DESERET EZENING NEWS: TUESDAY FEBRUARY 18, 1902.

DECISION IN THE FAMOUS CRAND CENTRAL-MAMMOTH CASE

Marioneaux, in the celebrated Grand Central-Mammoth case, the result of which was given in a Nephi special to the "News" last night, is as follows: In the district court of the Fifth Judicial district, county of Juab, State of Utah .-- Grand Central Mining company, a corporation, plaintiff, vs Mammoth Mining company, a corporation,

defendant. In September, 1899, the plaintiff commenced an action of trespass against the defendant for the recovery of the values of certain ores which it charged had been extracted from the southern end line of the Silveropolis mining

claim by said defendant. The defendant filed a denial to the complaint, and also a counter claim complaint, and also a counter chim in which it alleged title to the vein from which the ores in question were taken. In its third amended counter claim filed on Nov. 20, 1901, it claims to be the owner of the first northern extension of the Mammoth iode mining claim, het 38, the Bradley lode mining claim, the Schey Jode mining claim, the Schey Jode mining claim, the Schey Jode mining claim, the claim, the Schey lode mining claim, the Welding lode mining claim, the Bess lode mining claim, the Jenkins lode mining claim, and the Golden King lode mining claim; and it says that "within the surface lines of said first northern extension of the Mammoth lode mining extension of the standard for mining claim there was and is a veln lode and ledge of rock in place of bearing gold, silver, copper and other precious me-cals, having its apex within the surface limits of the said first northern exten-sion of the Mammoth, and extending ipon its strike from the point where upon he wild lode at its apex crosses the southerly end line of lot 38 to a point 1,00 feet north of said southerly end line and within the limits of said claim; but the said apex and outcrop of said lode is very wide, and in consequence of said great width of said lode the same overlies the east side line of lot same overhead in cash and the of found within the limits of the said Young Mammoth mining claim and the Schey, Welding and Bess mining claims, and upon the west side of said lot, the said lot extends over the westerly side lines of lot 38, and a portion of said apex is found upon the said Jenkins and the said Golden King and the said Bedley mining diams belowster to Bradley mining claims belonging to said defendant, but during the whole distance of 1.100 feet from the southerly end time of said lot 38 the said apex of the said Mammoth lode as aforesaid in lot 38 does not at any point wholly de-part from said lot 38.

THE TRIAL.

Upon the trial of this cause, a jury was called as advisory to the court upon certain issues which were submitted to them in advance of the taking of testimony. Upon the preparation of these issues, counsel for the defend-ant requested the court to submit to the jury an inquiry as to where the strike of the vein was to be found, if they should be of the opinion that it did not continue in lot 38 as far north as the southerly end line of the Silveropolis south end line prolonged across lot 38.

The counsel for the plaintiff objected to the submission of such a question upon the ground that finding upon it would not be material to the issues framed by the pleadings; and counsel for the defendant company thereupon replied that if such a question should be submitted and the jury should find in responding to it that the vein does

The full text of the decision of Judge | makes it impracticable for me to state he evidence in detail. Neither shall I make an effort to ex-

Neither shall I make an effort to ex-plain the case so elaborately as that the whole controversy may be compre-hended by persons unfamiliar with the mines in question, or with the testi-mony taken and the maps exhibited at the trial. I think I shall have met the just expectations of the parties in interest if I shall briefly state the con-clusions of the reasons upon which I have based them. have based them.

The parties do not differ materially in their views of the facts in this cause. and it is regarding the conclusions properly to be deduced from the facts practically agreed upon, that this arises. THE JURY CONCURRED WITH.

I have already said that I concur in the finding of the jury that the vein on its strike passes out of lot 38 at the Cunningham stope. The back fissure certainly does leave lot 38 at that point; and their foot states of the state of the and that fact alone would seem to dis-pose of the issue in favor of the plain counter-claim. But the merits of the controversy cannot be narrowed, as it seems to me, to the mere question of

he location of the apex in lot 38. This is the form the issue has taken it is true, but the substance of the oversy between the parties, wholly aside from the manner of pleading, is the question, "Does the Mammoth Min-ing company, or the Grand Central Mining company, own the ore bodies un-derneath the Silveropolis and the Confort claims between the planes drawn dewnward through the south end line of the Silveropolis prolonged and the 1,100-foot line? In the last analysis, that is the real controversy. As the ore bodies lie underneath the

Hiveropolis and Consort mining claims, presumptively they are the property of the Grand Central Mining company, and hey cannot be entered upon by the Manmoth Mining company, unless the latter can show they are in a velo or lode which has its top or apex within the boundaries of some claims of which It is the owner. In the present action, the defendant company has sought to show that such apex exists in lot 38, between the planes heretofore men tioned.

FINDINGS.

The jury has found (with the concurrence of the court) that the apex does not exist there; but the facts do not necessarily establish that the ore bodies n question are not in any vein or lode of which the defendant company has the apex. Upon that point as to whether the apex of the lode is in any claim or claims owned by the defendant company, I think it proper to express my views, because it should always appear from a decision in chancery upon what grounds the judgment has been given

against the party, whether because it appears he has no rights in the matter in controversy, or whether he has failed to establish the rights specifically laimed in his pleadings. The vein the apex of which is in con troversy in this action is one founded by replacement. The "country" is limestone, and the mineralizing solu-tions, by which all parties agree the ores were deposited, have followed up such fissures in the limestone as extended

fissures in the limestone as extended to the deep, eating out the limestone on each side of the fissure and depositing ore in its place, much in the same man-ner as in petrified wood the vegetable matter has been replaced atom for atom with silica. This replacement of the limestone with ore has been in places in the limestone that the mineralized solutions found favorable for the deposition of their riches. What conditions rendered particular portions favorable, geo logy does not teach us, although the fact that the fissures have been the channels through which the mineralizing solutions or vapors made their way is guite manifest. We do not always find ore in the fissures, or even in spars mineralization, because many of the fissures in the line do extend to the source of mineralization; but when we do find ore or mineralization, we very uniformly find accompanying it the fissure through which the solutions passed



Note.—There are imitation baking powders sold cheap by many grocers. They are made from alum, a poison-ous drug, which renders the food injurious to health. PRICE BAKING POWDER CO. CHICAGO.

north till you are 70 feet beyond the, north 18 degrees east. Going down ; om the eighty-foot level to the 400-1,100-foot line, and you are still in ore, so that it seems clear to me that while the vein left lot 38 at the Cunningham foot level through the Bucket raise there is ore all the way, and arriving stope as found by the jury, it did not turn off at the angle claimed by the it the last named level you find your plaintiff. It is certainly too plain to dispute that in going down in the Cununning north about 18 degrees and 4 ninutes east, and this channel of or s upon the 400-foot level 480 feet long extending at least from the Rope rais ningham stope as far as the Plummer level at least, you are following the vein in its downward course into the to the Bush winze. There is clearl disclosed on the 309-foot level, nort earth as contradistinguished from its ength, and indeed Prof. Jenny, one of of the Cunningham stope a solid bod the plaintiff's witnesses, expressly ad-mitted, as I shall point out later, that of ore at least 540 feet long, running north about 18 degrees east from the not only the Plummer level, but to the 300-foot level in descending from the Cunningham stope, and actually con eted with it,

Cunningham stope, we go down upon the dip of the vein. Returning to the eighty-foot level, hort drift between the 300 and 400-foo levels of the Mammoth mine, a fact may be observed which rightly interpreted Returning to the Cunnington stope and investigated will prove, in my judgment, it the Plummer level we go down the

WHERE CONTROVERSY TURNS.

Cunningham raise, "practically a part of the stope," and descending sixty feet in ore we reach the Betsy drift; turning north in the drift we go along The pivot upon which this whole controversy will turn. Upon that little evel Mr. Jennings says he found the in solid ore for 120 feet, until we en-counter the southern end of the Betsy vein branching in its course downward one part going to the east and the other to the west, with a wedge of stope, in the richest body of ore ever found in the Mammoth mine. Returning along the Betry drift until we reach the Cunningham raise we go imestone between them. What I think Mr. Jennings saw was the point o junction of two lodes in their course own in ore until we reach the 300-foot level and along north on the 300 until we reach the Betsy stope again. This towards the north. Descending to the 400-foot level only 60 feet below, we we reach the Betsy stope again. This much observed, it seems plain to me that the ore taken from the Cunningham stope to the end of the Betsy stope was ex-tracted from one great body of ore. The Cunningham and the Betsy are mentfeatly one stope. You may go find unmistakably two veins, the west ern one going almost downward and the eastern one dipping to the west. This fact is indisputable, and it is a ircumstance of the first importance or the western lode is along the ver manifestly one stope. You may go from the Betsy stope north along the leal fissure found in the south end of ot 38, and from the verticality of that 300-foot level to station 28 all the way in ore, a distance of 5.105 feet, passing on the way the raise from the 300 to the lasure no inference against the west-irn dip of the front vein or lode can with any show of reason be deduced. From the 80-foot level we may go Plummer and the O'Brien winze from the Plummer to the 300, both of which vorkings were made through solid ore. down to the 400-foot level either up the front or back vein. There are fo Starting a triffe south of the Cunning-

stantially parallel to the side lines. t as; and you follow it on its "course woward" into the earth, You go down other words from the 80-foot lev the 600 on the "dip" of the fro and since in going down from t to the 700 through the stopes, the clopments require that you sha art on the 600 south of the extende outh end line of the Silveropolis claim only remains to consider whether it ing from the 600 to the a 700 south of at line, you are going downward up in the strike or upon the dip. VALIDITY OF TRACING.

The principal, and indeed the onl ound upon which the validity of the racing" of the ore bodies in disputresisted by the plaintiff company is hat from U, to T, is upon the strike f the vein. I will examine this conention briefly and bring my opinion

In the first place, Prof. Jenney, one the chief experts of the plaintiff mpany, testified that going down h the Cunningham stope in the 300 ot level, you are upon the dip of the lligent, and as honorable and credibi witness as was heard upon this tria e informed the court also that at the 0-foot level the vein goes through the lyke, and he presented a sketch whic was admitted in evidence and marke Jenney's sketch No. 1," and tha ketch is absolutely conclusive proo that what is claimed by the plaintific company to be the strike is really the dip. It confirms the views that I en-tertain that the Cunningham stope down to the 600-foot level is upon the dip of the vein. There is in fact no disagreement whatever between the court and Prof. Jenney upon this point, except as to the meaning of the words strike and dlp. In order to reject the conclusion that from the 300 to the 600 level of the Mammoth mine you go down on the dip of the vein, the testi-mony of Prof. Jenney regarding the onnections through the Bush winze, rib winze, Copper raise and Bucket "real evidence" furnished by conditions in the earth between those points must The bottom of the Crib winze is about 30 feet east on the 400-foot level from the bottom of the Bucket raise. The back vein is shown by the ore in be totally ignored, and this in the face of the fact that not a single witness contradicts him or disagrees with him regarding the facts which he has prethe bottom of the Crib winze, and in the bottom of the Bush winze, and the Bucket and Copper raises on the 400 show the front vein. Mr. Tranter testisented in regard to the conditions be-tween the 300 and the 600 levels. It is show the front veril, Mr. Tranter test-fies as bearing on this point: "I sank down 40 feet in ore and then drifted westerly 35 feet." "I sank at station 102 then drifted west 35 feet in crushed lime and was then in ore again." This is undisputed testimony, and meas it undisputed testimony. easy to understand why despite the facts he has testified to the professo insists upon the conclusion that from the 300 to the 600 is upon the strik of the vein. That gentleman repeated! informed the court that he regards th and makes it plain to me that we are dealing with two separate and distinct ourse of the mineralizing so cending from the deep as indisputably marking the "strike" or "course" of the Mr. Tranter upon the 400-foot evel found the ore going downward vertically when he went down at stavein. But there is a vast difference, as moment's reflection will show, tion 102, but drifting west 35 feet through lime encountered ore again. (See his testimony at page 378 of the record.) My judgment is that the 400tween the "course" or "strike" of a river or stream of mineralized water and the "course" or "strike" of a vein. To save tedlous explanation, I give upfoot level of the Mammoth mine, when considered in connection with what is on the next page a substantial copy of Jenney's Exhibit No. 1, made to illuslisclosed and what I have described or trate the strike of the vein from the 300 to the 600 of the Mammoth mine. the 80-foot level, shows that from about the Hatten raise as you go southerly As you behold this illustration, you you find two diverging veins. At that raise the fissure from the Mammoth shaft, which is almost a vertical fissure, are looking to the north; although It has been called otherwise, it is indis putably a cross-section. The line ex is met by another fissure coming from ending through the shattered line and the south and which you may see as called "the vein" marks the direction far south as station 401, and this last downward into the earth of a body of mentioned fissure dips westerly. ore only a few feet in vertical thick-ness, measured at a line drawn through at right angles to its inclinagreat ore bodies near the extended outh line of the Silveropolls extend from one fissure to the other. The front vein or lode, so far as the evidence dis-closes, completely fades out at about station 427 (G. C. map). Examine the tion downward, which body of ore extends north and south with substan tially the same thickness for hundreds of feet. We are here given a view of station 427 (G. C. map). Examine the map of the 400-foot level. It seems that sheet of ore by a section taken nothing could be plainer than that you through it at right angles to its course may go south upon either one of two and it is insisted that the strike of i distinct veins, each having a different is from east to west, simply because the mineralizing waters came up from dip and a different strike. Coming along from the Mammoth shaft in the the west or down from the east back vein and from station 401 I, you MOST PERFECT FISSURE. find these two yeins converging, and at 427 they touch and mingle their ores. North of station 427, the front fissure The most perfect fissure vein eve found in the mountains running tru north and south, descending wester still continues, but it is no longer min eralized, and is, therefore, from my point of view, of no further import-ance. The back fissure, on the contrainto the north at an angle of 45 to degrees must, if the theory of t ry, goes on still north bearing mineral, although in constantly diminishing palintiff here is accepted, be consid ered a vein whose course is east and west, and the dip of which is vertical

because the mineralizing solutions, the "river of mineral water," must have

come from the west, and the course of the "river" must be taken to be th

course of the vein. It is not easy to take Prof. Jenney and the other ex-

perts of the plaintiff seriously upon this point, but, while I feel compelled

to take them seriously, 1 find it im

United States government the dip of the vein, said that if you take a section

through the vein at right angles to its length the line of section will mark the line of dip. Prof. Jenney has given

the court as perfect a cross-section through the lode between the 300 and

600 as can be drawn, and it is unques

tionably upon a plane at right angles to the length of the vein; and yet he will not have it that the line of section shows the line, of dip. The act of Congress forbids us to take the course

of the mineralizing solutions to deter

mine the strike of a vein, for the ac plainly refers to the course downward

into the earth as the direction in which you may follow the vein out of vertice

plains drawn downward parallel to its course or length. It is admitted that

you have ore far to the north and far to the south of the line U. T. It is unde-

niable that there is ore far enough to the north and far enough to the south

to make a chain of ore which has a length through the country, the top of

it is neither square nor a point, if you

measure through it on a line at righ

angles to its inclination; it is but a few feet, but the plaintiff seeks to meet

Prof. Raymond, in defining for the

possible to agree with them.

the country north and south for 300 teet and going down into the earth toward the west at an angle of ⁰ degrees. Now suppose a stream mineralizing solution, or hot was f you will, begins to rise this fissure at great de and at a point just 150 feet from south end (in the middle of the fissure measuring along its length) and as the water comes upwards the heavy dep sition of minerals of but 4 or 5 fe sition of minerals of but 4 or 5 feet in width and makes the south as it goes up the fissure, but the water (in small quantities) feed out east and west until the top mineral extends the whole length of the fissure. Going down upon such a fissure, assume that at 100 feet in depth the mineralization extends north and south 250 feet; that when you get down 200 feet in the fis-sure you find mineral extending a dis-lance north and south of only 200 feet, at 500 feet deep the mineral extends north and south only 150 feet, at 400 feet in depth only 100 feet north and south, at 500 feet in depth, only 75 feet north and south, at 600 feet methonly 30 feet north and south, and so on downward to an indefinite doubt. and so on downward to an indefinit depth assume the mineralization t harrow continually; could it be sa that the strike of the vein was alon he heavy deposition of mineral fro he ucpth upward because the miner stending to the north and south of the lne of heavy material deposition had ed out into the country? Would not be direction north and south of suc Would no sheet of ore to the "strike" and th direction downwards" be the "dip? With all deference to those who wo ontend that this inquiry should answering it. But it may be asked, sup-pose there is no fissure? Well, assumng there is no fissure at all, yet if the ore takes the form supposed, fissure or no fissure, the result must be the same because it is still a lode or vein. If one would understand the controversy ere he must be careful not to be mi ed by the appearance of the exhibit known as the "clothes horne" section it is a cross section through just suc a lode as I have assumed in the pre-ceding paragraph, taken upon a plan drawn through the line of the heavies deposition of mineral. An examina tion of it in connection with all the other maps shown at the trial wi prove this to be the case. Since Pro-Jenney admits that from the Cunning ham stope down to the 300-foot leve is upon the dip of th lode, it will suffice to examine th "CLOTHESHORSE" SECTION

from the 300-foot level to the 600. Take the body of ore shown on the exhibit and called the "Kionkide stope:" that body of ore is shown to be dipping into the earth at an angle of about 70 de grees. And if you were standing f that body of or in the mine, and i the portion of it shown in this exhibit

could walk along it to the nor the 300-foot level for a distance 00 feet, and upon the 400-foot level for distance of 400 feet, and measured pon a line drawn through it at right angles to its inclination downwards, is approximately five feet thick. It impossible for me to believe that goin down upon such a vein is going upo its strike. So the ore shown on th exhibit between the 400 and the 500 foot levels is but a continuation of t great northerly and southerly ore bo above, having the same general form course and inclination downwards From the 500 to the 600 and down to the 700 the ore shown on this exhibit is ore in the front vein which we go down on from the 80-foot level, having less extent north and south so far as the developments prove, but still hav-ing very little extent measured at right ngles to its inclination downward, and changing the angle of its inclination until it grows quite flat. The time at my disposal does not allow me to proceed much further with explanations of this controversy.



not continue in lot 38 up to the south-erly end line of the Silveropolis claim prolonged eastward across lot 39, but departing before it reached that point It still continues on its strike north and parallel to the side lines of lot 38 and in the Golden King and the Bradey claims, he would then ask to amend the counter claim to conform to such findings. The court, however, did not sumbit such a question to the jury.

REGARDING THE APEX.

At this point, it may be as well to mention that upon the coming in of the jury with their findings, the court estimated and expressed its opinior that the apex was between the south and line of the Silveropolis prolonged eastward across lot 38 and the 1,100-foot line, in the Golden King and the Bradley claims; and that thereupon Mr. John M. Zane of the counsel for the defendant, stated, that if after a con-sideration of the case, the court should announce that conclusion in its opinion, the defendant would desire to nake an application to amend the counter claim to conform to that find-These circumstances are menioned to show the interpretation put upon the counter claim by defendant's counsel, and to make it plain that it is conceded by them that an amendment would be necessary to entitle them to a decree if the vein is found to have its apex entirely in the Brad-ley and Golden King mining claims. At the outset let it be understood that no attempt will be made to ex-

haustively review the mass of testimony given upon the trial of this cause. The hearing of the case occupied more than two months of the court's time. and the pressure of other business

Poison Oak Poison Ivy

are among the best known of the many dangerous wild plants and shrubs. To touch or handle them quickly produces swelling and inflammation with in-tense itching and burying of the skin. The eruption soon disappears, the sufsoon disappears, the sufferer hopes forever; but almost as soon as the little blisters and

pustules appeared the poison had reached the blood, and will break out at regular intervals and each time in a more aggravated form. This poison will loiter in the system for years, and every atom of it must be forced out of the blood before you can expect a perfect, permanent cure.



s the only cure for Poison Oak, Poison Ivy, and all noxious plants. It is com-posed exclusively of roots and herbs. Now is the time to get the poison out of your system, as delay makes your condition worse. Don't experiment longer with salves, washes and soaps-they never cure. Aives, washes and soaps-they never cure. Mr. S. M. Marshall, bookkeeper of the Atlanta (Ga.) Gas Light Co., was poisoned with Poison Oak. He took Sulphur, Arsenic and various other drugs, and applied externally numerous lotions and salves with no benefit. At times the swelling and inflammation was so severe he was showed bind. For eight years the poison would break ont every season. His condition was much improved after taking one bottle of S. S., and a lew bottles cleared his blood of the poison, and all evidences of the disease disappeared. People are often noisoned without

People are often poisoned without knowing when or how. Explain your case fully to our physicians, and they will cheerfully give such information and advice as you require, without charge, and we will send at the same time an interesting book on Blood and Skin Diseases. THE SWIFT SPECIFIC CO., ATLANTA, GA.

COURT'S INSTRUCTIONS.

upwards.

In view of the nature of the country and the manner in which the ore has been apparently deposited, I instructed the jury that the limits of mineraliza tion must be regarded as marking the limits of the vein or lode. I concurred with the jury in their findings that the apex is not found in lot 38 within the planes in controversy for the reason that the mineralization does not reach upward so as to fall within vertical planes drawn downward through the side lines of lot 38.

I shall now explain why I stated to the jury at the time of the rendition of their findings, and why I believe that the apex of the vein in which the ore bodies in dispute are found is in the Golden King and the Bradley, and like wise my reason for believing that the strike is not as claimed by the plaintiff company; and then it will be perceived that the conclusions which I have de duced from the testimony differ widely from the views of both parties to th I therefore submit them with cause. some reluctance and take pleasure in assuring the able and experienced counsel for the parties, that I do so with the utmost deference to them.

IN THE VEIN.

Starting at the surface of lot 38, at the Cunningham stope, we are in the vein, and it is the point that the plain-tiff company contends the vein turns and proceeds in a direction approxi-mately 51 degrees and 30 minutes west The proof of the correctness of true. this contention is very essential to the ultimate success of the plaintiff com-pany, for it is conceded that from the Cunningham stope down to the ore bodies in dispute you go into the earth at an angle of 70 degrees from the horzontal every foot of the way in ore and if you be not then going along the strike of the vein, you are going upon the dip from an apex in the defendant ground. I take it from reading the act of Congress that the strike of the vein is its course through the country as contradistinguished from its incli

nation downward. Now, it is concede that there is a vein coursing through the country substantially parallel to and within the side lines of lot 38, as far north as the Cunningham stope but while it is insisted that at this stope the vein turns to the west at the angle above stated, the evidence es-

tablishes as clearly as if it were ad-mitted of record that you may pass through the Cunningham stope, contin-uing north 18 degrees, 55 minutes eas along the Finn tunnel level clear be yond the foot of the Condon winze, in ore substantially every foot of the way a distance of 370 feet. Going along the Finn tunnel in the direction stated, you encounter the "05," the "Butler" and the Trelear raises, and the foot of the Trelear raise is about sixty feet long by about twenty feet high. Returning to the north end of the Cunningham stope where it is found reaching the Plummer level, ore runs north of the stope upon a course last given for a distance of 249 feet, and at that poin a stope goes down from the Plumn to the 300-foot level a distance of From the stope last spoken feet.

on the Plummer, there is ore still the north, namely as far as the O'Br winze, a distance of 105 feet north the stope between the Plummer and th 300-foot level, and from the O'Brien the Plummer in ore, that connects with the ore of the Cunningham store 20 feet further, at which point may found another stope going up for a distance of 30 feet toward the Flur and then you may go still furthe.

ter winze to the Carbos drift, and then starting at the south end of that drift yau may go clear north to the Bush inze in ore, a distance of 350 feet in direction north 18 degrees and 55 ninutes east, and yet it is said that the strike of the vein from the Cunangham stope is north 51 degrees 30 minutes west, true. Descending from the 300-foot level you may go through the Crib winze to the 400-foot level, and starting in that winze after having reached it through the workings that were driven in the solid ore from the 'unningham stope, the winze went hrough solid ore to the 400-foot level. eins. Stopping en route at the eighty-foot evel you find yourself in the midst of great body of ore which upon that evel alone is shown to be 210 feet long and extending along a line running A HERO Of the Spanish-American War

CUNNINGTON RAISE.

ham raise you may descend the Tran



SERGT. JAMES J. WARD.

Sergt. Ward, Co. C. 71st Va., stationed lewport News, Va., returned from the Spani can war broken down in health from ex-and the hardsh.ps of the tropical cl His doctor prescribed Duffy's Pure Mai en down in health from ex quantity.

A herican wai of okcar and the interfeat of the posure and the hardsh.ps of the tropical cli-mate. His doctor prescribed Duffy's Pure Mait Whiskey. After he had been using it for two months he said he had fully recovered his robust health and cleaned his system of all lever and other d.sease germs. He wastroubled with indigestion and it eured him. He can-not say too much in favor of Duffy's Pure Mait Whiskey and what it has done for him. Many of our brave soldlers returned sick and broken down just as sergt. Ward did, and have been restored to perfect health by Duffy's Pure Mait Whiskey. It is a blessing to the thousands who need a body builder, it rids the system of all disease germs, and it alds digestion, stimuintes the blood and is a food for body and brain. If you leed thred and worm for body and brain. If you feel tired and yout just try Duffy's Pure Malt Whiskey.



will guarantee that inside of two weeks you will feel so much better that you will say it is the best medicine in the world. Do not fill your system with harmill drugs. Doctors pre-scribe and hospitalisuse Duffy S Pure Mait Whis-key whenever an atsolutely pure alcoholic stimulant and touic ate required. Write Duffy Mait Whiskey Co. Rochester. N.Y. for free advice and free medical tooklet. All druggists and if occers sell Duffy s Pure Mait Whiskey: Be careful and see that you get the genuine: look for the trade-mark and name on the bottle and see that the seal on the cork is unbroken. Refuse substitutes: they are the

roken. Refuse substitutes: they are in-

eiden-Judson Drug Co., Salt Lake City, Wholesale Agents.

BELOW 400-FOOT LEVEL.

Between the 400-foot level and the 500-foot level there is a solid body of ore extending north and south for a distance of 360 feet, all in the front vein, and you can descend upon it to the 500-foot level. Reaching that level the ore extends from the Rope raise north to the top of the Earl raise, a distance of 510 feet-course about north 18 degrees cast. Continuing in the front vein as it is found on the 500-1001 level, you may go through the Earl raise or the Bench stope to the 600-foot level in ore. Reaching the 600, we find the front vein disclosed from stations 39 to 49. The width of the ore on this level is accounted for by the extremely shattered condition of the limestone a you approach the point of union of the so-called Finn and Coates dykes, it bing plain that the mineralizing solu tions found easy passage and sprea enormously through this finely brea ciated material; for if there is any co dition of the limestone which is ind dition of the limestone which is hal-cated by the workings in these mines to be favorable to the deposition of ore, it is the finely brecciated matter. At the Earl raise on the 400, we find again the evidence of the fading out of the mineralization of the front fis-sure, for while the difft from 49 to 51 and on uset is the lines from 51 to 51

and on west is the line, from 45 to 47 h in ore. My judgment is that the northern limit of the front vein on this level is found at station 49, about 10 feet north of the Earl raise. On the 700-foot level, without pausing to point out al the force of this fact by the sugges-tion that the ore to the north and south is where the solutions have fed out into the innestone. But admit it, what the evidences of it. I think that the tes-timony clearly leads to the conclusion that the front vein is found as far south as the long crosscut running west from station 708.

then? That this circumstance is of no significance is apparent from very It is manifest to the court that down to the 600 level you follow a sheet of ore which is many hundreds of feet simple illustration. Suppose we have a fissure in limestons of but the thicklong, running north and south and sub- | ness of a knife-blade running through CONCLUSION.

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My conclusion is that there are two eins in the Mammoth ground, unning from the shaft out north and extending as far as the 1,700-foot line at least, and the other lines to the cast. North of the extended south end line of the Silveropolis these two lodes come so close together that the or from one have mingled with the oth and destroyed the line of demarkation between them above the 80-foot leve so that in the top of the back vein apexing in the Bradley and Golder King as is practically conceded, is the on of the front vein. But the fron in, as I have already stated, extends no further north than the station marked 427 on the map of the 400-foo

evel (G. C. map). It follows, therefore, that in a prope proceeding the defendant should be decreed to be the owner of the or odles in dispute under the Silver is and Concert mining claims, between clanes drawn downward through th outh end line extended of the Silver polis and a line running paralle hereto through station 427.

From the foregoing it is evident that he allegations of the counter-claim ave not been sustained by the evi lence, and for the fatal variance b ween it and the facts established, i should, in the judgment of the court, be dismissed and the plaintiff herein hould have its costs in this behalf in-urred. Counsel for the plaintiff are lirected to prepare and submit to the court findings of fact and conclusions f law accordingly. By the court, T Marioneaux, judge.



