

MOTHER EARTH'S TREASURE

Mining Prospects Along the Famous Lode.

SYSTEMATIC MANNER OF WORKING THE EAGLE

Operations to Be Resumed on the Gold Hill.—A Large Pocket Found.

CALAVERAS COUNTY.

Prospect: Thomas Poynton has another contract to extend the May Day tunnel and the crew are at work night and day now in developing the mine.

Good reports still come from the Big Horn mine on the San Domingo. Some good ore is being taken out daily and the company is very confident of a good mine.

Citizen: George E. Walker, superintendent of the Eagle Gold Mining Company, whose property is situated at El Dorado, was in San Andreas on Tuesday last, and called on the Citizen editor, being an old Stockton friend.

The Eagle company is principally composed of Stockton people. Mr. Walker, Francis M. Cutting and others of that city whose names we do not at present recall, being the interested persons.

The mines of the company are a hydraulic proposition and last season they accomplished some very flattering results. They paid well from the time of turning on the water till the close of the season and the clean ups were satisfactory to the gentlemen owning the mines.

The new ground is known to have been rich when worked in the past and will be thoroughly worked by the company this winter. The ground recently purchased adjoins that heretofore worked by the company, and is as easily accessible to the water as the old ground.

TUOLUMNE COUNTY

Mother Lode Magnet: The Mack mine at Big Oak Flat has closed down temporarily. Beginning with the first of the year it is the intention of the company to erect a new hoist and sink a new shaft, the present machinery being inadequate to sink deeper than they are at present.

The Hudson mine on Bald mountain has yielded its owners, T. C. Birney, Joel Hudson, Henry Monroe and the Wainwright boys a fine Christmas present in the shape of a \$4000 pocket. More gold is sight.

New Era: Not a mine in the county shows more activity at present than the Goldwin. Thousands of feet of lumber are on the ground, other thousands are en route, improvements are under way, underground forces at work, and, in fact, the general grounds can be expected on a first-class property.

After the Masquerade Ball on New Year's eve, to the Olympus Restaurant, Webb building, where you can get the best meal at reasonable rates. \$28-1

The masons. The mill timbers are being framed in Carters by millwright Jack Kempson. The mill is being turned out by Demarest & Fuller of the Angels Iron Works and will probably be ready for placing in position within sixty days.

Curb Your Passions.

The unfortunate altercation on Christmas afternoon between some of our people, which resulted in a stabbing affray, is to be deeply regretted. Fortunately no one was dangerously hurt, but one person at least had a very narrow escape.

The disagreeable affair, as the LEDGER understands it, was the result of sudden and intense passion, and not one of vengeance to appease the bitter ranking of a long-standing feud.

Kennedy Grade Runaway.

About 5:30 on Christmas eve, as Mr. and Mrs. Charles Marsh, en route from Sutter Creek to Jackson, were descending the Kennedy grade, the horse began kicking and running.

The Live Oak mine at El Dorado is a quartz proposition and the rock is pronounced of good grade by those who have seen it. At present sinking of the shaft is in progress and steam is being used for hoisting purposes.

Death of Mrs. Eva Stanley.

On Saturday, Dec. 22, 1900, Mrs. Eva Stanley, beloved daughter of the Rev. Wm. Tuson, died at her home this city after an illness of some months.

The Private Secretary.

A fair sized audience applauded as the curtain rose, upon "The Private Secretary" which was rendered by local talent in Love Hall last Saturday evening. The acting was excellent and the audience was in the usual way that it was well pleased.

Card of Thanks.

The Rev. and Mrs. Tuson wish to return their heartfelt thanks to the many kind friends who ministered to their wants in time of trouble.

Lost.

Lost in front of Globe Hotel, a medal engraved on one side as follows: "Champion of the Ring."

Robie Robinson of Stockton is here for the holidays. Absolutely the best in the market—lone flour. \$8-24f

Who sells at the lowest prices? The White House. 12-7-4f

The dense fog early this morning has the record. A beautiful day followed.

PIONEER FLOUR always has been and still is the best. 4-61f

Men's good pants at \$1.00 at the Red Front Clearance Sale. 10-16-4f

After the Masquerade Ball on New Year's eve, to the Olympus Restaurant, Webb building, where you can get the best meal at reasonable rates. \$28-1

DROPS FROM THE QUILL

Christmas Festivities Made Note Of.

MANY CASES OF LA GRIPPE ARE REPORTED

A Coyote Furnishes a Target For the Rifle on Christmas Afternoon.

Ione flour is Peerless. 6-22-4f

Miss Grace Clough, who is attending school here, is home for the holidays.

Herbert Palmer, of the Argonaut mill, is down with a severe case of the la grippe.

Pioneer Flour is "Lily of the Valley," the "Pearl of Perfection."

Mr. Powers, of the Amador Dispatch, is spending the holidays with his parents in Santa Rosa.

Mr. F. M. Phelps of Placerville was registered at the New National, Wednesday of this week.

President McKinley drinks Jesse Moore "AA" whiskey.

Miss Rose Green, of the typographical staff of the LEDGER, is the guest of her parents, at Aqueduct, this week.

Ione is noted for several good things, but more especially for the best flour in the market—try Peerless. 8-24f

Hon. E. A. Freeman returned from San Francisco on Friday of last week. He had been absent for some months.

Kid gloves guaranteed and fitted at \$1.25 at the White House. 12-7-4f

The bazaars and entertainments given by the different church societies recently, yielded good returns to the promoters.

Call at the White House for Holiday Goods. 12-7-4f

Express Messenger R. E. McConnell has had several days' siege with the la grippe. The complaint is quite prevalent hereabouts.

Do not forget the Big Sale at the Red Front mill continues one week longer. 10-16-4f

For the best plate of oysters go to the Olympus Restaurant. 12-3-1f

St. Augustine's Sunday School will hold a Christmas tree and entertainment on Tuesday evening Jan. 1, 1901, at 7:30 o'clock.

Middy suits from \$1.00 up at the White House. 12-7-4f

The funeral of the late S. M. Smith was held in Sutter Creek on Monday under the auspices of Henry Clay Lodge, F. and A. M.

James E. Dye Jr. will go to Sacramento, about January 1st to accept a secretaryship in the Legislature, which will convene Jan. 7th.

Best bleached sheeting at 15 cents a yard at the Red Front Clearance Sale. 10-16-4f

The Jackson Band made a serenading tour throughout the town on Christmas afternoon, discoursing excellent music throughout the trip.

Fine Oregon potatoes can be had at Caminetti's Central Market. 10-16-4f

Misses Maude Miller of Ione, and Della Votaw of Shenandoah, were at the New National Hotel this week. Both young ladies took the teachers' examination.

Men's good working shoes at \$1.00 at the Red Front Clearance Sale. 10-16-4f

The ball given by the Native Daughters, in Sutter Creek, Christmas eve, was well attended and proved all that the most sanguine tripper of the "light fantastic" anticipated.

Pigeon, turkey and chicken supper at the Olympus on New Year's eve. \$28-1

We have a very select and choice stock of perfumes and atomizers, soap and soap-boxes, for sale cheap at the City Pharmacy. 12-7-4f

Mr. and Mrs. Chas. Ginocchio, of the Gwin mine, were visiting friends here and in Sutter a day or two this week. On Thursday they went to San Francisco for a holiday trip.

A complete assortment of Shaving Sets, Cosmeon and Ebonoid dressing cases, mirrors and albums for sale cheap, for cash, at the City Pharmacy. 12-7-4f

On Friday afternoon of last week, R. L. Mann, proprietor of the New National Shaving Parlors, picked up a gold nugget on Main street, just in front of the Odd Fellows' building.

We handle all kinds of building lumber, and the quality and price makes ready sale for it. Call at Amador County Flour Mills, Ione. 8-24f

Chas. E. Armstrong, student at St. Mary's College, Oakland, is home for the holidays. He will graduate in 1904. The LEDGER acknowledges a very pleasant call from Mr. Armstrong.

Mrs. J. S. Hammond is quite ill with quinsy.

At the Kirkwood mine, sinking is going forward rapidly.

Prospects at the Peerless mine are more and more favorable.

Don't start on your journey without putting a bottle of Jesse Moore "AA" in your grip.

If you want the up to date styles in shoes, you can get them by calling at the Jackson Shoe Store.

A new blacksmith shop, more commodious and better equipped than the old one, is being built at the Lincoln mine.

Sheriff U. S. Gregory, accompanied by his daughter, Mrs. Clarence Freeman, conveyed Mrs. Crawford to the asylum at Napa last Sunday, returning the following day.

Are your companions good or bad? Evening subject at the M. E. church, Sunday, Dec. 30. Morning subject—Have you ever known of any person who did not try to get a little more of this world's goods?

Nolan shoes are guaranteed; if they rip we sew them for you free of charge at the Jackson Shoe Store.

Mr. Henry Eudey, President of the Bank of Amador County went to San Francisco Wednesday to be absent several days. During his sojourn in the city, the Board of Directors, of which board he is a member, of the Fremont Consolidated Mining Co. will meet there.

A very extensive assortment of ladies purses will be sold at bargains at the City Pharmacy. Dec. 14-4f

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ARGONAUT PERIODIC KENNEDY

Decision of Supreme Court of California.

THE RIGHT TO FOLLOW THE DIP OF THE LODE

End Lines of Claim Not Being Parallel Does Not Destroy Extralateral Rights of Owners.

[We give herewith the decision of the State Supreme Court in the Argonaut-Kennedy mining suit, filed December 19th. The case was heard in bank and the opinion was written by Justice Temple. The Kennedy Company was represented by Messrs. L. S. Gregory and W. J. Deacon, and the Argonaut Company by Lindley & Eickhoff, Wm. J. McGee and F. J. Solinsky. The decision follows.]

This is an action for damages for the value of ore alleged to have been taken by defendant from plaintiff's mine, situated in Amador county. The defendant denies taking any ore, or gold-bearing rock, from plaintiff's mine, and avers that defendant is the owner of the mine from which the rock was taken.

The cause was submitted in the trial court upon an agreed statement of facts, each party having the right to object to the relevancy, competency and materiality of any part of it. Certain objections to evidence were made by the appellant which were overruled by the Court, and the main argument here has been in regard to these rulings. Much of the argument has been directed upon the ground of immateriality. All that I deem it necessary to say in regard to such rulings is that, admitting that the trial court erred, as I am inclined to think it did, defendant has suffered no harm. The question of law upon which the case must turn is not changed or affected by receiving this immaterial evidence.

The controversy is indicated by the following diagram:

The diagram shows the Pioneer quartz mine, the defendant owns the Kennedy mine and the Silva mine. All three mines had passed to patent before the ore was taken out by defendant. The ore was taken out under the Silva location, and with its exterior surface lines, carried vertically down. It was taken from the discovery lode of the Pioneer location, which is the only lode which has its apex within that location. It enters the lode at the end of the dip, and runs easterly through the location in a direction practically parallel to the side lines, through the center of the northern end line. In fact, save that the end lines are not parallel, the location is not different from the location in a direction practically parallel to the side lines, through the center of the northern end line. In fact, save that the end lines are not parallel, the location is not different from the location in a direction practically parallel to the side lines, through the center of the northern end line.

The defendant does not assert any right to the ore in dispute by virtue of the location of the lode, and nothing further need be said about it. Defendant asserts title to the ore by reason of its ownership of the Silva ground, under what counsel call the common law right to everything beneath the surface of the land.

A coyote was caught in a trap and staked out Christmas afternoon as a mark for expert rifle shots, distance about 500 yards. About fifty, more or less, shots were fired, but the coyote still remained in robust health. At length a bullet severed the chain in twain and away bounded the animal like a streak of greased lightning.

Ladies' and men's tennis flannel night shirts at 75 cents at the Red Front Clearance Sale. 10-16-4f

Geraldine Bonner's letter from Paris, given in the Argonaut for December 31, 1900, describes the arrival of President Kruger in the French capital, and the great enthusiasm and excitement of his reception. Her pictures of the street crowds and the hardly restrained impulses of the people are exceedingly vivid and interesting.

Primary and Grammar Grades.

The following persons have been writing this week for certificates: PRIMARY GRADE. Miss Della Votaw, Plymouth. Miss Maude Miller, Ione. Miss Jessie Mooney, Amador City. Miss Maggie Slavich, Plymouth. Miss Rosa Cook, Ione. Miss Nellie Robinson, Jackson. Mr. W. A. Wilson, Pine Grove.

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The Rich are Peevish. Frank Rockefeller, brother of the oil king, John D. Rockefeller, visited Campo Seco a few weeks ago to investigate a copper prospect. About the same time his brother, John D., gave away at one dash \$1,500,000 to a Chicago institution, more money, probably, than they could make out of many copper mines. The ways of rich men are past finding out. It seems strange that men of such immense wealth should put themselves to the inconvenience of personally inspecting such small propositions.

SUPERIOR COURT.

C. D. Smith vs Geo. W. Smith et al. Action dismissed. C. H. Hoskins vs Central Eureka Mining Co. On appeal from the Justice's Court of Township No. 4. Estate of Orin Tam. Petition of Wm. Tam and Maria Tam for probate of last will and testament. Giovanni Marchetti vs Rosa Marchetti—Action for divorce. Decree of divorce granted.

A Deserved Promotion. Harry W. Dye, son of Jas. E. Dye of this place, formerly with the London and San Francisco Bank, has been promoted to the position of chief of the Ledger Department in the Portland, Oregon, bank, a branch of the San Francisco institution. His many friends here extend congratulations.

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populy. So far as possible all should have an equal chance. The right of the first possessor was preferred, but no matter was considered more important than the limitation upon the extent of the claims.

Thirdly, as a corollary from these two cardinal rules, the third rule is that each claimant shall mark plainly upon the surface of the earth the boundaries of his claim, that others may locate claims without interfering with him.

These essential rules have been the basis of most of the rules and regulations of miners, and have been recognized in every mining district on the Pacific coast, and in all attempts by legislation, territorial, State or National, to regulate mining locations. Indeed, it may be said that the purpose of all these laws and regulations is to secure these ends.

These views are, as I think, expressed by Judge Field in the celebrated Eureka case (4 Saw. 302). The location there considered were made under the law of 1866, and one of the questions to be decided was whether the defendant was entitled to his allotted distance along the line of the lode, or to the surface of the vein, although in its strike the vein passed beyond its exterior surface lines. There was no contention based upon diverging end lines, and there could not have been; for the ore body in dispute was within planes passing through the line of the lode, and the location, which belonged to plaintiff, was not within such planes passing through which defendant claimed. Defendant, on this point, simply contended that it had the best location, and under the law of 1866 had right to the number of feet on the lode called for in its location, although it extended within the junior locations owned by plaintiff. It was held that defendant could not follow the line of the lode, but was limited to the surface location. In reaching this conclusion the Court emphasized the inviolability of these rules.

The defendant contends that the location of the lode is not different from the location in a direction practically parallel to the side lines, through the center of the northern end line. In fact, save that the end lines are not parallel, the location is not different from the location in a direction practically parallel to the side lines, through the center of the northern end line.

The defendant contends that the location of the lode is not different from the location in a direction practically parallel to the side lines, through the center of the northern end line. In fact, save that the end lines are not parallel, the location is not different from the location in a direction practically parallel to the side lines, through the center of the northern end line.

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show that the locator was limited under the law of 1866 to the specified number of linear feet on the lode throughout its entire depth. The extent of his right could be measured by the feet on the surface. The statement that the requirement of the law of 1872, that the end lines shall be parallel to the surface of the lode, was overruled in Iron Silver M. Co. vs. Elgin Mining & Smelting Co., 118 U. S., 196, but that the limitation upon the line or distance on the lode continues throughout its entire depth has always been recognized. And, indeed, it seems obvious that the opposite contention could not be thought of. A proposed rule may be tested by inquiring what may be done with it. Suppose the distance hereon had been 150 degrees instead of fifteen, the dip being at a small angle from the plane of the horizon. The statutory limitation upon the length which could be taken on the lode would be a farce, even were the ledge the ideal ledge of miners. The Pioneer would soon have extended itself to the entire length of the lode.

I think the law of 1872, instead of extending the rights of locators under the law of 1866 along the lode, expressly limits them in that respect to the rights they had under the previous laws. Section 2 provides: "Mining claims upon veins or lodes * * * heretofore located shall be governed, as to length on the vein or lode, by the customs, regulations and laws in force at the date of their location."

These words themselves, in my opinion, are sufficient to support the declaration of the court in the Eureka case. Speaking of the locations provided in section 3 of the act of 1872, which I have noticed, of lodes to planes through the end lines, "The act in terms annexes these conditions to the possession not of claims subsequently located, but to the possession of those previously located. This fact, taken in connection

with the reservation of all rights acquired under the act of 1866, indicates that in the opinion of the Legislature no change was made in the rights of the locators by confining their claims within the end lines. The act simply recognized a pre-existing rule of the locator, and made it applicable to all veins or lodes found within the surface lines.

This proposition is substantially reiterated in Iron Silver Mine vs. Elgin, 118 U. S., 194, and in many other cases, including the latest to which our attention has been called—Walrath vs. Champion, 171 U. S., 293.

It remains but to add on this point that the patent under which plaintiff claims only grants of the discovery lode 1589 and 94-100 linear feet "of the said Pioneer quartz vein, lode, ledge or deposit, as hereinafter described, throughout its entire depth."

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