



Arizona Miner.

A Democratic Newspaper, devoted to the inculcation of Constitutional Principles of Government, and the advancement of the interests of every section of Arizona.

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National Mineral Land Law.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled:

SECTION 1. That the mineral lands of the public domain, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and occupation by all citizens of the United States, and those who have declared their intention to become citizens, subject to such regulations as may be prescribed by law, and subject also to the local custom or rules of miners in the several mining districts, so far as the same may not be in conflict with the laws of the United States.

SEC. 2. And be it further enacted, That whenever any person or association of persons claim a vein or lode of quartz, or other rock in place, bearing gold, silver, cinnabar, or copper, having previously occupied and improved the same according to the local custom or rules of miners in the district where the same is situated, and having expended, in actual labor and improvements thereon an amount of not less than \$1,000, and in regard to whose possession there is no controversy or opposing claim, it shall and may be lawful for said claimants or association of claimants to file in the local land office a diagram of the same so extended laterally or otherwise as to conform to the local laws, customs, and rules of miners, and to enter such tract and receive a patent therefor, granting such mine together with the right to follow said vein or lode with its dips, angles or variations to any depth, although it may enter the land adjoining which land adjoining shall be sold subject to this condition.

SEC. 3. And be it further enacted, That upon the filing of the diagram as provided in the second section of this Act, and posting the same in a conspicuous place on the claim together with a notice of intention to apply for a patent, the Register of the Land Office shall publish a notice of the same in a newspaper published nearest to the location of said claim, and shall also post such notice in his office for the period of ninety days; and after the expiration of said period, if no adverse claim shall have been filed, it shall be the duty of the Surveyor General, upon application of the party, to survey the premises and make a plat thereof, indorsed with his approval, designating the number and description of the location; the value of the labor and improvements, and the character of the vein exposed; and upon the payment to the proper officer of five dollars per acre, together with the cost of such survey, plat and notice, and giving satisfactory evidence that said diagram and notice have been posted on the claim during said period of ninety days, the Register of the Land Office shall transmit to the General Land Office said plat, survey and description, and a patent shall issue for the same thereupon; but said plat, survey or description shall in no case cover more than one vein or lode, which shall be expressed in the patent issued.

SEC. 4. And be it further enacted, That when such location and entry of a mine shall be upon unsurveyed lands, it shall and may be lawful, after the extension thereto of the public surveys, to adjust the surveys to the limits of the premises according to the location and possession and plat aforesaid, and the Surveyor General may, in extending the surveys, vary the same from a rectangular form to suit the circumstances of the country and the local rules, laws and customs of the miners; Provided, That no location hereafter made shall exceed two hundred feet in length along the vein for each locator, with an additional claim for discovery to the discoverer of the lode, with the right to follow such vein to any depth, with all its dips, variations and angles, together with a reasonable quantity of surface for the convenient working of the same, as fixed by local rules: And provided further, That no person may make more than one location on the same lode, and that not more than three thousand feet shall be taken in any one claim by any association of persons.

SEC. 5. And be it further enacted, That as a further condition of sale, in the absence of necessary legislation by Congress, the local Legislature of any State or Territory may provide rules for working mines, involving easements, drainage and other necessary means to their complete development; and those conditions shall be fully expressed in the patent.

SEC. 6. And be it further enacted, That whenever adverse claimants to any mine located and claimed as aforesaid, shall appear, before the approval of the survey, as provided in the third section of this Act, all proceedings shall be stayed until a final settlement and adjudication of the Courts of competent jurisdiction of the rights of possession to such claim, when a patent may issue as in other cases.

SEC. 7. And be it further enacted, That the President of the United States be, and he is hereby, authorized to establish additional land districts, and to appoint the necessary officers under existing laws wherever he may deem the same necessary for the public convenience in executing the provisions of this Act.

SEC. 8. And be it further enacted, That the right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted.

SEC. 9. And be it further enacted, That whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing or other purposes, have vested and accrued, and the same are recognized and acknowledged by the local customs, laws and the decisions of Courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals for the purposes aforesaid is hereby acknowledged and confirmed: Provided, however, That whenever, after the passage of this Act, any person or persons shall, in

the construction of any ditch or canal, injure or damage the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

SEC. 10. And be it further enacted, That, whenever prior to the passage of this Act, upon the lands heretofore designated as mineral lands which have been excluded from survey and sale, there have been homesteads made by citizens of the United States, or persons who have declared their intention to become citizens, which homesteads have been made, improved and used for agricultural purposes, and upon which there have been no valuable mines of gold, silver, cinnabar or copper discovered, and which are properly agricultural lands, the said settlers or owners of such homesteads shall have a right of pre-emption thereto, and shall be entitled to purchase the same at the price of one dollar and twenty-five cents per acre, and in quantity not to exceed one hundred and sixty acres, or said party may avail themselves of the provisions of the Act of Congress approved May 30, 1862, entitled "An Act to secure homesteads to actual settlers on the public domain," and Acts amendatory thereof.

SEC. 11. And be it further enacted, That upon the survey of the lands aforesaid, the Secretary of the Interior may designate and set apart such portions of the said lands as are clearly agricultural lands, which lands shall thereafter be subject to pre-emption and sale as other public lands of the United States, and subject to all the laws and regulations applicable to the same. Approved July 26th, 1866.

Letter from Wickenburg.

[CORRESPONDENCE OF THE MINER.]

WICKENBURG, A. T., Nov. 3, 1867.

This place has been unusually dull during the past two weeks; no one killed, no call from Apachedom, and, except a little spiritual disturbance now and then, caused by taking too much "ague preventative," there has been nothing to disturb our peaceful and prospective city. Rev. C. Blake tarried here a few hours on the Sabbath, and kindly treated us to a sermon, in front of Gray & Co.'s store, but owing to the short notice given, and so many people being sick, there was but a small congregation, but he, nevertheless, gave us quite a sermon, from the encouraging text, "Where two or three are gathered together in My name, they will I also be in the midst of them." He must have thought us a forlorn lot of sinners, as several men, from the effects of the "ague preventative," could not stand up to listen to the sermon, and had to lie down to it, but it seems he had some hopes for us, as he promised to send us a lot of Bibles, etc., and said he hoped, soon, to see missionaries among us, to teach us the word of the Lord; but while trying to gather a few strays on the outside, his own flock, (his escort) which was under his special care, were running wild at two-forty speed, and still crowding on more steam. It seems to be an understood thing for all soldier boys, with few exceptions, both great and small, to get in a weaving way every time they come to this place, but the Chaplain's escort beat all previous parties. Some of them were about town drunk for hours after he left, swearing and blackguarding worse than a lot of Pittsburg coal-brokers. They would make a fit escort for old Brownlow when he makes his last trip, but not for a Christian lady through an Indian country. At J. B. McWhorter's ranch, six miles below town, they stole everything in the shape of tools, cooking utensils, etc. Mac was sick and away from home at the time. They afterwards offered some of the stolen articles for sale at Salt River station. Such things may do very well for a little joke, but old Mac says he can't see it in that light. If there are any of that sort about Fort McDowell, I pity the friendly Indians and the Chaplain.

The health of this place is improving some, although there are still several cases of chills and fever. Captain Smith is very low with the fever. William Wells, a native of New Brunswick, recently from Topeka, Kansas, died here on the 29th ult., of fever.

Times here are improving. The merchants are all busy, receiving and storing goods for the winter season. Barnett intends moving into his new and spacious building in a few days, with a large stock of new goods just received from California. Frank Pouget, our noisy butcher, has got back from California, with more fat beef cattle. Everything about the Vulture mine and mill is as usual—lively and prosperous. The Vulture is "capital" and greenbacks don't affect; neither does it require a veto to make it stick, nor gas to make it move. I hope soon to see plenty of such capital around Prescott. As for that other affair, just tell the boys to keep their present location, as it is bound to come out all right. But if there are any people up your way who are bound to go, anyhow, send them up Salt River, where we intend establishing a colony for the discontented people of other sections of the Territory. F. H.

Murder of a Maricopa Indian.

The following letter was furnished to the Alta California for publication from Headquarters of the Department of California:

HEADQUARTERS OF THE DEPARTMENT OF CALIFORNIA, Camp McDowell, A. T., Oct. 2, 1867. Colonel—I have the honor to inform you that on the 20th of September a Maricopa Indian, generally known as Coyote, was murdered and robbed at Gila Bend, in this District. The assassin is supposed to be a young man by the name of Samuel Edmundson, and is said to have had an accomplice named A. Farrell. These men belonged to a party of emigrants travelling from Texas to California. Information of the murder was sent to me by Captain Whipple, Thirty-second Infantry, who was at Gila Bend at the time, with a detachment of recruits. I furnished a description of the two men, as given by Captain Whipple, to Colonel Ruggles, the Indian Agent at the Pima Villages. Captain W. was unable to arrest the men, but forwarded a description of them to the commanding officer at Fort Yuma.

The Maricopa Indians were very much excited, as the murdered man was a prominent member of their tribe, but were satisfied that all possible exertion would be made by the military authorities to capture the offenders.

Edmundson is described as about 23 years of age, tall, thin, with long, light hair, and a scar or ringworm on his neck; wore a pair of cavalry pants, and had served in the rebel army.

Farrell was rather older, but not so tall; wore a white felt hat with a black feather, and a pair of blue cottonade pants. This Indian was undoubtedly murdered for his money, which I understand, he had shown about the emigrant train while endeavoring to make a purchase of a horse or trade one to be owned. He had a pass from me recommending him as a good man, which he had shown to the officers of Captain W.'s party.

I am, very respectfully, your obedient servant, GEN. B. SANFORD, Captain First Cavalry, Bvt. Lieut. Col., U. S. A., Commanding.

To Bvt. Lieut. Col. J. P. Sherburne, Asst. Adjt. Gen. Dept. of Cal.

The Alta, of October 20, comments upon the above as follows:

The murder of a prominent chief of the Maricopas in Arizona by some emigrants, affords another instance of the recklessness and criminal thoughtlessness with which white men precipitate Indian wars. In this instance a head man among a friendly tribe of Indians from whom we have drawn recruits, and native volunteers, is wantonly murdered by some miscreants who covet the little sum of money which the Indian had about him. Under some circumstances, the Maricopas, from being friendly, might become hostile, and like the Hualapais, they would have good cause for their hostilities, for a jury trial of the murderers, if arrested, would be but a farce, and we would soon see the unfortunate Territory still more untenable and desolate, in consequence of another element being added to its savage warfare. And yet, when these murders of Indians and wanton outrages upon them have provoked retaliation in kind, how swift the press is to clamor for extermination and slaughter for all Indian-kind. If there were a few Indian newspapers and Indian politicians, we might occasionally get a glimpse at the other side of the question that would surprise us.

We coincide with the Alta in its remarks upon the murder of the friendly Maricopa, and are exceedingly sorry that so foul a crime should have been committed in our Territory. If true, and everything points that way, we earnestly hope the murderers may be caught and punished to the full extent of the law. We think the Alta is laboring under a mistake when it asserts that the Hualapais have good cause for carrying on a murderous warfare upon the whites; we know of no cause sufficiently good to justify the villainous conduct of that infernal tribe, and all this nonsensical twaddle about the whites bringing on Indian wars is sheer nonsense. We are surprised to see a paper printed on this coast join in with the sickly sentimentalists of the East, and grieve over the fancied wrongs of the "noble red man." The Alta ought to know Indian nature better than it does. It "takes on" more about the killing of this Indian than it has ever done over the murder of a white man by Indians, which is, almost, an every day occurrence in this Territory. We think it represents "the other side of the question" fully as well as an Indian newspaper or politician could do it.

Our people have always treated their well-disposed red brethren with great kindness, and have not "clamored for extermination and slaughter for all Indian-kind." They desire the death of none of them, save and except those of them who thirst for our blood, and who never allow a good chance to kill a white man escape them.

As editor thus indulges his delinquent subscribers: We don't want money desperately bad, but our creditors do, and they, no doubt, owe you. If you pay us, we'll pay them and they will pay you. Our fix, exactly.

THE Boston Post compares the Republican party to a pawnbroker's shop,—full of unredemmed pledges.

Removal of the Capital.

The Los Angeles Republican, of October 26, draws the following truthful and correct pen pictures of Prescott and vicinity, and Tucson and vicinity:

Governor McCormick has approved a bill, passed by the Territorial Legislature, removing the seat of government from Prescott to Tucson. What good reasons he can assign to the people for so doing, we cannot conceive; geographically Prescott is as near as possible in the center of the Territory, whilst Tucson is in the extreme southern portion, near the line of Mexico; aside from the location, the preponderance of population is and always will be north of the Gila; Central Arizona being undoubtedly a rich mining country; abounding with fertile valleys, which but for the depredations of the Apaches, would be teeming with population; as a grazing country, it is universally conceded to be excellent. Prescott, a well built and thriving town, with a salubrious climate, is beautifully situated, in a well watered and timbered country; surrounded by those famed mining districts, which are slowly but surely attracting population and capital; whilst Tucson, surrounded as it is, by an almost absolute desert, without either timber or water except at rare intervals, with a climate notoriously unhealthy, a large portion of the year, is simply a collection of mud houses, built up without regard to any known system, and with one or two exceptions, the streets are mere jack-ass trails. It, nor the country around, afford no such inducements for immigration or capital, as does Prescott and Central Arizona; hence the action of the Governor appears incomprehensible.

A Head on Marriage.

—I spoke with but a single heart, I hearts on hearts like I.

Marriage is that conglomeration of the sexes as is considered constitutional in all countries; but it is more particularly one of the United States. When a man so far forgets himself as to get married, he bids farewell to the Declaration of Independence and becomes at once an honorary member of the nights of the garter, an order established by the Crusaders in the "times that tried men's souls." Marriage, grammatically speaking, is a compound conjugation, and shows the relation between man and woman. According to arithmetic, I don't see how people make out that marriage makes two folks one, for if you take the cypher (0) woman and add her to the unit (1) man, it makes 10, unless figures lie, and figures won't lie in anything else unless it is marriage!

Different folks have different reasons for marryin'; some marry for love, some for riches, some because they want to, and some because they can't help it! When a man falls in love, he takes to reading the New York Ledger, and wearing lavender colored kids and patent leather boots as punches his toes, and puttin' "new mown hay" into his pocket handkerchief. Then he forgets to put sugar into his coffee and makes mistakes in his cash account. Then he takes to drinkin' Mrs. Winslow's soothing syrup and puttin' squills on his hair and partin' the same in the middle of the top of his head. As the time approaches for him to be latched to the adored of his burzum he feels as if a reel was crawling down his back and little cupids with wings and without any clothes on was singing the star spangled banner in the air all round him. Then, like the prodigal son, he goes on from bad to worse, until he gets his name into the daily papers under the proper heading, and tells the world he's united in wedlock, and that "no cards" is played, and sends some gingerbread and pop beer to the editor who wishes the happy pair long life and many of 'em! Then comes the lunny moon and a bride trip to Niagara or Mammoth Cave or the Bridge of Sise. After this the lunny moon is all moonshine, until a still small voice announces that there's a "angel in the house!" as the poem says; but it always seemed to me more like the D—ickens in the house when I hear 'em. After a while there is family jers, which jers ain't fit to preserve friendship—they are of the earth, earthy!"

When Araminta an' I got married, after a short courtship of some seventeen winters, durin' which "she never told her love, but, like a worm in the mud, fed out her damaged cheek," we had lots of presents of tin ware, short close, spoons and other wearin' apparel, but rather more spoons than any thing else. It was a spoony time. But the short close still lies in the bureau drawers a monument and a mockery to boyish dreams and disappointed ambition! As the Scorched pole Burns says,

—The best kind schemes of men and mice, Off gang asleep!

But Araminta and I are drawin' down the veil of life together, still lovin', still hopin' that the time will come when we shall have to provide an extra spoon and porringer. Truly, hope is a sheet-anchor to the sole. Long may she wave!

But marriage is a divine institution, more so than a republican form of government or the democratic party. Adam culent live without Mrs. Adam, warts or no warts. And becoz they raised Cain after they was married, it's no sine that other folks should "raise Cain" in the married state. Becoz they et up the Lord's winter apples it's no sine married people should make each others hure come out before the usual time. Marriage is mootual; and one can't get along without the other no more than a child can teter on a board without a child at the other end ort. Woman to a man is like a bob to a kite; the more she's attached to man, the higher he can fly! Marry early an' marry often, and when you get a good wife stary to her like shoemaker's wax to a hot stove or Spaulding's glue to broken china.

Such is the law and the profits. Picecfully yours, A. HEAD.