wenden may be formed by the statement made yesterday by Frank Lucas, the well known resident of that section, who is visiting the city. He says that the old ranch owned by J. A. Reed, near Wickenburg, a tract that has been under cultivation by him for nearly 20 years, and which was the best improved and the largest acreage in that section, was swept off the map in the recent rainfall. It comprised over 50 acres in alfalfa, with other portions under cultivation, and was considered out of reach of any flood waters that might possibly fall in that valley, and had a value running into the thousands of dollars. Since its destruction, Mr. Reed says he will abandon it and leave that country. His loss is a severe blow to his industry and perseverance, after all the years of placing it at the highest and in reclaiming it from a desert condition.

In speaking of the heavy volume of water that fell for two consecutive days in that country, and without a moment of interruption, Mr. Lucas also says that the land at every point in that zone surrounding Wenden was a veritable lake, and as the water receded and passed down that valley it measured at least 12 feet in height. This condition prevailed for over two hours, and it was an unusual sight and nothing like it had ever before been witnessed by the oldest resident. Fortunately as it was no human was caught in the path of this water and aside from some personal property and landed losses, no other damage resulted.

Only reliable and comprehensive mining news is published in the Jour-

### DR. COOK DISCOVERS THE NORTH POLE

By Associated Press.

NEW YORK, Sept. 1.—Three hundred years of persistent search for the North pole have at last been crowned with success.

An American, Dr. Frederick A. Cook, performed the feat which hundreds of other men as daring as he and more experienced tried in vain to accomplish. According to his own statement from Lerwick in a cablegram to Brussels to his wife from Copenhagen, which geographers and scientists and journalists are inclined to accept as authentic.

And he did it without the aid of any other white man. Dr. Cook made the dash to the pole accompanied only by two Eskimauks and their sled dogs at the time when his wife had almost given up hope of ever seeing her husband again.

On all sides the exploit of the intrepid explorer is hailed as the greatest in history since Columbus, braving the perils of his crews that manned his tiny caravels, opened a new world to the conquering man.

Paris, Sept. 1.—"After a prolonged fight with famine and frost we have at last succeeded in reaching the North pole."

This is the declaration made by Dr. Frederick A. Cook in a signed statement printed here this morning. In the statement dated from Lerwick on board the steamer Hans Egede, Wednesday, Dr. Cook continues as follows:

"A new highway with a strip of animated nature has been explored. Big game haunts this locality which will delight sportsmen and extend the Eskimauk horizon. The land which has been discovered is that on which rests the earth's northernmost rocks."

A triangle of thirty thousand square miles has been cut out of the terrestrial which was heretofore unknown. The expedition was the outcome of a summer cruise in the Arctic seas on the schooner Bradley, which arrived at the limits of navigation on Smith sound late in August, 1907. Here conditions were found favorable for launching a venture to the pole.

COPENHAGEN, Denmark, Sept. 1.—Dr. Cook, the famous American explorer, reached the North pole on April 21, 1908, according to a telegram just received at the colonial office.

Without date, Dr. Cook started his expedition in the summer of 1907, sailing from Cape Breton on the schooner John R. Bradley, with a party outfitted with sledges and dogs. He left Greenland on March 31, 1908, and planned to make a dash over the ice to the pole last winter. Nothing had been heard from him for the last 18 months. The last news from him was dated March 17, 1908, near Cape Thomas Hubbard.

Dr. Cook is aboard the Danish government's steamer Hans Egede, which passed Lerwick at noon today, en route to Denmark.

A telegram announcing his achievement was sent by a Greenland official on board the steamer and reads as follows:

"We have on board the American, Dr. Cook, who reached the North pole April 21, 1908. He arrived at the northernmost settlement of Greenland in May, of 1909, from Cape York. The Eskimauks of Cape York confirm Dr. Cook's story of his journey."

BRUSSELS, Belgium, Sept. 1.—That an American won the honor of which the navigators of the world have been struggling for 300 years is confirmed personally by Dr. Cook in a message received by the observatory here.

The telegram from Lerwick, Shetland Islands, says: "I reached the North pole April 21, 1908. Discovered land in the far north. I will return to Copenhagen by the steamer Hans Egede.—Dr. Frederick Cook."

This makes certain that if the hunting Dr. Cook took north with him two years ago withstood the wear of the Arctic hardship, an American flag now floats at the top of a world for which daring sailors of many seas have been seeking since the discovery of the new world left nothing else more than a certain place in which names high on the scroll of fame or might be written in the pages of history.

LONDON, Sept. 1.—Dr. Cook's feat has created the liveliest interest among all classes in Great Britain. The papers have given the story of the discovery of the pole a premier place, but while giving the honor to the American, they express disappointment that Great Britain which has sent a long list of intrepid pole seek-

ers and exceeds that of any other nation, failed to land the honor. Satisfaction is taken, however, from the fact that the feat which is regarded as the greatest in geographical history since the time of Columbus was accomplished by a man of Anglo-Saxon blood whose name is already famous in the history of the seas.

The London Chronicle says: "All honor to the man who was given up for dead and appears to have achieved the greatest exploration victory in modern time."

Captain Robert Scott, commander of the British Antarctic expedition in 1900 said: "Cook seems to have made an average of 12 miles daily from Cape Columbia to the pole which is good progress indeed, considering the enormous difficulties." Scott believes the absence of Franke, Cook's only civilized companion has placed the explorer in an awkward position, regarding corroborative evidence of his discovery, but he could scarcely conceive Cook would forego a chance to reach the pole because he had only Eskimauks to accompany him.

Dr. Cook's own statement was as follows:

"Many Eskimauks had been gathered on Greenland shores and immense quantities of meat had been collected and a camp where there were plenty of strong dogs. The combination was lucky. At sun rise in 1908 (February 19) the main expedition embarked on its voyage for the pole. It consisted of eleven men and 103 dogs drawing eleven heavy sledges. The gloom of the long night was relieved only by a few hours of daylight. The chill of winter was felt at its worst. The temperature sank to minus 83 centigrade. Several dogs and men suffered severely but we soon found the game trails and the way was then easier. We forced our way through Nansen sound to Lands End. Six Eskimauks left us at the end of Herbert's island. With four men and 46 dogs moving our supplies, 80 days were required in crossing Circumpolar. Three days later two other Eskimauks left. The trials now were only for the survival of the fittest. Two of our best men and 26 dogs were picked for the final effort. There before us in an unknown line 64 miles in length lay our goal. The low temperature and high winds made life a torture. For several days the oceanic skies made it impossible to ascertain our position. On March 30 the horizon cleared and new land was discovered. On observation it gave our position as latitude 87.47 and longitude 86.36. We advanced steadily and soon got beyond all range of life. Nothing animate was seen and the maddening influence of the frozen desert became almost unendurable. Thus day after day our weary legs carried us over the long distance.

"Dog after dog now went into the stomachs of the marchers. April 7 was notable by the swinging sun at midnight over the northern ice. Sunburns and frost bites were now recorded on the same day. But the double day's brightness disheartened men and beasts to push into the heart of the mystery and penetrate the unknown land which we had set to find for ourselves.

"On April 21, the pole was in sight as our position was 85 degrees and 59 minutes. We covered the remaining 14 seconds and made a few final observations. I told my two Eskimauks we had reached 'the great nail' as everywhere we turned was south. With a single step we could pass from one side of the earth to the other. At last the flag floated in the breeze of the North pole.

"The temperature was minus 38 centigrade but in our crazy joy we began to feel weary. The next day we took more observations and experienced a feeling of great solitude as we looked on the horizon. Was it possible that this desolate region without any path of earth had aroused the ambition of so many men for so many centuries?

"There was no ground only an immensity of dazzling snow and no living being was to be seen and no point to break the frightful monotony. On April 23 we began our return journey."

CONWAY CENTER, N. J., Sept. 1.—"It is the most extraordinary feat in polar exploration," was the appraisal of Dr. Cook's exploit by General Adolphus W. Greeley, commander of the Lady Franklin international polar expedition of 1884.

"Cook's achievement must be viewed as a most extraordinary feat of polar exploration," said Greeley this evening. "He was practically without the supplies which had previously been considered an indispensable but extensive article in Arctic travel. The attainment to the geographical North pole by an American is an achievement that merits the highest possible acknowledgement by the American people. As one who once broke the record I offer my heartiest congratulations."