

SCOOP THE CUB REPORTER

Gosh--We Ought to Find Scoop Now

By "Hop"



FINDINGS ARE SETTLED IN MINING CASE

(Continued from page 1)

continued in its own direction indefinitely southerly, and another drawn parallel thereto through a point on the northerly side line of said mining claim 1142 1/2 feet westerly from the northeast corner of said mining claim, measured along the northerly side line thereof, continued indefinitely in its own direction southerly.

Special Finding

The said vein does not on its up-dip course, or at its top or apex, outcrop or reach the present surface, but is covered or buried to a considerable depth by lava, locally known as and called "Midway" andesite, which, after the formation of the vein, flowed over the then surface of the territory in which the vein exists; that at and for a distance of 360 feet westerly from where said vein or lode crosses the easterly end line of said West End claim, which crossing is at a distance of 135 feet northerly from the southeast corner of said West End claim, there is a juncture or union between two limbs or sides of said veins, and from the summit of said juncture or union the downward course of one limb or side thereof is in a northerly direction, and the downward course of the other limb or side thereof is in a southerly direction; that there is a continuation upward from the summit of said juncture or union of said northerly and southerly dipping limbs or sides of said vein of ore and silver-bearing quartz or rock in place for a distance from 20 or 20 to more than 100 feet, and to what was the surface before the same was buried beneath the said lava flow; that such ore and silver-bearing quartz were deposited where the same are now found at the same time and during the same period that the main vein below was created, and from mineral-bearing solutions having the same source; that the dip and strike or course of such upward continuation of ore and silver-bearing quartz are conformable to the dip and strike or course of the said northerly-dipping limb or side of said vein from the summit of said juncture downward, and the court finds that said upward continuation is a part of said vein or lode; that thence westerly, and for a distance of 360 feet, the northerly and southerly-dipping limbs, sides, or slopes of said vein do not unite or form a union or juncture in their upward course, but for that distance each of said limbs or sides has a separate and independent top or apex; that thence westerly, for a distance of 40 feet, the northerly and southerly-dipping limbs, sides, or slopes of said vein are again found in conjunction, as in the said most easterly 360 feet; that thence westerly, and until said northerly and southerly-dipping limbs, sides, or slopes of said vein intersect with and cross said northerly side line of said mining claim, they do not unite or form a union or juncture in their upward course, but for that distance each of said limbs or sides has a separate and independent top or apex; that between said distance of 40 feet, where said northerly and southerly dipping limbs, sides or slopes of said vein, as aforesaid, unite or form a union or juncture in their course upward, and said place on said northerly side line of said mining claim where, as aforesaid, said contra-dipping limbs, sides or slopes of said vein respectively intersect said side line and cross the same and so depart from said mining claim, there are two points at which it appears that said contra-dipping limbs, sides or slopes of said vein on their upward course approach closely to a juncture or union, but as to said contra-dipping limbs, sides, or slopes of said vein at said two points actually forming a juncture or union on their upward course, the evidence is meager and unsatisfactory; that the point where the said northerly dipping limb or side of said vein departs from the said mining claim through the northerly side line thereof is 1120 feet westerly from the northeast corner of said claim measured along the north-

erly side line thereof; that the point where said southerly dipping limb or side of said vein departs from said mining claim through the northeast-erly side line thereof is 1142 1/2 feet westerly from the northeast corner of said claim measured along the northerly side line thereof; that throughout said distance of 40 feet, where the contra-dipping limbs or sides of said vein are found in conjunction, as hereinbefore stated, there is a continuation upward from the summit of the juncture or union of said two limbs or sides of said vein of ore or vein quartz to what was the surface before the same was covered by the lava flow; that the dip or downward course of both the northerly and southerly dipping sides or limbs of the vein where the two are found in conjunction, as aforesaid, and also in the places where each, as aforesaid, has its separate and independent top or apex, is regular and practically free from undulations; that the said southerly dipping limb or side of the vein in the easterly portion of the West End claim, that is to say, the easterly 360 feet thereof, has been developed from the top or summit of said juncture of said contra-dipping limbs to and beyond the southerly side line of said claim, or for a distance, measured on the slope or downward course of said southerly dipping limb or side, of 800 feet or thereabouts, the average dip there being 17 degrees from the horizontal; that the westerly portion, that is to say, the westerly 300 feet of said southerly dipping limb or side of said vein found in the West End claim, has been developed from its top to and beyond the southerly side line of said claim, or for a distance, measured on its slope or downward course, of 1000 feet or thereabouts, the average dip there being 30 degrees from the horizontal; that the average dip of said northerly dipping limb or side of said vein, so far as the same has been developed in its downward course, is 17 degrees from the horizontal; that said vein is a fissure vein; that there is a difference in the strikes or courses of said northerly and southerly dipping limbs of said vein of about 40 degrees; that at said places and throughout said distances, where said contra-dipping limbs of said vein are found to intersect and form a juncture, as aforesaid, there has been a mingling of the mineralizations of said two limbs of said vein within the angle beneath the juncture of the said two limbs; that at such places and throughout said distances the footwall of said two limbs of said vein, within the angle beneath their said juncture, by the process of replacement has been converted into mineralized quartz for considerable distances below said juncture, said replacement quartz extending from limb to limb.

That the shaft known as the McQuillan shaft was the discovery shaft of the West End mining claim; that said discovery shaft encountered and disclosed no vein or lode of mineral-bearing rock in place until, in its downward course, it cut and disclosed said northerly dipping limb or part of said vein; that said northerly dipping limb of said vein was cut and disclosed in said discovery shaft on the 3rd day of April, 1903.

That all of the ores mentioned in the complaint and the amended complaint herein, as having been mined, broken down, extracted and removed by the defendant within the surface boundaries extended downward vertically of said Eureka and Curtis lode mining claims, were mined, broken down, extracted and removed by the defendant from said vein and between the extralateral planes described in the next preceding finding.

That all of said ores mentioned in the next preceding finding, so as aforesaid mined, broken down, extracted and removed by the defendant within the surface boundaries of said Eureka and Curtis lode mining claims extended downward vertically were the property of, and were owned

by, the said defendant at the time they were so mined, broken down, extracted and removed; that none of the said ores, so as aforesaid mined, broken down, extracted and removed by the defendant within the surface boundaries extended downward vertically of said Eureka and Curtis lode mining claims, at the time they were so mined, broken down, extracted and removed, or ever was, the property of said plaintiff.

That said plaintiff has not suffered or sustained any damage in any form whatever by reason of any act of the defendant alleged in the complaint or the amended complaint herein.

VII.

That the defendant never threatened to, or intended to, or ever claimed the right to enter upon or under the surface of said Eureka lode mining claim or said Curtis lode mining claim, other than that part or portion thereof included within said vein or lode herein found to have its top or apex within said West End mining claim and which on its downward course passes into and beneath the surface of said Eureka and Curtis lode mining claims; and the defendant never threatened to, or intended to, or ever claimed the right to enter upon or mine or extract ores from said vein from beneath the surface of said Eureka and Curtis lode mining claims other than that part or portion of said vein between vertical planes, one drawn through the easterly end line of said West End mining claim extended in its own direction indefinitely southerly, and another parallel thereto through a point on the northerly side line of said West End mining claim 1142 1/2 feet westerly of the northeast corner of said mining claim, measured along the northerly side line thereof, extended in its own direction indefinitely southerly.

Conclusions of Law

From the foregoing Findings of Fact the Court makes the following Conclusions of Law:

I. That at all of the times mentioned in the complaint and the amended complaint herein, the defendant was and now is the owner of, in possession of, and entitled to the possession of all of the vein from which the ores were taken as alleged in the complaint and the amended complaint herein, and as herein found, between vertical planes, one drawn through the easterly end line of said West End mining claim, continued in its own direction indefinitely southerly, and another, parallel thereto, drawn through a point on the northerly side line of said mining claim 1142 1/2 feet westerly from the northeast corner of said mining claim measured along the northerly side line thereof continued in its own direction indefinitely southerly.

II.

That said plaintiff is not entitled to take anything by its said action; that the said defendant have and recover from said plaintiff its costs in the sum of

III.

(Stricken out.)

IV.

That said plaintiff has not suffered or sustained any damage in any form whatever by reason of any act alleged in the complaint or the amended complaint herein.

And judgment is hereby entered accordingly.

Dated at Tonopah, Nevada, May 19, 1915

Judge of said District Court.

DELINQUENT SALE NOTICE

CASH BOY CONSOLIDATED MINING COMPANY.

Location of Principal Place of Business, Carson City, Nevada. Location of works, Tonopah, Nye County, Nevada.

NOTICE.—There are delinquent upon the following described stock on account of Assessment No. 2, levied on the 15th day of April, 1915, the amount set opposite the name of the respective shareholder:

Table with columns: No., Name, Shares, Amt. Includes names like A. Puchelli, C. H. Peters, M. W. Smith, etc.

Table with columns: Name, Shares, Amt. Includes names like Walter Drysdale, Fred W. Duifer, Chas. G. Hamilton, etc.

Table with columns: Name, Shares, Amt. Includes names like Geo. Morrell, M. L. Johnson, M. L. Johnson, etc.

Table with columns: Name, Shares, Amt. Includes names like Dan Walsh, Dan Walsh, Dan Walsh, etc.

Table with columns: Name, Shares, Amt. Includes names like M. D. Fairchild, Chas. S. Sprague, Chas. S. Sprague, etc.

Table with columns: Name, Shares, Amt. Includes names like Nat. Boas, Nat. Boas, Nat. Boas, etc.

Table with columns: Name, Shares, Amt. Includes names like John J. O'Connor, Daube & Co., Daube & Co., etc.

And in accordance with law and an order of the board of directors made on the 15th day of April, 1915, so many shares of each parcel of such stock as may be necessary will be sold at public auction at the office of the company, Geo. Bartlett's office, Carson City, Nevada, on Thursday, June the 17th, 1915, at the hour of 2 o'clock p. m. of said day, to pay said delinquent assessment thereon, together with the costs of advertising and expenses of the sale.

E. H. MEAD, Secretary. Geo. Bartlett's office, Carson City, Nevada. May 21 Jun 17, 1915

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