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Mr. Clifton--

Just a thought, but since enclosed item seems to be a playback of an earlier letter describing the hearing sent from Carson to Wash., perhaps that letter in its original is in the Land Office Commissioner's records in the National Archives in Washington, D.C. If San Bruno does not have the "file copy," so to speak, from the Carson register, you might consider tracking down the original.

Susan

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Volume III. } Monthly.  
No. 8.

WASHINGTON, D. C., NOV., 1876.

In Advance, { \$1.10 per ann  
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## CONTENTS.

	PAGE.
Cards—Advertisements—Mineral Patents.....	113
MINES AND MINERALS.	
Brunswick Mine Claimants.....	114
HOMESTEADS.	
Cintha Gibson—Andrew Bard—Townsite of Butte Montana.....	114
Circular.....	115
PRE-EMPTIONS.	
Stanley vs. Fairchild—History of a Case under the old Credit System.....	117
Riley vs. Ford.....	118
RAILROADS.	
Sioux City and St. Paul Railroad Co.....	118
SWAMP LANDS.	
State of Oregon.....	119
Editorials—Copying and Abstracts of Titles.....	120
INDIAN LANDS.	
Instructions under Act of August 11, 1876.....	120
MILITARY BOUNTY LAND WARRANTS.	
Avery vs. Carter.....	121
State of Nebraska vs. Dorrington et. al.—Circular	122
U. S. SUPREME COURT.	
Myers vs. Croft.....	122
Circular Instructions—Notice No. 812.....	124
Cash Patents—Homestead Patents.....	124
Advertisements—Cards.....	125-28

## MINERAL PATENTS ISSUED.

Since our last report patents have been issued  
for the following mining claims:

**ARIZONA.**  
*Pima County.*  
Henry D. Bacon, Guajolote Mine.  
*Yavapai County.*  
Robt. B. Metcalfe, Oriental Mine.  
**CALIFORNIA.**  
*Nevada County.*  
Marks Zellerbach, McDonald placer.  
*Placer County.*  
Ophir Copper, S. & G. Mg. Co. Ophir Copper  
S. & G. M.

**COLORADO.**  
*Boulder County.*  
John Evans, Repeater Lode.  
Thomas Shires, Miners' Hope L.  
*Clear Creek County.*  
Portsmouth S. Mg. Co., Diamond L. & M. S  
Wm. Church, Geo. Law S. Lode.  
Jas. O. Stewart, Gilteneer Lode.  
Ammi Willard, et al., Rosecrans Lode.  
Gibbon L. Kelty, Black Earth and Oldbury  
Lodes.  
Zadock Kalbaugh, et al., Frostburg Lode.  
Henry J. Baker, et al., Mills County Lode.  
G. L. Kelty, et al., Freeland Lode.  
*Gilpin County.*  
Hazen Cheney, Mammoth Lode.  
John Upp, et al., Homer Lode.  
Jacob Tascher, Alger Lode.

**MONTANA.**  
*Deer Lodge County.*  
John R. Quigley, et al., Placer.  
*Lewis & Clarke County.*  
John Caplice, et al., Wolfstone and Young  
Ireland Lodes.  
*Madison County.*  
Wm. W. Morris, Pony Lode.  
**NEVADA.**  
*Lyon County.*  
John Gillig, Diez Senores Lode.



Storey County.  
Mexican Mg. Co., Mexican Lode.  
OREGON.  
Coos County.  
T. G. Lockhart, et al., Eagle Mg. Co.'s Placer.

### MINES AND MINERALS.

#### BRUNSWICK MINE CLAIMANTS.

In cases of applications for patent for mines on the Comstock Lode, Nevada, hearings may be had to determine whether the mines in question have been benefited or drained by the Sutro Tunnel, but the Commissioner of the General Land Office will not attempt to interfere with the right of mine owners to exercise control and ownership over their mines so long as they comply with the requirements of law.

E. C. F. DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE.  
WASHINGTON, D. C., October 19th, 1876.  
REGISTER AND RECEIVER.  
Carson City, Nevada.

GENTLEMEN: On the 5th instant you reported to this office that in accordance with instructions from this office contained in letter of August 19, last, you notified the applicants for patent for the Brunswick Mine and A. Sutro, Esq., that a hearing would be held before you on the 4th instant, to receive evidence as to whether or not said mining claim had been drained, benefited, or developed by the Sutro Tunnel.

At the hour designated for said hearing Mr. Sutro presented himself and his witnesses, but no one appeared for said mining claimants, and you thereupon notified said mine owners, by telegraph, and adjourned the hearing till one o'clock, P. M. No one appearing for the mine owners, at that hour you permitted Mr. Sutro to proceed with his witnesses. Before the testimony of his first witness had been concluded you received a telegram from the Superintendent of said mine asking a continuance, as his attorney was then absent in San Francisco. You thereupon allowed Mr. Sutro to proceed with such witnesses as were present "with the right of full cross-examination to be accorded hereafter to Mr. Fair" (said Superintendent).

After said testimony had been submitted you continued the case until 10th November, 1876, and notified the parties in interest.

The witnesses who were examined on the 4th instant, will be required to present themselves for cross-examination, should said mine owners desire to cross-examine them, or their testimony will not be considered by this office.

You state that Mr. Sutro "moved the Register to write an official letter to Mr. Fair, requesting the privilege for Mr. Sutro, or such persons as he should designate, to visit the interior of the mine in question."

This official request you declined.

Your action in this matter is approved. Should Mr. Fair desire to permit Mr. Sutro or any other person to visit the interior of his mine he will undoubtedly accord him that privilege.

This office has never attempted to control or interfere with the right of mine-owners to exercise the right of ownership and pos-

session of mining premises claimed by them so long as they comply with the requirements of law.

You will inform all parties in interest of the import of this letter and acknowledge the receipt hereof.

Very respectfully your ob't serv't,  
J. A. WILLIAMSON, Com'r.

### HOMESTEADS.

CINTHYA GIBSON.

Proceedings necessary to relinquish a homestead entry in case of deceased claimants.

D. K. DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
WASHINGTON, D. C., October 18th, 1876.  
REGISTER AND RECEIVER,  
Monroe, Louisiana.

GENTLEMEN: Referring to the homestead entry of "Cinthya," Gibson, No. 2619, New Orleans Series, dated Nov. 9, 1871, for N. E.  $\frac{1}{4}$  of S. W.  $\frac{1}{4}$ , W.  $\frac{1}{2}$  of S. W.  $\frac{1}{4}$ , and S. W.  $\frac{1}{4}$  of N. W.  $\frac{1}{4}$ , 31, 21 N., 2 E., I have to state that I am in receipt of your letter of July 8, 1876, stating that the party is dead and forwarding her duplicate receipt with relinquishment endorsed thereon by her daughter "Ann Gibson."

If the party left an infant child or children, the entry may be relinquished by the administrator, executor or guardian, by order of the probate court having jurisdiction, but if she left no minor child, the relinquishment may be made by the party or parties recognized by the local court as the sole or only legal representative or representatives of the deceased, in which case a certificate to that effect by said court should be forwarded with the relinquishment, duly executed. You will so notify Ann Gibson, and inform her or her agent that the duplicate receipt has been placed on the files of this office, subject to the order of the party that sent it up.

February 25, 1876, a contest instituted against this entry on the ground of abandonment was dismissed on account of irregularity in the proceedings, and you were so advised.

You will report as directed in said letter, whether the contestant has taken an appeal within the time allowed from the decision of this office.

Very respectfully,  
J. A. WILLIAMSON,  
Commissioner.

ANDREW BARD.

Where a party settled on land in the 16th and or 36th section long prior to the survey thereof, but has exhausted his pre-emption privilege, he cannot, by a homestead entry, prevent the tract from passing under the school grant.

DEPARTMENT OF THE INTERIOR  
WASHINGTON, D. C., April 29, 1876.

SIR: I have considered the appeal of Andrew Bard from your decision of September 2, 1875, holding for cancellation his homestead entry, made April 22, 1874, on the S.  $\frac{1}{2}$  of S. W.  $\frac{1}{4}$ , and N. W.  $\frac{1}{4}$  of S. W.  $\frac{1}{4}$ , of section 16, Township 14 South, Range 78 West, Fairplay, Colorado.

It appears that Mr. Bard settled on the

land in 1865, nine years prior to s has valuable improvements on. The 14th section of the act approved February 28, 1861, providing for a government of the Territory of C as follows: "That when the la said territory shall be surveyed in direction of the Government of t States, preparatory to bringing into market, sections numbered s thirty-six in each township in said shall be and the same are hereby for the purpose of being applied in the states hereafter to be ere the same."

The reservation thus made is by any provisions of the act of w portion, and a subsequent homes was illegal, unless made in accor the provisions of some act exten to such claimant. The act of Fe 1859, provides "That where s with a view to pre-emption, have before the survey of the land i which shall be found to have bee sections sixteen or thirty-six, s shall be subject to the pre-empti such settler; and if they, or eith shall have been or shall be r pledged for the use of schools or the state or territory in which t other lands of like quantity are appropriated in lieu of such as may by pre-emptors," etc., etc.

Under the provision of this a Bard been a qualified pre-emptor of settlement and survey his c have been the better one. He l exhausted his right under the pre- before he settled on the land in c cannot claim the benefit of the quoted.

Your decision is affirmed, and transmitted with your letter of 1875, are herewith returned.

Very respectfully,  
Z. CHAND  
To the Com'r of the Gen'l Land Of

TOWN-SITE OF BUTTE MO  
What title is acquired by town-s mining regions.

E. C. F. DEPARTMENT OF THE IN  
GENERAL LAND  
WASHINGTON, D. C., C  
REGISTER AND RECEIVER,  
Helena, Montana.

GENTLEMEN: I have exami dence submitted in case of tow No. 610, of Butte, Montana, m 1876.

The evidence submitted in thi that there are placer claims "i eastern and central portions o site, and lodes of gold, silver bearing quartz have been dis located in almost all portions of

The laws regulating the di public lands for town-site purp —Section 2386, Revised Stat United States—that "where n are possessed, which possession ed by local authority, and to t possessed and recognized, the t

of  
Ovid.