

The Capitan Progress.

A Journal Devoted to the Interests of Lincoln County.

VOLUME 3.

CAPITAN, LINCOLN COUNTY, NEW MEXICO, MARCH 6, 1903.

NUMBER 52.

Nogal District The Mineral Wealth of that Section a Great Drawing Card.

THE Nogal and Bonito portions of Lincoln county are at present attracting a great deal of attention from mining men, and as a result many mining enterprises are being promoted in those sections. In the country surrounding Nogal the American Gold Mining company, the Free Gold Mining company and many other companies are doing extensive development work on mining properties and are meeting with most gratifying results. The Nogal district is by no means a new nor untried mining region, but has witnessed more extensive mining operations than any other section of the county. The work which was previously begun is but being taken up anew and prosecuted under more favorable conditions.

The Nogal district has long been recognized as the most promising mineral bearing district in the county, with possibly the exception of the famous Bonito district, of which more will be said later. Within three miles on the town of Nogal are located the American and Helen Rae mines, which have made Lincoln county famous. From these mines some of the finest specimens of gold-bearing ore ever seen on this territory have been taken.

The shaft on the American has now reached a depth of 340 feet. Level No. 2 has been extended north 650 feet. A number of improvements have recently been added. A new shaft house has been constructed and a new double geared 75-horse power hoist put in.

The tunnel on the Helen Rae has been run 300 feet further, now reaching a total of 600 feet. Level No. 1 runs twenty-five feet south and fifteen feet north. Winze No. 3 from bottom of adit, sixty-one feet deep. Winze No. 1 down fifteen feet below adit level, cutting rooms for hoist in the mine. Nothing will be handled higher than adit level, and the ore will be run out on tram. The track will have sixteen pound rails.

All the grade work has been done for a fifty stamp mill, stamps 850

pounds each. The mill will have a capacity of 150 tons per day. There will be eight Bartlett tables, with a cyanide plant in connection. A large reservoir to hold 384,000 gallons will be built from solid rock dimensions 454 feet and twenty-two feet deep. Water will be supplied from the American mine, with a fall of 113 feet to the reservoir, a distance of 1900 feet. There will be a gravity tram from the American and Rae mines to the mill, the mill being situated about

famous Parsons and Rialto mines are located. The Parsons mine is without doubt one of the most remarkable mining propositions ever seen in the West, as it is nothing more nor less than a mountain of solid ore. It, to be sure, is a low grade proposition, but when one comes to consider the vast quantity of ore that is to be had and the ease with which it can be mined and treated, the magnitude of the proposition becomes apparent. The ore is said to carry on an average gold values to the amount of \$6 or \$8 per ton, while it is estimated that it can be mined and treated at a maximum cost of \$1 per ton by the cyanide process. This remarkable property has recently become the property of the Eagle Mining and Improvement

company organized less than a year ago, yet in that time has accomplished a great deal. C. C. Bourne of Nogal is the superintendent of the company and looks after the affairs of the company at this end of the line. The promoters are all eastern capitalists. This company has already spent considerable money in doing development work, putting in machinery, erecting buildings, etc., and will soon be in a position to begin reaping a golden harvest. The mines of this company are located in the heart of the mineral belt that traverses the Bonito district from north to south and are pronounced by experts to be among the most promising propositions to be found in the district.

There are several other companies operating in the Nogal and Bonito districts which are doing a great deal to exploit the mineral wealth of the county, among which may be mentioned the New Mexico and Iowa Mining and Milling company, of which S. S. Dalk is superintendent, and the New Mexico Oil and Development company of which W. A. McIvers is the head.

The properties of the New Mexico and Iowa Mining and Milling company are located on Turkey creek, in the Bonito district, and are chiefly copper propositions.

The New Mexico Oil and Development company is being for oil in the eastern part of the county and is meeting with most encouraging indications.

Penalty for Unauthorized Grazing in Forest Reserve

In response to an inquiry by the Department of the Interior as to whether a criminal prosecution will lie to punish a person who grazes sheep in a forest reserve in violation of section 5388, U. S. Revised Statutes, amended by act of June 4, 1898, the Solicitor General decided the question in the affirmative.

Department of Justice,

Washington, D. C.,

November 17, 1898.

The Secretary of the Interior:
Sir: Section 5388 of the Revised Statutes, as amended by the act of June 4, 1898, provides as follows:

Every person who unlawfully cuts, or aids, or is employed in unlawfully cutting, or wantonly destroys, or procures to be want-

(Continued on fourth page.)



Tramway at American Mine, Nogal District.

equal distances from the two mines. The grades will be 4.70.

The American and the Rae mines are the two most important properties owned by the American Gold Mining company, but this company also owns about seventy-five other claims, some of which will no doubt prove to be equal to the two named when they have received proper developments.

Over across the mountains, about six miles further on, lies the Bonito mining district, where the

company. This company intends erecting an immense cyanide plant with a capacity of 1,500 tons daily and will work the property for all it is worth. Besides this famous mine the Eagle Mining and Improvement company own 200 other claims in the Bonito district all of which carry good values.

Another company which is doing much to develop the mineral possibilities of the Bonito district is the Bonito Mining and Milling company. This company was or-

THE CAPITAN PROGRESS

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TERMS OF SUBSCRIPTION.

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Six Months .75

BONITO BRIEFS.

A. R. Byrd started east on a ten days tour. Rumor says Mr. Byrd means business.

Jeff Bond arrived on the Bonito from Texas Saturday. He is a brother to Fred Bond, pastor of the M. E. church, and comes to make his home in New Mexico.

Lute Skinner, who has completed 100 feet of work on the Buckshot mines, has returned to his home on the mesa where he will try farming for the next few months.

An infant son of Mr. and Mrs. Will Hightower died the 17th inst. The little body was interred in the Angus cemetery.

Jacob Copeland was found dead last week in bed in a little house where he had been camping on Eagle creek. He was supposed to have been dead two or three days when found.

We have had snow and sunshine at intervals for the past three days. The ground is already covered to a depth of eight or ten inches and at this writing the feathery flakes are still falling thick and fast. Cattle in the mountains will certainly suffer. There has not been as much snow in the White mountains in years.

The Progress did not reach us this week. What's the matter, snow bound? S.

Teachers' Examination.

A special examination for 3rd grade certificates will be held at Lincoln on Friday, March 13th.

Anyone who does not hold a certificate and wishing to teach during the summer months are requested to take this examination as there will likely not be another before the last of August.

EXAMINING BOARD.

Next week the Progress will issue a special edition descriptive of Lincoln county and its resources. If you want sample copies to send to your friends, get your order in early, as they will not last long.

I. G. Knott, a mining man, arrived on today's train and is looking over the country.

Well Again.

The many friends of John Blount will be pleased to learn that he has entirely recovered from his attack of his rheumatism. Chamberlain's Pain Balm cured him after the best doctors in the town of (Monon, Ind.) had failed to give relief. The prompt relief from pain which this liniment affords is alone worth many times its cost. For sale by Robt. Hurt, druggist.

What's In a Name?

Everything is in the name when it comes to Witch Hazel Salve. E. C. DeWitt & Co., of Chicago, discovered some years ago how to make a salve from witch hazel that is a specific for piles. For blind, bleeding, itching and protruding piles, eczema, cuts, burns, bruises and all skin diseases, De Witt's Salve has no equal. This has given rise to numerous worthless counterfeits. Ask for De Witt's the genuine. Robt. Hurt.

Wakeful Children.

For a long time the two year old child of Mr. P. L. McPherson, 59 N. Tenth street, Harrisburg, Pa., would sleep but two or three hours in the early part of the night, which made it very hard for her parents. Her mother concluded that the child had stomach trouble, and gave her half of one of Chamberlain's Stomach and Liver Tablets, which quieted her stomach and she slept the whole night through. Two boxes of these tablets have effected a permanent cure and she is now well and strong. For sale by Robt. Hurt, druggist.

The Stomach is the Man.

A weak stomach weakens the man, because it cannot transform the food he eats into nourishment. Health and strength cannot be restored to any sick man or weak woman without first restoring health and strength to the stomach. A weak stomach cannot digest enough food to feed the tissues and revive the tired and run down limbs and organs of the body. Kodol Dyspepsia Cure cleanses, purifies, sweetens and strengthens the glands and membranes of the stomach, cures indigestion, dyspepsia and all stomach troubles. Robt. Hurt.

Notice for Publication.

Department of the Interior,
Land Office at Roswell, N. M.
January 30, 1903.

Notice is hereby given that the following-named settler has filed notice of his intention to make final proof in support of his claim, and that said proof will be made before the Register or Receiver at Roswell, New Mexico, on March 24, 1903, viz: William Hazelwood, homestead application No. 1543 for the North West Quarter, Sec. 19, T. 8 S., R. 14 E.

He names the following witnesses to prove his continuous residence upon and cultivation of said land, viz:

Henry Perrella and S. G. Beard, of Richardson, N. M., Peter Supulver and Albert Supulver, of Roswell, N. M.

HOWARD LELAND, Register.
First publication Feb. 6 - 03

F. O. MATFESON
Lawyer.
United States Land Office business a specialty.

CAPITAN, N. MEX.

S. F. Mathews,

LAWYER.

LINCOLN AND CAPITAN, N. M.

J. M. A. JEWETT,
Lawyer.

Member Supreme Court Bar.
CAPITAN, NEW MEXICO.

OFFICE: Improvement Company Building.

JOSEPH HALL,
Counselor at Law.

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CAPITAN, NEW MEXICO.

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No appetite, loss of strength, nervousness, headache, constipation, bad breath, general debility, sour flings, and catarrh of the stomach are all due to indigestion. Kodol cures indigestion. This new discovery represents the natural juices of digestion as they exist in a healthy stomach, combined with the greatest known tonic and reconstructive properties. Kodol Dyspepsia Cure does not only cure indigestion and dyspepsia, but this famous remedy cures all stomach troubles by cleansing, purifying, sweetening and strengthening the mucous membranes lining the stomach.

Mr. S. S. Hall, of Ravenswood, W. Va., says: "I was troubled with sour stomach for twenty years. Kodol cured me and we are now using it in milk for baby."

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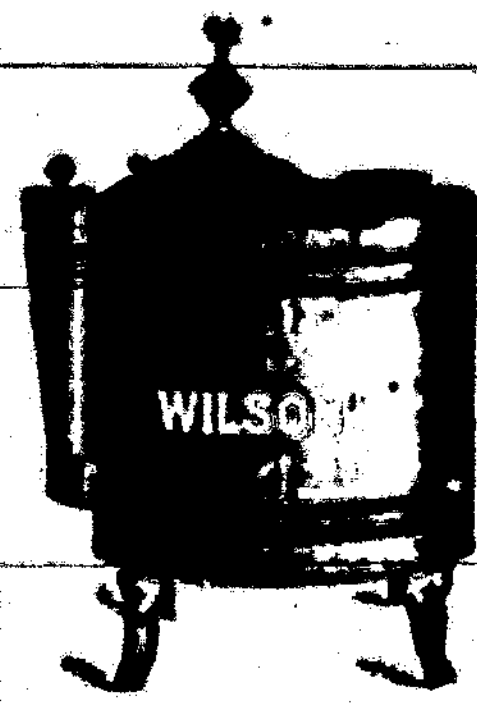
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Local and Personal.

Doyle Murray is in town today from Hondo.

T. B. Zumwalt of Angus is in town today trading.

Buy your Imperial flour at the S. W. Mer. Co., Capitan.

Andy Lyons of Nogal is a business visitor in town today.

Bran and shorts, \$1.50 per sack at Welch & Titsworth's.

Wm. Riely was a visitor to Nogal and Parsons this week.

Celebrated Parksdale farm butter, 30 cents per pound, at the Mercantile Company store.

B. R. Robinson of Bonito City is in town today transacting business.

G. F. Graves visited Alamogordo and El Paso this week on business.

Charley Kirby paid Nogal one of his periodical visits last Friday evening.

J. H. Bucklew is in the city today from his ranch in the Capitan mountains.

You can get bran, \$1.50 per sack, at the Southwestern Mercantile Co.'s store.

Ira Sanger of Nogal transacted business in Capitan in the early part of the week.

C. D. Thomas and Kirk Jacobs were in town Monday from the Capitan mountains.

J. N. Coe of Glencoe was in town Monday of this week attending to business.

Call on me at saloon for shaves and all first class barber work.
CHAS WATSON.

Judge Bray and Harry Little of Parsons were in the city Monday looking after business matters.

Conductor Sam Moore is back on the Capitan run after being off for several weeks on a vacation.

Wanted.—Hides, sheep pelts, goat skins, etc.—Highest market price paid by Welch & Titsworth.

For an Easter Suit, guaranteed to fit, go to the Southwest Mercantile Co. No trouble to show goods.

W. L. Johnson was over from Nogal yesterday. He reports everything getting along nicely at the mines in that section.

Ben Renfrow and Wm. Booth left this week for Belen where they will work on the railway which is building out of that place.

Chas Watson has placed a barber's chair in the rear end of the saloon where he will be pleased to serve all who need anything in his line.

For Sale.—Graham and Rye Flours at Welch & Titsworth's.

D. G. Hurley, who has for the past several months held the position of station agent at this place will leave in a few days for Oscura where he will accept a similar position.

G. L. Bradford was absent from his duties in the school room Monday of this week on account of sickness. He was, however, able to resume his duties the following day.

Walter Fawcett came in from Roswell yesterday afternoon after his household goods. He has been working in Roswell for sometime past and has decided to locate there.

The Independent Order of Odd-fellows will organize a lodge of that order at North Capitan in the near future. The new lodge will start off with a membership of about forty.

T. H. Moore returned last evening from Roswell where he had been to meet Mrs. Moore, who was returning from San Angelo, Tex., where she had been for sometime past, visiting relatives and friends.

\$30.00

To Mexico City and Return Via the Mexican Central Railway.

On account of the Cattlemen's convention in El Paso, March 10, the Mexican Central railway will tender a rate of \$30 to Mexico City and return. Special arrangements have been made for the extension of tickets reading into El Paso when holders wish to take side trip to Mexico.

Tickets on sale March 11 to 14, inclusive. Limit thirty days from date of sale. Stop-overs permitted.

W. D. MURDOCK,
G. P. A., Mexico City.
W. S. MEAD,
Commercial Agt., El Paso.

Notice for Publication.

Department of the Interior,
Land Office at Roswell, N. M.,
February 25, 1903.

Notice is hereby given that the following named settler has filed notice of her intention to make final proof in support of his claim, and that said proof will be made before the United States Commissioner at Lincoln, New Mexico, on April 13th, 1903, viz: Paz R. de Ramirez, widow of Porfirio Ramirez, Homestead Application No. 856, for the SW¹/₄ SE¹/₄ SE¹/₄ SW¹/₄ Sec. 5, N. 6¹/₄ N. W¹/₄ NE¹/₄ Sec. 8, T. 9 S., R. 18 E.

She names the following witnesses to prove his continuous residence upon and cultivation of said land, viz: Julia Otero, of Lincoln, N. M.; Jose Ramirez, of Arabela, N. M.; Jesus Maes of Arabela, N. M.; Epimenio Lucero, of Arabela, N. M.

HOWARD LELAND, Register
First publication March 6 - 03.

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Men's, Ladies', Children's.

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FOURTH STREET.

only destroyed, any timber standing upon the land of the United States which, in pursuance of law, may be reserved or purchased for military or other purposes, or upon any Indian reservation, or lands belonging to or occupied by any tribe of Indians under authority of the United States, shall pay a fine of not more than five hundred dollars or be imprisoned not more than twelve months, or both, in the discretion of the court.

The act of June 4, 1897, entitled "An act making appropriations for sundry civil expenses of the government for the fiscal year ending June 30, 1898, and for other purposes, provides:

The Secretary of the Interior shall make provisions for the protection against destruction by fire and depredations upon the public forest and forest reservations which may have been set aside or which may be hereafter set aside under the said act of March 3, 1891, and which may be continued; and he may make such rules and regulations and establish such service as will insure the objects of such reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of the provisions of this act or such rules and regulations shall be punished as provided for in the act of June 4, 1898, amending section 5388 of the Revised Statutes of the United States.

Under the authority thus conferred the Secretary of the Interior, on June 30, 1897, promulgated certain rules and regulations for the purpose of regulating the occupancy and use of the forest reservations and to preserve the forests thereon from destruction, among which was the following:

The pasturing of live stock on the public lands in forest reservations will not be interfered with so long as it appears that injury is not being done to the forest growth, and the rights of others are not jeopardized. The pasturing of sheep is, however, prohibited in all forest reservations, except those in the states of Oregon and Washington, for the reason that sheep grazing has been found injurious to the forest cover, and therefore of serious consequence in regions where the rainfall is limited. The exception in favor of the States of Oregon and Washington is made because the continuous moisture and rainfall of the Cascade and Pacific coast ranges make rapid renewal of herbage and undergrowth possible, etc.

In view of the foregoing, you request my opinion whether a

criminal prosecution will lie to punish a person who grazes sheep in a forest reservation in violation of the regulation quoted.

I recognize the existence of the salutary rule that congress can not delegate its legislative power so as to authorize an administrative officer, by the adoption of regulations, to create an offense and prescribe its punishment. But here the statute proclaims the punishment for an offense which in general terms, is defined by law, the regulation dealing with only a matter of detail and administration necessary to carry into effect the object of the law. The protection of the public forests is intrusted to the Secretary of the Interior. Section 5388 makes it an offense punishable by fine and imprisonment for any person wantonly to destroy any timber on a public reservation. In furtherance of this policy, the act of June 4, 1897, directs the secretary to make provision for the protection of the forests and authorizes him to regulate the use and occupancy of the forest reservations and to preserve the forests thereon from destruction, making for such purpose proper rules and regulations.

Any violation of such rules and regulations is, by the statute, made an offense as provided in section 5388. By this law the control of the occupancy and use of these reservations is handed over to the secretary for the purpose of preserving the forests thereon, and any occupancy or use in violation of the rules and regulations adopted by him is made punishable criminally. It seems to me congress has a right to do this. Suppose congress had provided that the occupation or use of a forest reservation by any person, without permission of the secretary, should be a misdemeanor. Would not this be a valid exercise of legislative power? The present statute does no more. The regulation is reasonable and necessary. It restrains no one in the enjoyment of any natural or legal right. To use the language of Mr. Chief Justice Fuller in re Kollock, 165 U. S., 526, 533.

The regulation was in execution of, or supplementary to, but not in conflict with, the law itself, and was specifically authorized thereby in effectuation of the legislation which created the offense.

Your question, therefore, is answered in the affirmative.

Very respectfully,

JOHN K. RICHARDS,
Solicitor-General.

If it's a bilious attack, take Chamberlain's Stomach and Liver Tablets and a quick recovery is certain. For sale by Robt. Hurt.

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