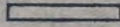


Bulletin 1

Series B

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# Mineral Resources of Wyoming

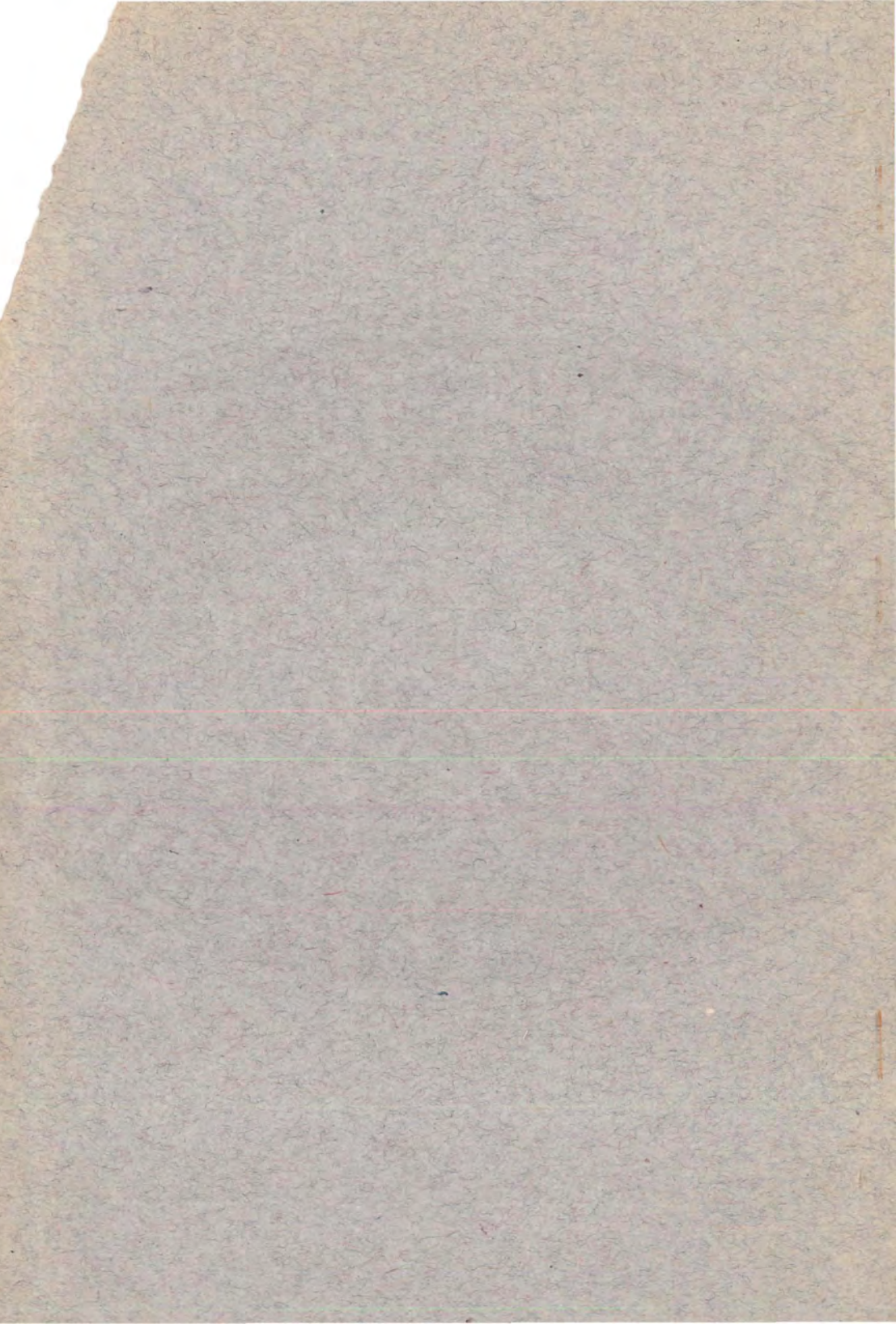


Mining Laws of the State  
and of  
The United States



C. E. JAMISON, State Geologist







BULLETIN 1

SERIES B

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C. E. JAMISON  
State Geologist

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1911





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# Mineral Resources of Wyoming

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## INTRODUCTION

The latest report on the mineral resources of Wyoming, by the State Geologist, was published early in the year 1907. Since that time very little work has been undertaken by this office, and the edition of the report of 1907 has become exhausted. For that reason it has been thought best to publish this bulletin, which is to be regarded merely as a compilation of material derived from various sources, among them being the bulletins of the United States Geological Survey, the bulletins of the late Prof. W. C. Knight on the petroleum fields, and private communications to the writer from Mr. C. H. McWhinnie of Douglas, Mr. John Foxton of Esterbrook, and Mr. L. B. Weed of Sunrise, Wyoming. The writer has examined the Shoshone oil field, only.

The statement has been recently made, and very widely published, that all of the oil lands in the state have been withdrawn from entry by the Federal Government, giving the impression, to judge from numerous inquiries received by this office, especially from abroad, that all oil lands, Federal, State and private, were absolutely withdrawn. To correct this impression the mining laws of the United States, and of the State of Wyoming, and the laws relating to the lease and purchase of State lands and lands on the Indian Reservations are appended.

The investigation of the various oil fields and mining

districts of the state will be taken up immediately, and it is hoped, further bulletins will be ready for publication in the fall. The development of the oil fields has just begun, and especial attention will be given that industry.

## COAL

Coal-bearing formations underlie about 60 per cent. of the state, the largest area known to contain workable coal lying east of the Big Horn Mountains and extending from Douglas northward to the northern boundary of the state. In this area about 15,000 square miles are known to contain workable coal. The next largest area is the Green River region, in which there are 6,500 square miles of workable coal. In addition to this there are 20,000 square miles in this region which may contain workable coal, but which is not yet of proven value. The Black Hills region, in the northeastern part of the state, has about 350 square miles of workable coal. The Big Horn Basin, in the northwestern part of the state, is an important area containing 1,500 square miles of workable coal beds of known value, and 2,800 square miles which may be of value. Coal mining is carried on in every county in the state, with the single exception of Laramie County, giving employment to more than 9,000 men. The U. S. Geological Survey estimates the coal supply of Wyoming to be more than 424,000,000,000 tons, the state ranking in this respect second only to North Dakota. The coal of North Dakota, however, is entirely lignite, while nearly all of the Wyoming coal is bituminous or sub-bituminous. The available coal supply of the entire United States is given as 3,000,000,000,000 tons, Wyoming containing nearly one-seventh of this amount. Up to the present time less than one-thirtieth of one per cent. of the estimated coal supply of the state has been mined.

## ALBANY COUNTY

Coal is found in Cretaceous formations in beds ranging in thickness from a few inches up to eight feet or more.



The beds are exposed at a few points only, but appear not to be continuous and to vary greatly in thickness. One of the first coal mines in Wyoming was opened in this district near the Overland Trail on Rock Creek. The production at the present time is small.

### BIG HORN COUNTY

This county, in which coal was first mined in 1865, promises to be one of the important coal-producing regions of the State. Coal is found in the Cretaceous and Laramie formations, and is of the sub-bituminous variety. Mines are operated at Gebo and at Crosby, where a very superior grade of coal is produced, and at a number of other localities. Analyses of some of the coals from this county are given below:

	GEBO	CROSBY
Moisture .....	7.72	12.83
Volatile Matter.....	37.83	37.42
Fixed Carbon .....	48.89	47.33
Ash .....	5.56	2.42

### CARBON COUNTY

Coal is found in this county in upper Cretaceous and lower Tertiary formations, the coal beds ranging up to 15 feet in thickness. The principal coal mines are located near Hanna, the Union Pacific and the Sampo Companies being the largest producers. Coal from these mines is shipped to Colorado, Kansas, Nebraska and South Dakota. Near Rock Creek, in this county, the first coal mine in the state was opened up. An analysis of one of the Carbon County coals is as follows:

Moisture .....	8.43
Volatile Matter.....	43.02
Fixed Carbon .....	41.03
Ash .....	7.52

## CONVERSE COUNTY

Coal is mined at Glenrock, Big Muddy, and Lost Springs in this county, although the production is not large. North of Douglas is the Shawnee Coal field, in which the coal is found in lower Eocene formations in beds ranging up to 35 feet in thickness. The coal in this field is sub-bituminous and varies but little in different beds. The composition of the coal from the Glenrock field is as follows:

Moisture .....	14.65
Volatile Matter.....	36.05
Fixed Carbon .....	42.60
Ash .....	6.70

## CROOK COUNTY

In the eastern part of the county coal is found in the Dakota formation. Near Aladdin these deposits are worked and a very good quality of bituminous coal produced. Near Sundance coal is mined at several localities, a pure, very hard coal, suitable for blacksmith's use, being produced from a seam eight feet thick. Below is an analysis of one of the coals from this region:

Moisture .....	10.45
Volatile Matter.....	39.51
Fixed Carbon .....	41.87
Ash .....	8.17

## FREMONT COUNTY

Coal is found in the upper Cretaceous and lower Laramie formations, the beds ranging in thickness from a few inches to 14 feet or more. Mines are operated near Hudson, Thermopolis, and Lander, which supply the local market and to some extent the Chicago and Northwestern Railroad. Some shipments have been made to Omaha. The composition of the coal is as follows:



Moisture .....	14.86
Volatile Matter.....	37.54
Fixed Carbon .....	43.94
Ash .....	3.66

### JOHNSON COUNTY

Coal is found near Buffalo in this county in beds ranging from thin seams to beds over thirty feet thick. On account of distance from transportation, mining is carried on only to supply the local demand. The coal is sub-bituminous, but varies in quality in different parts of the district. Several analyses of coals from this district are given below:

	No. 1	No. 2	No. 3	No. 4
Moisture .....	7.9	8.0	10.1	9.8
Volatile Matter.....	41.3	37.7	37.1	39.1
Fixed Carbon .....	35.1	45.0	41.0	42.9
Ash .....	15.7	9.3	11.8	8.2

### LARAMIE COUNTY

Coal is found in the southwest corner of Laramie County, and also near Goshen, in the eastern part of the county, but it is of very inferior grade on the surface, though there may be lower seams which are more valuable.

### NATRONA COUNTY

Coal is found in the central and in the northeastern parts of the county, but there has been practically no production.

### PARK COUNTY

A large portion of the county is underlain by coal, and in time it will be a large producer, but at present the mines are few and the production small.

## SHERIDAN COUNTY

The principal mines in this county are at Dietz, Carneyville and Monarch, the total production being about 5,000 tons per day, though it could readily be largely increased. The coal is found in the lower Eocene formation, the coal beds ranging in thickness up to 35 feet. The coal in this district is sub-bituminous and varies but little in the different beds. Below are given analyses of some of these coals:

	DIETZ	MONARCH	CARNEYVILLE
Moisture .....	19.71	17.85	16.21
Volatile Matter.....	32.51	40.90	38.36
Fixed Carbon.....	41.92	38.27	41.08
Ash .....	5.86	2.98	4.35

## SWEETWATER COUNTY

The coal in this county, like that in nearly all other parts of the state, occurs in the upper Cretaceous and lower Tertiary formations, the field containing twelve or more beds, ranging in thickness up to 12 feet. The coal from the Rock Springs field in this county is famous from the Mississippi River to the Pacific Coast. Shipments are made to all the western states. It is estimated that there are available in the district not less than 80,000,000 tons of coal. The coal is sub-bituminous, jet black in color, and produces no clinker and but little ash. The analyses of some of the coals of Sweetwater County are as follows:

	No. 1	No. 2	No. 3
Moisture .....	4.7	3.8	4.8
Volatile Matter.....	39.7	38.2	38.4
Fixed Carbon .....	53.9	55.3	54.3
Ash .....	1.7	2.7	2.5

## UINTA COUNTY

Uinta County ranks second only to Sweetwater County in point of coal production. Coal beds are found through-



out the county from the northern to the southern border, the principal production, however, coming from the southern part of the county. Coal is found throughout the Cretaceous, and in the lower Eocene formations. The coals found in the Benton formation (Cretaceous) are better than the bituminous coals of the Colorado and Utah fields, and are probably the best coals found in the entire Rocky Mountain Region. The composition of some of the Uinta County coals is given below:

	No. 1	No. 2	No. 3	No. 4	No. 5	No. 6
Moisture .....	7.74	8.29	8.88	3.57	3.94	2.59
Volatile Matter.....	37.96	39.45	40.49	38.52	40.30	36.68
Fixed Carbon .....	36.95	44.52	47.20	50.21	52.04	55.90
Ash .....	17.35	7.74	3.43	7.70	3.72	4.83

### WESTON COUNTY

In this county is produced the only coking coal in the state. The field is located near Cambria, and gives promise of being very extensive. In the central part of the county is the Belle Fourche field where the first discovery of coal in the state was made. Analyses of the Cambria coals are given below:

	No. 1	No. 2
Moisture .....	5.86	5.24
Volatile Matter.....	42.17	37.17
Fixed Carbon .....	42.22	49.48
Ash .....	9.75	8.11

The coal production of the entire state in 1910 was 7,469,452 tons, an increase of 1,049,885 tons over 1909. The production by counties is given on next page.

	TONNAGE		VALUE AT MINE	
	1909	1910	1909	1910
Sweetwater.....	2,683,935	2,895,227	\$5,367,870	\$5,790,454
Uinta.....	1,711,871	1,934,221	3,423,742	3,868,442
Sheridan.....	887,398	1,263,657	1,774,796	2,527,314
Carbon.....	598,013	656,085	1,196,026	1,312,170
Weston.....	288,878	412,108	577,756	824,216
Big Horn.....	138,422	152,819	276,844	305,638
Fremont.....	76,215	94,914	152,430	189,828
Converse.....	25,545	17,154	51,090	34,308
Crook.....		1,500		3,000
Others—partly estimated	9,290	41,767	18,580	83,534
<b>TOTALS.....</b>	<b>6,419,567</b>	<b>7,469,452</b>	<b>\$12,839,134</b>	<b>\$14,938,904</b>

### PETROLEUM

While small quantities of petroleum have been produced in the state for several years, the outside world is just beginning to realize that the oil fields of the state cover a greater area than those of any other state, and that Wyoming is destined to be one of the greatest oil producing states of the Union, both in amount of production and in value of product.

As has been previously stated, the assertion has been made that all the oil lands in the state have been withdrawn from entry by the Federal Government. While it is true that the Government has withdrawn large areas, there are tracts, both large and small, in the various oil fields, which are owned by private individuals. These tracts may be bought and sold regardless of Government withdrawals. There are also valuable oil lands on the Indian Reservations which may be leased from the Indians, subject to the rules of the Department of the Interior. Development is now being carried on by several companies on the Wind River Reservation, Fremont County, and this district will without doubt prove a valuable oil field. Oil seepages and oil springs are found on many of the State



School Lands, the laws governing the lease and purchase of these lands being included in this bulletin.

## FREMONT COUNTY

**THE DALLAS FIELD.**—It was in this field that the first discovery of oil in the state was made. Captain Bonnevillie visited the Popo Agie "tar springs" in 1833, but they were known to the trapper and hunter long before, who used the oil for medicinal purposes. In 1883 and 1884 three wells were drilled, but on account of the long haul necessary to market the oil, the owners could not meet the prices set by eastern competitors, and were compelled to shut down. Within the past four years the Wyoming & Northwestern Railway has been completed to this field and development has gone ahead rapidly. Up to the present time 50 or more wells have been drilled, a pipe line built to the railroad, ten miles distant, and the oil is being marketed, the Lander Electric Light & Power Co., the Casper Power Co., and the railroad being the principal consumers. The oil, dark brown in color, is a high grade fuel oil of asphaltum base, the specific gravity being .9121. The field extends from Dallas, ten miles south of Lander, to Wyopo, three miles east of Lander, where one well drilled is producing about three barrels of oil per day, together with a large amount of salt water. The principal development, however, is in the southern part of the field. A company has just been organized for the purpose of constructing a pipe line from this field to the Burlington Railroad, with the intention of later continuing to Omaha.

*Geology.* The oil is found in Paleozoic strata, and in this respect resembles the oil fields of the eastern United States. The structure of the field is an anticlinal fold, with the rocks dipping abruptly to the west and gently to the east. The axis of the anticline has suffered heavy erosion and forms a valley through which the Little Popo Agie River flows, the thickness of the rocks removed aggregating probably 10,000 feet. The oldest rocks exposed

in the field are of Triassic age, though the source of the oil is probably upper Carboniferous.

**THE SHOSHONE FIELD.**—This field is situated on the Wind River Reservation, Lander being the nearest railway point. The field extends from the northern extremity of the Dallas field to and beyond the Wind River Agency. Triassic rocks are exposed in the extreme southern part of the field, but erosion has not been nearly so great here as in the Dallas field, the Triassic outcrops soon giving way to Jurassic formations, which are in turn overlain by the Fort Benton shales and sandstones. In the southern part of the field is the Washakie oil spring, the oil being a very high grade illuminating oil of paraffin base. At the present time there is only one producing well in this field, but during the coming summer active development will be pushed by several companies. A pipe line has already been built to the railroad, and the southern portion of this field will in all probability be a large producer of high grade oil. The oil from this field was tested in the gasoline engines of the Riverton water works and was found to be satisfactory in every way. The crude oil has also been used to a slight extent in automobile engines, and is said to make a fair substitute for gasoline. In the northern part of the field is a "tar spring", or bed of asphaltum. A well drilled about one mile from this spring encountered liquid asphalt at a depth of 1500 feet.

*Geology.* As has been stated, this field is the northern continuation of the Dallas field. Triassic sandstones, with occasional limestone beds, and a thick deposit of gypsum near the top, are exposed to a slight extent in the southern portion, and to a greater extent in the northern part of the district, near the Wind River Agency, but in the central portion they are not in evidence. This disappearance is not due, as stated by Knight in "The Petroleum of the Shoshone Anticline", to "heavy erosion and subsequent heavy deposition of loess", but to the lower beds being covered by the Cretaceous. In crossing the anticline about one mile north of the junction of the North Fork and the Popo Agie Rivers, the red Triassic sandstones are



found at its crest, succeeded by the gray sandstones and limestones of the Jurassic, and the green and purple shales of the Morrison formations. Overlying these is 100 feet or more of coarse, massive sandstone, the Dakota representative in this district, which is in turn overlain by the Benton formation, including the soft Graneros shales, the hard, silver-gray shales of the Mowry beds, several hundred feet of sandstones, and the Greenhorn limestones. Distinctive Benton fossils are found in the sandstones at several horizons, among them being numerous *inocerami* and oysters of large size. The Dakota sandstone is of the greatest economic importance in this district, being the probable source of the high grade oil, although the oil in the Washakie spring reaches the surface in the lower part of the Mowry shales. This field will probably be productive of asphaltum base oil in its northern and southern extremities, while in the central part all of that portion underlain by the Dakota sandstones may be expected to produce high grade illuminating oils. On account of the dip of the strata the field will be comparatively narrow, and limited by the practicable depth of drilling.

THE CONANT CREEK FIELD.—This field, in which are found many oil seepages and large outcrops of oil-saturated sandstone, is situated about twenty-five miles south of Riverton. One well has been drilled, but as its location was such that it was impossible for it to reach the oil sand, no oil was obtained. Lack of transportation has greatly hampered the development of this field.

Oil springs and seepages are found at many localities in the foot hills of the Wind River Range and in the Owl Creek Mountains, but the distance from transportation has, up to this time, precluded development.

## NATRONA COUNTY

THE DUTTON FIELD.—This field is situated about ten miles south of Ervay, being partly in Natrona and partly in Fremont Counties. Oil occurs in this field in

seepages, but the principal occurrence is thick bands of oil saturated sandstone. No development, other than small pits, has been done in this district. Oil distilled from the sandstone was found to be of paraffin base, specific gravity .9220.

*Geology.* The oldest rocks exposed are the Triassic sandstones, forming the crest of an anticline, bordered by the Jurassic sandstones, which are followed by the Dakota sandstones and the Benton shales in the order named. The oil sands exposed are of the Dakota group, but the seepages occur in the Benton shales. Owing to the dip of the formations the field will be comparatively small, but there is an excellent opportunity here for the oil driller, as coal can be obtained within five or six miles, and water within one mile.

THE RATTLESNAKE FIELD.—In this field, situated in the southwestern part of the county, oil seepages and deposits of asphaltum are of very common occurrence. One well was drilled in the southern part of the field and a slight flow of oil was found at a depth of 500 feet, but operations were suspended before the Dakota sandstone, the source of the oil, was reached. Another well was drilled in the northern portion of the district to a depth of 240 feet, but no data in regard to this well are obtainable. Some two or three wells have been drilled at other points, but were too shallow to reach the oil horizon.

*Geology.* The Rattlesnake range is a low isolated mountain chain about forty miles in length, intermediate between the Sweetwater Mountains on the south, and the Big Horn Range on the north. Garfield Peak, the highest point, is an eruptive mass penetrating the Triassic sandstones, and rising several hundred feet above the surrounding sedimentary rocks. The oldest rocks found in the district were of Cambrian age, followed by a possible thin bed of Silurian; next comes the Carboniferous, the Devonian being entirely absent, Triassic, Jurassic, and Cretaceous in order. The principal oil-bearing sand is the Dakota, the oil being very heavy and of asphaltum base. In the upper Benton is a thick stratum of sandstone saturated with oil



which is said to be an excellent lubricant, while in the Fox Hills the lightest oil in the district is found.

While this field is some distance from transportation the natural advantages are as good as usually found in an oil field. Coal and water can be obtained in the immediate vicinity, while timber can be cut in the mountains.

**THE OIL MOUNTAIN FIELD.**—The Oil Mountain field is located about midway between the Rattlesnake field and Casper. The only occurrence of oil noted in this district was the oil spring on Oil Mountain. The oil is green in color, specific gravity .9100, and has been used locally as a lubricant. One well has been drilled but failed to reach the oil sand, although a slight amount of oil was obtained.

*Geology.* A full complement of western Cretaceous rocks is shown in this district, with a small, isolated patch of Jurassic age. The oil spring on Oil Mountain is in Benton shales but the Dakota is the probable source, the oil reaching the surface through a fissure, a fault of some 400 feet vertical displacement being clearly shown near this point.

Water can be obtained from springs in Poison Spider Creek during the greater part of the year. Timber is scarce, but coal can be mined in the southwestern part of the district. A gravity pipe line could be laid to Casper, the nearest railway point, where a small refinery has been built.

**THE POWDER RIVER FIELD.**—This field, situated partly in Natrona and partly in Johnson Counties, will probably be one of the most important in Wyoming. Oil springs were reported in the late '70's, and early in the '80s there was quite an excitement, when the field was located and development commenced by eastern operators. One of these companies did sufficient work to secure patent, but for many years the field has been almost idle, although it is only ten or fifteen miles from the producing Salt Creek field. Oil is found in springs and in oil saturated sandstone, both of which are very plentiful. Near the head of Trail Creek are several pits, two of which contain large quantities of oil. In Oil Canyon is a pit some fifty feet in depth in which oil rises to within six feet of the surface, and from

which oil has been hauled in large quantities to Sheridan and Buffalo, where it was sold as machine oil. One well was drilled in this canyon but did not produce oil. For the length of several hundred feet Oil Canyon passes over exposed Dakota sandstone, from which a little water and considerable oil flows. In Salt Canyon, about two miles south of Oil Canyon, oil is slowly trickling from Dakota sandstone, while from a pit is flowing oil and water. East of Salt Canyon oil-saturated sandstone is found in Jurassic beds. Two wells have been drilled in Alkali Canyon but were not deep enough to reach the oil-bearing sandstone.

*Geology.* The structure of the field is an elliptical dome, the central portion being composed chiefly of Dakota sandstone, although at the head of Salt Canyon there is an exposure of the underlying Jurassic. The average dip of the Cretaceous rocks is about ten degrees in all directions from the crest of the dome. The Dakota sandstone is of the greatest economic importance in this district, although it is not improbable that the Jurassic formations may be productive of oil.

The oil is essentially a lubricant, and it is said, brought a price at the railroad of \$9 per barrel. Timber for fuel and building purposes can be obtained in the district, while to the north is a coal field where lignite of excellent quality is found. The sulphur water found in the district can be utilized for steam making, but for domestic purposes water must be hauled from Powder River.

**THE SALT CREEK FIELD.**—This field, probably one of the best in the state, is situated about 40 miles north of Casper. For many years the development of the field has been retarded by lack of transportation, but, as construction of a pipe line to the railroad will soon be commenced, right of way having already been secured, the district will, no doubt, soon become a large producer. The first oil obtained in this field was a lubricant, but recent development has disclosed an illuminating oil of fine quality. A well drilled in within the past few months is reported to be producing about 300 barrels of oil per day. At the present time there are probably 100 producing wells in the



district, capped while awaiting the construction of a pipe line. The first oil obtained, the lubricating oil, was found in the Pierre shale, but the source of the illuminating oil is the Niobrara formation, or possibly a belt of sandstone at the base of the Pierre.

## UINTA COUNTY

The existence of oil springs in the southern part of this county has been known for many years, the first published account being made by the Mormons in 1847. A large number of wells have been drilled, most of which are productive. There are a number of producing fields in this county, among them being the Carter, Evanston, Hilliard, Spring Valley and Twin Creek fields. The oil is high grade, carrying from 15 to 30 per cent. gasoline, 20 to 35 per cent. kerosene, 8 to 20 per cent. signal oil, and from 20 to 40 per cent. lubricating oil and paraffin. The yield of a single well has been estimated to be as much as 100 barrels a day, but it is probable that the average yield is from 10 to 25 barrels. Some of the oil is shipped to Salt Lake for refining, but the greater part is refined locally, the price obtained for crude oil being reported as \$1.80 per barrel. It is stated that a new substance, "rhigolene", has been discovered in the oil from the Spring Valley field, in quantities of two gallons to one barrel of oil. This substance is said to be worth \$6 per gallon. The crude oil is olive green in color, of paraffin base, specific gravity about .8340. There are now two refineries in the district, while it is reported that a third will soon be built.

*Geology.* While oil springs are found in sandstones of Eocene age, the source of the oil is either the lower Benton shales or the Dakota sandstones. When the wells are pumped out the oil sands are entirely dry, and for this reason it would seem that the theory that oil accumulates on the crests and flanks of anticlines, by floating on the water, would not apply to this region. It would then appear that the lower parts of the troughs of the syncline would form the best part of the oil fields. However, the entire area under-

lain by the lower Benton shales may be expected to be oil bearing, thus constituting a large territory.

### CROOK COUNTY

THE BELLE FOURCHE FIELD.—Numerous oil springs are found in this region, and some years ago considerable drilling was done, but as the locations of the wells were very poorly chosen, the production has been small. The oil, which is an excellent lubricant, was for many years sold to the Black Hills mining companies at \$28 per barrel. If the spring production of this district can be taken as a criterion, this field should be a very large producer, some of the springs being reported as flowing from eighteen to twenty gallons of oil in twenty-four hours. The field is close to the Burlington railroad, and is well supplied with wood and water, while only a few miles to the west are great coal fields. Several companies are preparing to begin active operations during the coming summer.

*Geology.* The geology of the district is very simple. There is a broad anticlinal fold which has a trend of approximately northwest and southeast. The strata dip about  $9^{\circ}$  to the northeast and about  $12^{\circ}$  to the southwest. Along the axis of the anticline erosion has removed all of the Cretaceous down to the Dakota. Flanking the anticline on the southwest is a complete series of Rocky Mountain Cretaceous, which is capped a few miles away with upper Laramie. On the northeast flank of the anticline the greater part of the Cretaceous has been removed, the bulk of the rocks exposed belonging to the Benton formation. The oil horizon is in the upper part of the Dakota, which outcrops at numerous points on both sides of the anticline. The wells drilled up to the present time have been too near the outcrops to be of any value. Good wells should be obtained at from 1000 to 1500 feet depth.

### WESTON COUNTY

THE NEWCASTLE FIELD.—This field is located in the immediate vicinity of Newcastle, the county seat of Weston



County. Oil indications are found for a distance of six or seven miles southeast of Newcastle and for a distance of five or six miles to the north and west. Several wells have been drilled and oil obtained in all but one, but as the wells were located near the outcrops of the oil sandstone, the production has been small. The oil is very heavy, contains little or no gasoline or kerosene, but is a very fine lubricant.

*Geology.* Dakota sandstone is the oldest rock exposed in the district. In the southwestern part of the field Dakota, Benton, Niobrara, Pierre, Fox Hills and Laramie formations are found, the latter being about 12 miles from the Black Hills uplift. The upper Dakota, or the lower Benton (Graneros shales), is the probable source of the oil, the dip of the Dakota along the base of the Black Hills varying from 20 to 60 degrees.

## BIG HORN AND PARK COUNTIES

In these counties are a number of very promising oil fields, among them being the Bonanza, Byron, Cody and Cottonwood fields. Near Grey Bull several wells have been drilled which are producing a very superior grade of illuminating oil, together with a large flow of gas. The gas from these wells is being piped to Basin, where it is used both for lighting and heating purposes. Near Byron, Big Horn County, and Cody, Park County, wells have been drilled which are producing the same character of oil as that produced at Grey Bull. The oil from these districts is a very fine illuminating oil of paraffin base, specific gravity 46°B. In the Bonanza and the Cottonwood Creek fields high grade illuminating oil of paraffin base has been found in seepages and springs.

## CONVERSE COUNTY

**THE DOUGLAS FIELD.**—This field is situated a few miles south of the city of Douglas. Several shallow wells

have been drilled, five of which are now producing a total of about 25 barrels of oil per day. The source of the oil is probably a bed of sandstone in the Graneros shales, or possibly the upper part of the Dakota sandstone. The oil is a lubricant of good quality, containing no sulphur, the specific gravity being 40°B. Good wells can probably be obtained in this district at depths ranging from 1500 to 2500 feet. Gas is also obtained from the wells and has been used for heating and lighting purposes in and near Douglas.

A new oil field has been reported as having been found north of Lusk, in this county, but no information has been obtained as to its occurrence or the kind of oil.

### CARBON COUNTY

Beds of oil-saturated sandstone are reported as outcropping south of Rawlins, but as yet no development has been done.

Oil is known to exist near Dietz, Sheridan County; at Buffalo, Johnson County; in the Big Horn and Owl Creek Mountains; in the Wind River Range and at many other places in the state where lack of transportation has prevented development.

Below are given analyses of oils from some of the fields:

	Gasoline	Kerosene	Lubricating	Residue	Sp. Gr.
Evanston . . . . .	11%	35%	41%	13%	.8503
Salt Creek . . . . .	16	29	49	6	.8221
Dallas . . . . .	2	21	65	12	.9121
Grey Bull . . . . .	25	55	10	10	.8444
Rattlesnake . . . . .	..	..	70	30	.9920
Conant Creek . . . . .	..	..	77	23	.9660
Shoshone . . . . .	14	41	39	6	.8121
Spring Valley . . . . .	22	25	42	11	.8339

### IRON

The iron deposits of Wyoming, with one exception, have not attracted capital to any great extent, on account



of distance from market and lack of transportation. The building of railroads is rapidly overcoming the latter difficulty.

## LARAMIE COUNTY

THE HARTVILLE DISTRICT.—Iron was first produced in this district by the Indians, who mined the soft ore and used it for war paint. In 1879 the range became a copper mining district and continued so until 1888, when prospecting for iron was begun. The first shipment of iron ore was made in 1898, since which time the production has continually increased. The production at the present time is about 400,000 tons annually, valued at about \$500,000 at the mine. The productive area is about two miles long by one mile wide, the principal mine being the Sunrise. The ore bodies are replacements in schist on a limestone footwall. The ore is a very high grade hematite, with which are associated small quantities of siderite and limonite, the iron content varying from 60 to 68 per cent., and increasing with depth. Copper minerals, chrysocolla, malachite, azurite, chalcocite and native copper occur in fractures in the hematite. Some of the ore is of a very excellent Bessemer grade, the phosphorus percentage being but little more than a trace, while sulphur is absent. The Sunrise mine is one of the largest iron mines in the United States in point of production.

## ALBANY COUNTY

Near Iron Mountain, Albany County, is an immense dike of titaniferous iron ore, about one and one-half miles in length, with an average width of probably 200 feet. The average iron content is about 55 per cent., while the percentage of titanium oxide ranges from 14 to 25. At the present time iron ores with such high titanium content are valueless, but at some time in the future this deposit will be of great importance.

## CARBON COUNTY

North of Rawlins is a large deposit of hematite which has been worked to some extent. Several thousand tons of this ore have been shipped to the Salt Lake smelters, and it has also been used in the manufacture of paint. The ore contains about 65 per cent. iron, no phosphorus, and but very little sulphur.

In the Bradley's Peak district, Seminoe Mountains, is a large deposit of iron ore which has been estimated to contain 1,500,000,000 tons of workable ore. While this estimate is, without doubt, far too high, this district will, in all probability, become an important producer of iron ore. The ores are reported to contain from 55 to 68 per cent. iron, less than 0.05 per cent. phosphorus, and no sulphur.

## FREMONT COUNTY

Near Atlantic City is an enormous deposit of iron ore containing 60 per cent. or more of metallic iron. On account of distance from transportation this deposit has not been worked.

## GOLD

Gold was discovered in Wyoming prior to its discovery in Colorado and before Marshall's famed discovery in California, witness the following from a report by R. W. Raymond on the mineral resources west of the Rocky Mountains:

"Gold was discovered in the Sweetwater district in 1842 by a Georgian who came here with the American Fur Company for the recovery of his health. After remaining a year he started for home, intending to organize a company and bring them here to work the mines. He never reached home, however, and was supposed to have been killed by the Indians. Thirteen years elapsed when a party of forty men arrived here. They prospected the whole length of the Sweetwater, found gold everywhere in the river as well



as in its tributaries and turned the main stream from its channel 400 yards. A small shaft eight feet deep, from which they took from two to ten cents worth of gold per pan, was sunk and worked for some time. When winter approached they abandoned their enterprise to winter at Fort Laramie, where they intended to provision themselves for a year and get a supply of necessary tools in the spring. This done they started, but when on their way two days they were overtaken by United States Dragoons and brought back to the fort. The leader was sent to prison for some imaginary offense and the property of the company confiscated.

“In 1858 the leader returned to this region but did no mining until 1860 when he and eight others commenced mining on Strawberry gulch. During 1861 mining was abandoned because men could make more money putting up hay and delivering telegraph poles for the Overland Stage Company. In the fall of 1861, however, fifty-two men had collected at South Pass City ready to commence mining in the early spring of 1862. Their locations were selected, and prospects over promising, when like a thunder bolt the Shoshone Indians broke down upon them, robbed them of everything and drove them off. This put a stop to mining operations until the fall of 1866, when a party, led by the same man who led the former expeditions, came down from Virginia City, Montana. They wintered on the Sweetwater and on June 8, 1867, the Carisa lode was discovered by H. S. Reedall. A mining district was organized and called Shoshone District. Mining laws were agreed upon and regulations entered into by the pioneers.

“Reedall and his party commenced working the Carisa lode when they were attacked by Indians, who killed three of them and drove off the remainder. The survivors returned to the mine July 28, and remained over winter. They succeeded in extracting from the croppings of the lode, which they crushed in a hand mortar, \$1,600 in gold. Seven thousand dollars more was washed out of the detritus in the gulch below the vein. The news of the success spread rapidly and was greatly exaggerated. A great rush commenced from the neighboring territories, but the majority

of the adventurers not finding the facts to bear out reports left very soon. Only about five hundred remained and went to work. Their labor was well rewarded and gradually more population was attracted, so that in July, 1869, 2,000 people had settled there."

From that time to the present day gold mining has been carried on in Fremont County. The Carisa mine is still worked, while the Duncan, the Big Chief, and many others have been discovered and developed. The three mentioned are the principal mines, the ore being reported to average not less than \$40 per ton in gold. The output of the district is not known, but it is probably in excess of \$5,000,000.

Gold is mined at many other points in the state, one of the most promising districts being in the Bear Lodge Mountains in the northeastern part of the state. From this district is reported the discovery of a dike of pegmatite which carries an average value of more than \$5 per ton in gold. Other districts where active lode mining is carried on are the Sunlight, Kirwin and Stinking Water, Big Horn County; the Copper Mountain district, Fremont County; and the Encampment and Medicine Bow districts in Carbon and Albany Counties.

Placer gold is found in nearly all of the mountain streams. Douglas Creek, Albany County, has been worked for years for its placer gold. Placers are worked in Carbon, Big Horn, Uinta, Crook and Fremont Counties and thousands of dollars have been taken out. A suction dredge is now being installed on the Wind River near Shoshoni, and will be in operation in the early summer.

While there is every reason to believe that Wyoming will become a large producer of gold, the greater part of the mountain regions have not been prospected. In the districts where it is to be presumed that gold will be found prospecting is difficult on account of the heavy overburden of soil and the heavy growth of timber, which has no doubt to some extent deterred the prospector.



## COPPER

The production of copper is insignificant at the present time, as the works of the Penn-Wyoming Company, the principal producer, are idle, owing to litigation among the stockholders. Copper is found in all the mountain ranges, and active development work is in progress in a number of the camps, among them being Grand Encampment, Hartville and Copper Mountain.

### LARAMIE COUNTY

THE HARTVILLE DISTRICT.—Copper is widely distributed in this district, and while no large mine has been discovered, the finding of such a mine is not unlikely. Copper was first produced from this district in 1879, and the mines were more or less active until 1882, when the drop in the price of copper caused their shut-down. Since 1888 copper mining of a more or less desultory character has been carried on. The total copper production of the district is about \$400,000.

*Geology.* The copper deposits are found in the form of fissure veins, lenses of ore which pinch out at shallow depths, and bedded deposits near the base of the Guernsey formation. The most important ores are chalcocite, chrysocolla and malachite, while chalcopyrite, covellite, cuprite, azurite, bornite, and native copper occur less commonly.

Fissure veins occur in a silicified yellow limestone of pre-Cambrian age, and in pre-Cambrian schists. The veins vary in width from a few inches up to five feet, and carry from 20 to 25 per cent. copper, a trace to \$30 in gold and 2 to 10 ounces silver.

Lenses of copper ores have been found and worked near Guernsey in the white Guernsey limestone, the ores consisting of carbonates and silicates. These deposits are the work of descending waters, the source of the copper having been some formation, at one time overlaying the Guernsey, but now entirely removed by erosion. These lenses narrow and disappear at shallow depth. The ores

are replacements in limestone and are said to average 35 per cent copper with 10 to 15 ounces silver per ton.

Bedded deposits occur in sandstone near the base of the Guernsey formation, the copper minerals forming the cementing material of the sandstone to some extent. Silicates and carbonates are the common ores, although native copper is also found. Some of these deposits are from 150 to 200 feet in diameter, and vary in thickness from 2 to 25 feet. The origin of these deposits is probably the same as that of the lenses described above.

## CARBON COUNTY

ENCAMPMENT DISTRICT.—In this district, located in the southern part of the county, have been the leading copper mines, the Penn-Wyoming and its predecessors being the largest producers. During 1910 the production amounted to practically nothing, the Penn-Wyoming being closed on account of litigation among the stockholders.

*Geology.* Ore deposits are found in this district as fissure veins associated with dikes of diorite and diabase cutting pre-Cambrian schists and quartzites and granite, and as contact deposits between schist and quartzite. The principal ores are chalcopyrite and bornite, though chalcocite is common.

## UINTA COUNTY

Copper carbonates have been found in gray sandstones of lower Cretaceous age, north of Evanston, but development has been slight. The central and northern parts of the county are practically unprospected.

## ALBANY COUNTY

The Rambler mine, near Holmes, has completed a plant and will soon become a regular producer of copper



and platinum. In this mine platinum, palladium, iridium and osmium are found associated with covellite, some of the ores carrying as high as 1.4 ounces platinum. The ore occurs in fissures in granite. Copper mines are worked at Silver Crown, northeast of Laramie.

## FREMONT COUNTY

What is reported to be one of the largest bodies of copper ore yet discovered in Wyoming is being opened at the Williams-Luman mine in the Copper Mountain district, northeastern Fremont County. The ore body is said to be 80 feet wide and of unknown length, the minerals being cuprite and native copper. Ores containing copper are being developed at South Pass and numerous other places in the Wind River Range and the Owl Creek Mountains in this county.

## BIG HORN MOUNTAINS

Copper is found at many localities in the Big Horn Mountains in quartz veins in granite. The veins vary in width from a few inches to 25 feet or more. The minerals are principally malachite and cuprite, with some galena and from \$2 to \$4 per ton in gold.

Copper ores are found in nearly every county in the state but aside from the localities mentioned above, development is slight.

## AGATES AND SEMI-PRECIOUS STONES

Agates are very common in Wyoming and some of them are of rare beauty. Almost the entire production of moss agate in the United States comes from Guernsey, Laramie County. The moss agate occurs in a vein from one inch to two feet in thickness, cutting across limestones which lay unconformably on schists and red quartzites of Algonkian age. The agate varies in quality from opaque,

cloudy-white to translucent or sub-transparent, the latter material furnishing the finest stone for gem purposes, while the cloudy varieties are used for mosaic and small ornaments. Blocks of agate of several hundred pounds weight are frequently taken out, and a 1000-pound block was once obtained which was almost entirely moss agate of fine quality.

Quartz crystals, smoky quartz, amethysts, garnets, beryls and opals are found in various localities, but none of them have been utilized for other purposes than specimens.

### ALUM

Alum—sulphate of aluminum—is found in large deposits in Big Horn and Sweetwater Counties. Its principal use is in the manufacture of commercial alums.

### ASBESTOS

Deposits of asbestos of a superior quality are found in the Casper, Haystack, and Clear Creek Ranges, Natrona and Converse Counties; in the Big Horn Mountains, Sheridan County; in the Seminoe Mountains and the Encampment district, Carbon County; in the Wind River Range, Fremont County; and at numerous other points in the state. Considerable work has been done in the Casper Mountain District, two mills having been erected and fiber of fine quality produced and marketed, prices obtained ranging from \$20 to \$85 per ton. The asbestos is found in veins in serpentine in granite and schist. The serpentine in the Casper Mountain district is reported to have an average asbestos content of 15 per cent., while the fiber ranges in length up to four inches. The finer grade of asbestos—chrysotile—is a fibrous, greenish-white mineral which possesses remarkable non-conducting properties. In addition to chrysotile other varieties, such as amphibole, chrysolite, etc., are found. The finer grades are capable of being worked up into cloth, rope, wicking, etc., while the



lower grades are used for fire-proof covering, plaster, etc.

### ASPHALT AND RELATED BITUMENS

Beds of asphalt are found along the north side of the Rattlesnake Mountains, and also near the Wind River Agency, Fremont County. In the latter vicinity a deposit of liquid asphalt, carrying about 75 per cent. hydrocarbons, was disclosed at a depth of 1500 feet. Asphalt mixed with coarse sand occurs on the west side of the Big Horn Mountains. Veins of gilsonite and ozokerite are reported from Fremont and Uinta Counties. Asphaltic sandstone of commercial value has been found in southern Uinta County and in western Big Horn County. Rich bituminous shale is found near Rock Springs and in the Green River valley. By distilling in a retort these shales yield gas, oil, tar and ammonium sulphate.

Asphalt and asphaltic sandstone are used principally for paving, for floor construction of breweries, vats, reservoir linings, etc. Gilsonite is used in the manufacture of japans, paints, varnishes, electric insulations, acid-fume proofing, and for coating high grade metal surfaces. It is also used to some extent for street paving. Ozokerite is used as a leather polish, in pencils, sealing wax, as an insulator, and is made into candles for special purposes. It also makes a good acid-proof coating.

Asphalt ranges in value from \$8 to \$12 per ton; bituminous rock from \$3 to \$4 per ton; gilsonite from \$4 to \$5 per ton; ozokerite from \$50 per ton upward.

### BENTONITE

The clay known as Bentonite occurs at many localities in Wyoming, usually appearing as a bed in the lower part of the Benton formation. In the Laramie Basin it is found just above the Mowry shales, in a bed ranging up to five feet in thickness. On fresh exposure bentonite is of a light yellow or olive green color, but becomes a dull cream color

on exposure. The production varies from year to year, the total production to date being about 6000 tons. Shipments are made from Newcastle, Weston County.

Bentonite is used in the manufacture of paper, in anti-phlogistine, as an adulterant in candies and drugs, and to some extent in the manufacture of dynamite. The market price is now about \$7 per ton, although at one time \$25 per ton was obtained.

### BISMUTH

Bismuth ore of very high grade has been mined at Jelms Mountain, Albany County, and shipped east for reduction. The ore is a carbonate of bismuth, containing particles of the native metal, and assays from 60 to 80 per cent. bismuth.

### BUILDING STONE

Numerous varieties of building stone are common throughout the state, among them being granite, trap, marble, limestone and sandstone. Sandstone from the quarries in Carbon County is shipped to Colorado, Nebraska and Utah. The State Capitol and the federal buildings in Cheyenne, and the state penitentiary at Rawlins are built of this stone. Sandstone quarried in Laramie County has been used for the Stock Growers Bank, St. Mary's Cathedral, and several business blocks in Cheyenne. There is hardly a town in the state but has its own stone quarry. Marbles are common throughout the state in rocks of Carboniferous age. Many of the marbles take a high polish and are hard enough to be valuable for building and ornamental purposes. Near Douglas, Converse County, is a large bed of red marble of superior grade, while in Laramie County is found a white marble, both of which would make excellent building stones. Extensive beds of marble flank the Wind River Range in Fremont and Big Horn Counties, while similar beds are found in the Big Horn Mountains in Johnson and Sheridan Counties. These



beds are probably the largest and most important in the state. Massive granites, which take a fine polish and are free from minerals which stain on weathering, are found in all the mountain ranges.

### CHROMIC IRON ORE

An important deposit of chromite occurs in Deer Creek Canyon in Converse County, about fifteen miles south of Glenrock. The ore body occurs in serpentine, and is about 600 feet long, with a maximum width of over 100 feet. The ore contains about 35 per cent. chromic oxide and 17 per cent. ferrous oxide. Small shipments are made to Pueblo, Colorado, where the ore is used for furnace linings. At the head of Dutton Creek, Albany County, a large deposit of chromic iron ore in mica schist is reported.

The price of chrome ore varies from \$10 to \$20 per long ton, according to the grade of the ore. The yearly production of the United States is less than 400 tons.

### CLAYS

Fire clays are found associated with Triassic, Jurassic, and Cretaceous rocks throughout the state. Clay from a coal mine near Spring Valley, Uinta County, has been tested at Salt Lake and is reported to make an excellent fire brick, suitable for any purpose in the furnace line. Pressed and common brick are manufactured at many points in the state. Tile, terra cotta, and potter's clay are found in beds in the sedimentary rocks.

### EPSOM SALTS

Sulphate of magnesia, or Epsom salts, occurs in several small lake beds near Wilcox and Rock Creek in Albany County. The largest lake has an area of ninety acres and is covered with a deposit of nearly pure Epsom salts.

### FIBROUS TALC

Fibrous talc is found in nearly all the mountain ranges in the state, the largest deposit being in the Laramie Hills near Wheatland. Its principal use is in the manufacture of paper, although to some extent it is used in the paint trade, and in the preparation of wall plasters, for which its heat-resisting quality makes it well adapted. It is quoted at from \$9 to \$10 per ton.

### GLASS SAND

Glass sand is found at numerous localities throughout the state, the beds near Laramie having been worked to some extent. The material in these beds is nearly pure silica, with but a slight trace of iron and carbonaceous matter. The production is small. The average value per ton of glass sand is about \$1.10.

### GRAPHITE

This mineral is found in Laramie, Albany, Carbon and Fremont Counties, the carbon content, as shown by analyses of samples, varying from 10 to 60 per cent. In Albany County there is a large district known as Plumbago Canyon where there are a great many deposits of graphite. In Fremont County a deposit of graphite which is said to be extensive and very pure occurs near Miners' Delight. The graphite found in the state is of the amorphous variety and suitable for paint and foundry facings.

### GYPSUM

Gypsum is found in nearly all parts of the state in the Triassic formation, or "Red Beds". The gypsum is very pure and the beds range in thickness from 10 to 100 feet. Northeast of Sundance, Crook County, is a deposit of crystalline gypsum of considerable extent in which the gypsum



occurs in slabs of large size. Pieces two by three feet and from four to six inches thick are common. There are openings for small plaster mills in all parts of the state, the total production of the state at the present time being only about 40,000 tons, valued at \$125,000. A plaster mill has recently been completed at Wyopo in Fremont County, while others are in operation at Red Buttes and Laramie, Albany County.

### MANGANESE ORES

Ores of manganese have been found in Albany, Big Horn, Crook, Fremont, Sweetwater and Uinta Counties. The ores are stated to be of good grade, carrying from 40 to 55 per cent. manganese, and the deposits quite large. The prices obtained for manganese ores used in the steel industry vary from \$5 to \$15 per ton, according to the grade of the ore.

### MICA

Muscovite mica is found in the Haystack Mountains near Hartville, in pegmatic dikes cutting pre-Cambrian schists. These dikes vary in width from five to twenty-five feet and carry 15 per cent. or more of muscovite. The mica is clear and of good quality, some sheets having been obtained which were 12 inches square. Recently a body of plate mica 40 feet wide was discovered near Glenrock, Converse County. Deposits, or veins, of mica are found in Albany, Crook, Fremont and Laramie Counties.

The price of mica varies considerably from year to year, the price of sheet mica at the present time being about 15 cents per pound, scrap mica \$12 per ton, while selected sheet mica ranges from 75 cents per pound for sheets measuring 2 by 2 inches, to \$7 per pound for sheets measuring 6 by 8 inches.

### MINERAL PAINTS

The iron deposits north of Rawlins contain large amounts of ore which has a deep red color, and which has

been manufactured into paint for many years. The Union Pacific Railroad has utilized this product in painting cars. Large amounts have also been sold to the elevated railroads in New York, and shipments have been made to Denver. At Hartville there are many deposits of soft hematite which make a superior paint. Mineral paints are also reported from Albany, Carbon, Crook, Fremont and Uinta Counties. Graphite and low grade asbestos that would make an excellent fire-proof paint are found at numerous localities.

### MINERAL WATERS

Wyoming takes prominent rank in the number and variety of her mineral springs, which include hot, cold, sulphur, iron, and alkaline waters, and genuine mud springs.

At Saratoga, Carbon County, are a number of warm springs, ranging in temperature from 90° to 130° F., which have been extensively improved, and have been used for years in the treatment of rheumatism and general debility.

At Thermopolis, in the Big Horn Basin, are hot springs, the analysis of which is nearly identical with that of the water at Hot Springs, Arkansas. These springs are noted all over the state for their curative properties. The Burlington Route has recently been completed to Thermopolis, and a commodious hotel erected at the springs. The temperature of the water in these springs is about 135° F.

One of the largest and best known mineral springs in the state is located near the Wind River Agency, on the Shoshone Indian Reservation, Fremont County. This spring is visited by large numbers of people suffering from rheumatism and skin diseases. The spring is about 250 feet in diameter, and the temperature of the water 120° F.

Warm springs are known at Cody, Park County, in Natrona County, along the Stinking Water River, in the Wind River Mountains, and at numerous other localities.

### NATURAL GAS

Natural gas is found in nearly all of the oil fields but very little is consumed in the state. In Park, Converse



and Uinta Counties small quantities are used in heating and lighting. Pressures as high as 450 pounds per square inch have been recorded at some of the oil wells.

### PHOSPHATE ROCK

In 1906 a large area of phosphate-bearing rock was discovered in southwestern Wyoming, in a series of shales and limestones of Carboniferous age. The beds vary in thickness from a few inches to ten feet, while the lime phosphate content averages about 75 per cent. It has been estimated that there are between 50,000,000 and 100,000,000 tons of phosphate rock available in these beds.

Toward the base of the Colorado formation in the Big Horn Mountains is a series of shales in which occur concretions consisting of impure phosphate of lime. As these concretions can be obtained in large numbers, they will, no doubt, become a valuable source of phosphate.

### PLATINUM

Platinum is found associated with the copper ores of the Rambler mine in Albany County, and is also reported from the placers in the same county and from those of Big Horn and Crook Counties.

### PORTLAND CEMENT

The raw materials used in the manufacture of Portland cement are limestone, shale and clay. These materials, suitable for cement making, are found at numerous points in the state. Mr. S. H. Ball of the U. S. Geological Survey, who has made a study of the cement materials near Newcastle, Weston County, makes the following statement: "The raw materials are high in grade and abundant in quantity, and cheap fuel of a fair quality is at hand. With good management a Portland cement plant situated at Newcastle could unquestionably be run at a profit. \* \*

It is therefore evident that Portland cement can be made in eastern Wyoming below the present (1906) local prices of eastern brands.”

The demand for Portland cement in the state is growing enormously, and with the introduction of cheaper cement the demand would increase. At present practically all the cement used in the state is shipped in from Colorado, Utah or South Dakota.

### PUMICE

A deposit of pumice—volcanic ash—is exposed near Sportsman Lake, Albany County. The material is a pure white, soft, fine-grained rock, occurring in beds from four to six feet thick, the upper bed being overlain by from two to six feet of sandstone and gravel. No production has been made up to the present time. The value of pumice at the markets is about \$4 per ton.

### SALT

Salt springs, containing from 20 to 25 per cent. sodium chloride, are known in Crook, Johnson, Weston and Uinta Counties. Near Cambria, Weston County, a plant has been erected to manufacture salt, while in Uinta County salt is produced for local consumption. It is reported that deposits of rock salt of a very superior grade have recently been discovered near Afton in Uinta County. This salt is said to be above the average in quality and to compare favorably with the best salt produced. Extensive beds of salt of great purity occur in Crook County. With proper transportation facilities the salt of these regions would command the markets of Wyoming, Idaho and Montana.

### SILVER AND LEAD

Silver and lead ores are found in small quantities in all the mountain ranges. Small shipments have been made



from Albany, Big Horn, Crook, and Laramie Counties. The silver production of the state is less than \$4000 per year, while the lead production is practically nil. Silicious lead carbonates have been found near Esterbrook, Albany County, in veins cutting schists and diorites. Several small shipments have been made.

### SODIUM SULPHATE

Sodium sulphate—Glauber salts—is found in deposits and lakes in Albany, Carbon and Natrona Counties in large quantities. In Albany County the supply seems inexhaustible, as the deposits are continually accumulating more soda. Some 10,000 tons of the salts have been removed and from present appearances the lake contains as much as ever. The soda has been used in glass making and the production of caustic and carbonate compounds.

In Carbon County soda lakes are more numerous than in Albany County. In one of the Carbon County lakes a pit was sunk 16 feet but did not reach the bottom of the deposit.

In 1885 a plant was erected at Laramie to manufacture carbonate and caustic soda, but the method used was found to be too expensive, and the plant was closed in the late '90s. In 1887 this plant produced 4000 pounds of salt cake, 4800 pounds of concentrated lye, 8000 pounds of caustic soda and 16,000 pounds of soda ash. In 1892 there were shipped from Laramie 1670 tons of salt cake. The salt was also used for glass making, some of it being shipped to the glass plants of the east. The salt cake was found to be as pure as that produced by the Le Blanc process, and better suited for glass making as, while it contains more magnesium salts, it is freer from iron. There is no reason apparent why these valuable deposits of soda cannot be made to take the place of a large amount of the imported product, as much of the Wyoming sodium sulphate requires only to be dried to furnish an excellent grade of salt cake, which is elsewhere obtained as a by-product in the manufacture of common salt. These de-

posits should be one of Wyoming's valuable resources, although none of them are being utilized at the present time. Near Green River sodium carbonate is produced by evaporation of water obtained from wells drilled in the valley.

### SULPHUR

Extensive deposits of sulphur are found near Thermopolis, Fremont County; north of Cody, Park County; and in Uinta County. Deposits are also reported from the Owl Creek Mountains, Fremont County. Sulphur has been produced from the Cody deposits, but it is reported that operations have been discontinued for the present. The sulphur in this district occurs as small yellow crystals and as gray streaks in the rocks. It is found in irregular beds in limestone and travertine, also associated with fine crystalline gypsum, filling cavities, and disseminated through the limestone. In the enriched areas sulphur constitutes from 30 to 50 per cent. of the rock. The depth of mineralization is not known as mining operations have been carried to a depth of only thirty feet.

The Thermopolis sulphur deposits are located about four miles northwest of the town, and occur in altered limestone which underlies deposits of travertine. Sulphur occurs in this district in two forms—in a massive form as a replacement deposit in the limestone, and as small yellow crystals in cavities in the rock. The plant now installed at Thermopolis has a capacity of twenty tons per day, and produces ground sulphur, which is marketed at about \$35 per ton.

### TIN

Cassiterite, the black oxide of tin, is reported to occur in veins and as stream tin in the northeastern part of the state. A considerable tonnage of stream tin has been produced at various times. Wyoming gained a medal at the World's Fair for her exhibit of stream tin.



# Mining Laws of the United States

From the Federal Statutes 1905

**Sec. 2318. Mineral Lands Reserved.** In all cases lands valuable for minerals shall be reserved from sale, except as otherwise expressly directed by law.

**Sec. 2319. Mineral Lands Open to Purchase by Citizens.** All valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase, by citizens of the United States and those who have declared their intention to become such, under regulations prescribed by law, and according to the local customs or rules of miners in the several mining districts, so far as the same are applicable and not inconsistent with the laws of the United States.

**Sec. 2320. Length of Mining Claims upon Veins or Lodes.** Mining claims upon veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, heretofore located, shall be governed as to length along the vein or lode by the customs, regulations, and laws in force at the date of their location. A mining claim located after the tenth day of May, eighteen hundred and seventy-two, whether located by one or more persons, may equal, but shall not exceed, one thousand five hundred feet in length along the vein or lode; but no location of a mining claim shall be made until the discovery of the vein or lode within the limits of the claim located. No claim shall extend more than three hundred feet on each side of the middle of the vein at the surface, nor shall any claim be limited by any mining regulation to less than twenty-five feet on each side of the middle of the vein at the surface, except where adverse rights existing on the tenth day of May, eighteen hundred and seventy-two, render such limitation necessary. The end lines of each claim shall be parallel to each other.

**Sec. 2321. Proof of Citizenship.** Proof of citizenship, under this chapter, may consist, in the case of an individual, of his own affidavit thereof; in the case of an association of persons unincorporated, of the affidavit of their authorized agent, made on his own knowledge or upon information and belief; and in the case of a corporation organized under the laws of the United States, or of any state or territory thereof, by the filing of a certified copy of their charter or certificate of incorporation.

**Sec. 2322. Locators' Rights of Possession and Enjoyment.** The locators of all mining locations heretofore made or which shall hereafter be made, on any mineral vein, lode, or ledge, situated on the public domain, their heirs and assigns, where no adverse claim exists on the tenth day of May, eighteen hundred and seventy-two, so long as they comply with the laws of the United States, and with state, territorial, and local regulations not in conflict with the laws of the United States governing their possessory title, shall have the exclusive right of possession and enjoyment of all the surface included within the lines of their locations, and of all veins, lodes, and ledges throughout their entire depth, the top or apex of which lies inside of such surface lines extended downward vertically, although such veins, lodes, or ledges may so far depart from a perpendicular in their course downward as to extend outside the vertical side lines of such surface locations. But their right of possession to such outside parts of such veins or ledges shall be confined to such portions thereof as lie between vertical planes drawn downward as above described, through the end lines of their locations, so continued in their own direction that such planes will intersect such exterior parts of such veins or ledges. And nothing in this section shall authorize the locator or possessor of a vein or lode which extends in its downward course beyond the vertical lines of his claim to enter upon the surface of a claim owned or possessed by another.

**Sec. 2323. Owners of Tunnels---Rights of.** Where a tunnel is run for the development of a vein or lode, or for the discovery of mines, the owners of such tunnel shall have the right of possession of all veins or lodes within three thousand feet from the face of such tunnel on the line thereof, not previously known to exist, discovered in such tunnel, to the same extent as if discovered from the surface; and locations on the line of such tunnel of veins or lodes not appearing on the surface, made by other parties after the commencement of the tunnel, and while the same is being prosecuted with reasonable diligence, shall be invalid, but failure to prosecute the work on the tunnel for six months shall be considered as an abandonment of the right to all undiscovered veins on the line of such tunnel.

**Sec. 2324. Regulations made by Miners.** The miners of each mining district may make regulations not in conflict with the laws of the United States, or with the laws of the state or territory in which the district is situated, governing the location, manner of recording, amount of work necessary to hold possession of a mining claim, subject to the following requirements: The location must be distinctly marked on the ground so that its boundaries can be readily traced. All records of mining claims hereafter made shall contain the name or names of the locators, the date of the location, and such a description of the claim or claims located by reference to some natural object or permanent monument as will identify the claim. On each claim located after the tenth day of May, eighteen hundred and seventy-two, and until a patent has been issued therefor, not less than one hundred dollars' worth of labor shall be performed or improvements made during each year. On all claims located prior to the tenth day of May, eighteen hundred and



seventy-two ten dollars' worth of labor shall be performed or improvements made by the tenth day of June, eighteen hundred and seventy-four, and each year thereafter, for each one hundred feet in length along the vein until a patent has been issued therefor; but where such claims are held in common, such expenditure may be made upon any one claim; and upon a failure to comply with these conditions, the claim or mine upon which such failure occurred shall be open to relocation in the same manner as if no location of the same had ever been made, provided that the original locators, their heirs, assigns, or legal representatives, have not resumed work upon the claim after failure and before such location. Upon the failure of any one of several co-owners to contribute his proportion of the expenditures required hereby, the co-owners who have performed the labor or made the improvements may, at the expiration of the year, give such delinquent co-owner personal notice in writing or notice by publication in the newspaper published nearest the claim, for at least once a week for ninety days, and if at the expiration of ninety days after such notice in writing or by publication such delinquent should fail or refuse to contribute his proportion of the expenditure required by this section, his interest in the claim shall become the property of his co-owners who have made the required expenditures.

**Sec. 2325. Patents for Mineral Lands---How Obtained.** A patent for any land claimed and located for valuable deposits may be obtained in the following manner: Any person, association, or corporation authorized to locate a claim under this chapter, having claimed and located a piece of land for such purposes, who has, or have complied with the terms of this chapter, may file in the proper land office an application for a patent, under oath, showing such compliance, together with a plat and field notes of the claim or claims in common, made by or under the direction of the United States surveyor general, showing accurately the boundaries of the claim or claims, which shall be distinctly marked by monuments on the ground, and shall post a copy of such plat, together with a notice of such application for a patent, in a conspicuous place on the land embraced in such plat previous to the filing of the application for a patent, and shall file an affidavit of at least two persons that such notice has been duly posted, and shall file a copy of the notice in such land office, and shall thereupon be entitled to a patent for the land, in the manner following: The register of the land office, upon the filing of such application, plat, field notes, notices, and affidavits, shall publish a notice that such application has been made, for the period of sixty days, in a newspaper to be by him designated as published nearest to such claim; and he shall also post such notice in his office for the same period. The claimant at the time of filing this application, or at any time thereafter, within the sixty days of publication, shall file with the register a certificate of the United States surveyor general that five hundred dollars' worth of labor has been expended or improvements made upon the claim by himself or grantors; that the plat is correct, with such further description by such reference to natural objects or permanent monuments as shall identify the claim, and furnish an accurate description, to be in-

corporated in the patent. At the expiration of the sixty days of publication the claimant shall file his affidavit, showing that the plat and notice have been posted in a conspicuous place on the claim during such period of publication. If no adverse claim shall have been filed with the register and the receiver of the proper land office at the expiration of the sixty days of publication, it shall be assumed that the applicant is entitled to a patent upon the payment to the proper officer of five dollars per acre, and that no adverse claim exists; and thereafter no objection from third parties to the issuance of a patent shall be heard, except it be shown that the applicant has failed to comply with the terms of this chapter.

**Sec. 2326. Adverse Claim--Proceedings on.** Where an adverse claim is filed during the period of publication, it shall be upon oath of the person or persons making the same, and shall show the nature, boundaries, and extent of such adverse claim, and all proceedings, except the publication of notice and making and filing of the affidavit thereof, shall be stayed until the controversy shall have been settled or decided by a court of competent jurisdiction, or the adverse claim waived. It shall be the duty of the adverse claimant within thirty days after filing his claim, to commence proceedings in a court of competent jurisdiction, to determine the question of the right of possession and prosecute the same with reasonable diligence to final judgment; and a failure so to do shall be a waiver of his adverse claim. After such judgment shall have been rendered, the party entitled to the possession of the claim, or any portion thereof, may, without giving further notice, file a certified copy of the judgment-roll with the register of the land office, together with the certificate of the surveyor general that the requisite amount of labor has been expended or improvements made thereon, and the description required in other cases, and shall pay to the receiver five dollars per acre for his claim, together with the proper fees, whereupon the whole proceedings and the judgment-roll shall be certified by the register to the commissioner of the general land office, and a patent shall issue thereon for the claim, or such portion thereof as the applicant shall appear, from the decision of the court, to rightly possess. If it appears from the decision of the court that several parties are entitled to separate and different portions of the claim, each party may pay for his portion of the claim with the proper fees, and file the certificate and description by the surveyor general, whereupon the register shall certify the proceedings and judgment-roll to the commissioner of the general land office, as in the preceding case, and patents shall issue to the several parties according to their respective rights. Nothing herein contained shall be construed to prevent the alienation of a title conveyed by a patent for a mining claim to any person whatever.

**Sec. 2327. Description of Vein Claims.** The description of vein or lode claims, upon surveyed lands, shall designate the location of the claim with reference to the lines of the public surveys, but need not conform therewith; but where a patent shall be issued for claims upon unsurveyed lands, the surveyor general, in extending the surveys shall adjust the same to the boundaries of such patented claim, according to the plat or description there-



of, but so as in no case to interfere with or change the location of any such patented claim.

**Sec. 2328. Pending Applications; Existing Rights.** Applications for patents for mining claims under former laws now pending may be prosecuted to a final decision in the general land office; but in such cases where adverse rights are not affected thereby, patents may issue in pursuance of the provisions of this chapter; and all patents for mining claims upon veins or lodes heretofore issued shall convey all the rights and privileges conferred by this chapter where no adverse rights existed on the tenth day of May, eighteen hundred and seventy-two.

**Sec. 2329. Conformity of Placer Claims to Surveys.** Claims usually called "placers," including all forms of deposit, excepting veins of quartz, or other rock in place, shall be subject to entry and patent, under like circumstances and conditions, and upon similar proceedings, as are provided for vein or lode claims; but where the lands have been previously surveyed by the United States, the entry in its exterior limits shall conform to the legal subdivisions of the public lands.

**Sec. 2330. Subdivisions of Ten-Acre Tracts.** Legal subdivisions of forty acres may be subdivided into ten-acre tracts; and two or more persons, or associations of persons, having contiguous claims of any size, although such claims may be less than ten acres each, may make joint entry thereof; but no location of a placer claim, made after the ninth day of July, eighteen hundred and seventy, shall exceed one hundred and sixty acres for any one person or association of persons, which location shall conform to the United States surveys, and nothing in this section contained shall defeat or impair any bona fide pre-emption or homestead claim upon agricultural lands, or authorize the sale of the improvements of any bona fide settler to any purchaser.

**Sec. 2331. Conformity of Placer Claims to Surveys.** Where placer claims are upon surveyed lands, and conform to legal subdivisions, no further survey or plat shall be required, and all placer mining claims located after the tenth of May, eighteen hundred and seventy-two, shall conform as near as practicable with the United States system of public land surveys, and the rectangular subdivisions of such surveys, and no such location shall include more than twenty acres for each individual claimant; but where placer claims cannot be conformed to legal subdivisions, surveys and plat shall be made as on unsurveyed lands; and where by the segregation of mineral lands in any legal subdivision a quantity of agricultural land less than forty acres remains, such fractional portion of agricultural land may be entered by any party qualified by law, for homestead or pre-emption purposes.

**Sec. 2332. What Evidence of Possession.** Where such person or association, they and their grantors, have held and worked their claims for a period equal to the time prescribed by the statute of limitations for mining claims of the state or territory where the same may be situated, evidence of

such possession and working of the claims for such period shall be sufficient to establish a right to a patent thereto under this chapter, in the absence of any adverse claim; but nothing in this chapter shall be deemed to impair any lien which may have attached in any way whatever to any mining claim or property thereto attached prior to the issuance of a patent.

**Sec. 2333. Proceedings for Patent for Placer Claim.** Where the same person, association, or corporation is in possession of a placer claim, and also a vein or lode included within the boundaries thereof, application shall be made for a patent for the placer claim, with the statement that it includes such vein or lode, and in such case a patent shall issue for the placer claim, subject to the provisions of this chapter, including such vein or lode, upon the payment of five dollars per acre for such vein or lode claim, and twenty-five feet of surface on each side thereof. The remainder of the placer claim, or any placer claim not embracing any vein or lode claim, shall be paid for at the rate of two dollars and fifty cents per acre, together with all costs of proceedings; and where a vein or lode, such as is described in section twenty-three hundred and twenty, is known to exist within the boundaries of a placer claim, an application for a patent for such placer claim which does not include an application for the vein or lode claim shall be constructed as a conclusive declaration that the claimant of the placer claim has no right of possession of the vein or lode claim; but where the existence of a vein or lode in a placer claim is not known, a patent for the placer claim shall convey all valuable mineral and other deposits within the boundaries thereof.

**Sec. 2334. Surveyor General to Appoint Surveyors.** The surveyor general of the United States may appoint in each district containing mineral lands as many competent surveyors as shall apply for appointment to survey mining claims. The expenses of the survey of vein or lode claims and the survey and subdivision of placer claims into smaller quantities than one hundred and sixty acres, together with the cost of publication of notices, shall be paid by the applicants, and they shall be at liberty to obtain the same at the most reasonable rates, and they shall also be at liberty to employ any United States deputy surveyor to make the survey. The commissioner of the general land office shall also have power to establish the maximum charges for surveys and publication of notices under this chapter; and, in case of excessive charges for publication, he may designate any newspaper published in a land district where mines are situated for the publication of mining notices in such district, and fix the rates to be charged by such paper; and, to the end that the commissioner may be fully informed on the subject, each applicant shall file with the register a sworn statement of all charges and fees paid by such applicant for publication and surveys, together with all fees and money paid the register and the receiver of the land office, which statement shall be transmitted, with the other papers in the case, to the commissioner of the general land office.

**Sec. 2335. Verification of Affidavits.** All affidavits required to be made under this chapter may be verified before any officer authorized to administer oaths within the land district where the claims may be situated,



and all testimony and proofs may be taken before any such officer, and, when duly certified by the officer taking the same, shall have the same force and effect as if taken before the register and receiver of the land office. In cases of contest as to the mineral or agricultural character of land, the testimony and proofs may be taken as herein provided on personal notice of at least ten days to the opposing party; or if such party cannot be found, then by publication of at least once a week for thirty days in a newspaper, to be designated by the register of the land office as published nearest to the location of such land; and the register shall require proof that such notice has been given.

**Sec. 2336. Where Veins Intersect.** Where two or more veins intersect or cross each other, priority of title shall govern, and such prior location shall be entitled to all ore or mineral contained within the space of intersection; but the subsequent location shall have the right of way through the space of intersection for the purposes of the convenient working of the mine. And where two or more veins unite, the oldest or prior location shall take the vein below the point of union, including all the space of intersection.

**Sec. 2337. Patents for Non-Mineral Lands.** Where non-mineral land not contiguous to the vein or lode is used or occupied by the proprietor of such vein or lode for mining or milling purposes, such non-adjacent surface ground may be embraced and included in an application for a patent for such vein or lode, and the same may be patented therewith, subject to the same preliminary requirements as to survey and notice as are applicable to veins or lodes; but no location hereafter made of such non-adjacent land shall exceed five acres, and payment for the same must be made at the same rate as fixed by this chapter for the superficies of the lode. The owner of a quartz mill or reduction works, not owning a mine in connection therewith, may also receive a patent for his mill site as provided in this section.

**Sec. 2338. What Conditions May Be Made by Legislature.** As a 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. 2339. Vested Rights to Use of Water.** 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 herein specified is acknowledged and confirmed; but whenever any person, in the construction of any ditch or canal, injures or damages 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. 2340. Patents Subject to Water Rights.** All patents granted, or pre-emption or homesteads allowed, shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights, as may have been acquired under or recognized by the preceding section.

**Sec. 2341. Mineral Lands Open to Homesteads.** Wherever, 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 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 they may avail themselves of the provisions of chapter five of this title, relating to "Homesteads."

**Sec. 2342. How Set Apart as Agricultural Lands.** Upon the survey of the lands described in the preceding section, the Secretary of the Interior may designate and set apart such portions of the same as are clearly agricultural lands, which lands shall thereafter be subject to pre-emption and sale as other public lands, and be subject to all the laws and regulations applicable to the same.

**Sec. 2343. Additional Land Districts and Officers.** The President is 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 chapter.

**Sec. 2344. Provisions Not to Affect Certain Rights.** Nothing contained in this chapter shall be construed to impair, in any way, rights or interests in mining property acquired under existing laws; nor to affect the provisions of the act entitled "An act granting to A. Sutro the right of way and other privileges to aid in the construction of a draining and exploring tunnel to the Comstock lode, in the State of Nevada, approved July twenty-five, eighteen hundred and sixty-six."

**Sec. 2346. Grant of Lands Not to Include Mineral Lands.** No act passed at the first session of the Thirty-eighth Congress granting lands to states or corporations to aid in the construction of roads or for other purposes, or to extend the time of grants made prior to the thirtieth day of January, eighteen hundred and sixty-five, shall be so construed as to embrace mineral lands, which in all cases are reserved exclusively to the United States, unless otherwise specially provided in the act or acts making the grant.

**Money Expended in Tunnel Considered as Expended on Lode.** Section two thousand three hundred and twenty-four of the Revised Statutes is hereby amended so that where a person or company has or may run a tunnel for the purpose of developing a lode or lodes, owned by said person or company,



the money so expended in said tunnel shall be taken and considered as expended on said lode or lodes, whether located prior to or since the passage of said act; and such person or company shall not be required to perform work on the surface of said lode or lodes in order to hold the same as required by said act. (Act of Congress approved February 11, 1875.)

**Citizens Authorized to Remove Timber.** All citizens of the United States and other persons, bona fide residents of the State of Colorado, or Nevada, or either of the territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, or Montana, and all other mineral districts of the United States shall be, and are hereby, authorized and permitted to fell and remove, for building, agricultural, mining, or other domestic purposes, any timber or other trees growing or being on the public lands, said lands being mineral, and not subject to entry under existing laws of the United States, except for mineral entry, in either of said states, territories, or districts of which such citizens or persons may be at the time bona fide residents, subject to such rules and regulations as the Secretary of the Interior may prescribe for the protection of the timber and of the undergrowth growing upon such lands, and for other purposes; Provided, The provisions of this act shall not extend to railroad corporations.

**Sec. 2.** It shall be the duty of the register and the receiver of any local land office in whose district any mineral land may be situated to ascertain from time to time whether any timber is being cut or used upon any such lands, except for the purposes authorized by this act, within their respective land districts; and, if so, they shall immediately notify the commissioner of the general land office of that fact; and all necessary expenses incurred in making such proper examinations shall be paid and allowed such register and receiver in making up their next quarterly accounts.

**Sec. 3.** Any person or persons who shall violate the provisions of this act, or any rules and regulations in pursuance thereof made by the Secretary of the Interior, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding five hundred dollars, and to which may be added imprisonment for any term not exceeding six months. (Act of Congress approved June 3, 1878.)

**Application for Patent May Be Made by Agent.** Section twenty-three hundred and twenty-five of the Revised Statutes of the United States is amended by adding thereto the following words: "Provided, That where the claimant for a patent is not a resident of or within the land district wherein the vein, lode, ledge, or deposit sought to be patented is located, the application for patent and the affidavits required to be made in this section by the claimant for such patent may be made by his, her, or its authorized agent, where said agent is conversant with the facts sought to be established by said affidavits; And Provided, That this section shall apply to all applications now pending for patents to mineral lands."

**Sec. 2. Period Commences on January 1 Succeeding Date of Location.** That section twenty-three hundred and twenty-four of the Revised Statutes of the United States be amended by adding the following words: "Provided,

That the period within which the work required to be done annually on all unpatented mineral claims shall commence on the first day of January succeeding the date of location of such claim, and this section shall apply to all claims located since the tenth day of May, Anno Domini eighteen hundred and seventy-two." (Act of Congress approved January 22, 1880.)

**In Action Brought Title Not Established in Either Party.** If, in any action brought pursuant to section twenty-three hundred and twenty-six of the Revised Statutes, title to the ground in controversy shall not be established by either party, the jury shall so find, and judgment shall be entered according to the verdict. In such case costs shall not be allowed to either party, and the claimant shall not proceed in the land office or be entitled to a patent for the ground in controversy until he shall have perfected his title. (Act of Congress approved March 3, 1881.)

**Adverse Claim May Be Verified by Agent.** The adverse claim required by section twenty-three hundred and twenty-six of the Revised Statutes may be verified by the oath of any duly authorized agent or attorney in fact of the adverse claimant cognizant of the facts stated; and the adverse claimant, if residing or at the time being beyond the limits of the district wherein the claim is situated, may make oath to the adverse claim before the clerk of any court of record of the United States or the state or territory where the adverse claimant may then be, or before any notary public of such state or territory. (Sec. 1, act of Congress approved April 26, 1882.)

**Sec. 2. Affidavit of Citizenship; Before Whom Made.** Applicants for mineral patents, if residing beyond the limits of the district wherein the claim is situated, may make any oath or affidavit required for proof of citizenship before the clerk of any court of record, or before any notary public of any state or territory. (Sec. 2, act of Congress approved April 26, 1882.)

**Sec. 16. Town Sites on Mineral Lands Authorized.** Town site entries may be made by incorporated towns and cities on the mineral lands of the United States, but no title shall be acquired by such towns or cities to any vein of gold, silver, cinnabar, copper, or lead, or to any valid mining claim or possession held under existing law. When mineral veins are possessed within the limits of an incorporated town or city, and such possession is recognized by local authority or by the laws of the United States, the title to town lots shall be subject to such recognized possession and the necessary use thereof and when entry has been made or patent issued for such town sites to such incorporated town or city, the possessor of such mineral vein may enter and receive patent for such mineral vein, and the surface ground appertaining thereto: Provided, That no entry shall be made by such mineral vein claimant for surface ground where the owner or occupier of the surface ground shall have had possession of the same before the inception of the title of the mineral vein applicant.

**Sec. 17.** That reservoir sites located or selected and to be located and selected under the provisions of "An act making appropriations for sundry civil expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and eighty-nine, and for other purposes," and amendments



thereto, shall be restricted to and shall contain only so much land as is actually necessary for the construction and maintenance of reservoirs, excluding so far as practicable lands, occupied by actual settlers at the date of the location of said reservoirs and that the provisions of "An act making appropriations for sundry civil expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for other purposes," which reads as follows, viz.: "No person who shall after the passage of this act enter upon any of the public lands with a view to occupation, entry or settlement under any of the land laws shall be permitted to acquire title to more than three hundred and twenty acres in the aggregate under all said laws," shall be construed to include in the maximum amount of lands the title to which is permitted to be acquired by one person only agricultural lands and not include lands entered or sought to be entered under mineral land laws. (Act of Congress approved March 3, 1891.)

**Entry of Lands Valuable for Building Stone Under Placer Mining Laws.** Any person authorized to enter lands under the mining laws of the United States may enter lands that are chiefly valuable for building stone under the provisions of the law in relation to placer mining claims: Provided, That lands reserved for the benefit of the public schools or donated to any state shall not be subject to entry under this act. (Act of Congress approved August 4, 1892.)

**Entry and Patenting of Lands Containing Petroleum Under the Placer Mining Laws.** Any person authorized to enter lands under the mining laws of the United States may enter and obtain patent to lands containing petroleum or other mineral oils, and chiefly valuable therefor, under the provisions of the laws relating to placer mineral claims: Provided, That lands containing such petroleum or other mineral oils which have heretofore been filed upon, claimed or improved as mineral, but not yet patented, may be held and patented under the provisions of this act the same as if such filing, claim, or improvement were subsequent to the date of the passage hereof. (Act of Congress approved February 11, 1897.)

**Mining Laws Extended to Saline Lands.** All unoccupied lands of the United States containing salt springs, or deposits of salt in any form, and chiefly valuable therefor, are hereby declared to be subject to location and purchase under the provisions of the law relating to placer mining claims: Provided, That the same person shall not locate or enter more than one claim hereunder. (Act of Congress approved January 31, 1901.)

**Assessments on Oil Mining Claims.** Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled: That where oil lands are located under the provisions of title thirty-two, chapter six, Revised Statutes of the United States, as placer mining claims, the annual assessment labor upon such claims may be done upon any one of a group of claims lying contiguous and owned by the same person or corporation, not exceeding five claims in all: Provided, That said labor will tend to the development or to determine the oil bearing character of such contiguous claims. (Approved February 12, 1903.)

# Mining Laws of Wyoming

From the Compiled Statutes 1910

**Sec. 3454. Organization of Mining District.** In any mining district or in any mining field of discovery of veins, leads, lodes or ledges, or of gold placers, petroleum fields, soluble salt deposits, or of any mineral lands whatever, or of any lands that are, or may be hereafter, opened to location under the laws governing mineral deposits, the miners may meet and organize and elect a recorder and make regulations, not in conflict with the laws of the United States or with the laws of this State governing the location, manner of recording and amount of annual work necessary to hold possession of a mining claim within the district, subject to the following requirements:

1. That any five miners having locations, or owning in part or in whole, claims within the proposed district shall give notice by at least three written or printed or partially written and partially printed notices, posted in prominent places within the proposed district of a meeting called by them for organizing such district at a date at least ten days subsequent to the posting of such notices.

2. That the meeting thus called shall be attended by at least ten persons, all having locations, or owning, in part or in whole, claims within the proposed district.

3. That the recorder elected for such an organized district, shall hold his office until his successor is elected and qualified according to law. Such recorder is required to give bonds with at least two sureties, to the people of Wyoming, in the penal sum of not less than one thousand dollars, for the faithful performance of his duties, and for the turning over of all books, papers, records, etc., of his office, to his duly elected and qualified successor, which bond shall be approved by the judge of the district court and filed in the office of the county clerk and ex-officio register of deeds. The recorder of such a mining district may appoint a deputy, for whose official acts he shall be responsible.

4. That no district need be organized if the majority at the meeting as hereinbefore provided so desire, but when a district is once organized, cannot be subdivided except in accordance with the local laws of the district, enacted at the regular or special meetings, or by action of the Legislature of this State. In case of the abandonment of any district for any cause whatever, it shall be the duty of the district recorder, as soon as practicable thereafter, to deposit all records and other papers pertaining to his office,



in the office of the county clerk and ex-officio register of deeds of the county in which such district is located.

5. Each mining district may regulate the fees to be charged by the local recorder for recording location certificates, affidavits of labor, and all other instruments to be filed in the said recorder's office.

**Sec. 3455. Copy of Laws and Proceedings to Be Filed.** A copy of all laws and the proceedings of each mining district, shall be filed by the recorder of the district in the office of the county clerk and ex-officio register of deeds of the county in which the district is situated, which shall be taken as evidence in any court having jurisdiction in the matter concerned under such laws or proceedings; and all such laws and proceedings of any mining district heretofore filed in the county clerk's office of the proper county, and transcripts thereof, duly certified, shall have the like effect in evidence. Such copies of laws and proceedings shall be filed in the office of the said county clerk and ex-officio register by the recorder of each mining district within sixty days after the organization of each new mining district, or within sixty days after new laws were adopted or proceedings had.

**Sec. 3456. Use of Water.** Whenever any person, persons or corporation, shall be engaged in mining or milling in this State, and in the prosecution of such business shall hoist or bring water from mines or natural water courses, such person, persons or corporation shall have the right to use such water in such manner, and direct it into such natural course or gulch as their business interests may require; Provided, That such diversion shall not infringe on vested rights. The provisions of this section shall not be construed to apply to new or undeveloped mines, but to those only which shall have been open and require drainage or other direction of water.

**Sec. 3457. Mining Claims Subject to Right of Way.** All mining claims or property now located, or which may hereafter be located within this State, shall be subject to the right of way of any ditch or flume for mining purposes, or of any tramway, pack trail or wagon road, whether now in use, or which may hereafter be laid out across any such location, claim or property; Provided, always, That such right of way shall not be exercised against any mining location, claim or property duly made and recorded as herein required, and not abandoned prior to the establishment of any such ditch, flume, tramway, pack trail or wagon road, without the consent of the owner or owners, except in condemnation, as in the case of land taken for public highways. Consent to the location of the easements above enumerated over any mineral claim, location or property, shall be in writing; and Provided, further, That any such ditch or flume shall be so constructed that water therefrom shall not injure vested rights by flooding or otherwise.

**Sec. 3458. Protection of Surface Proprietors.** Where a mining right exists in any case and is separated from the ownership or right of occupancy to the surface, such owner or rightful occupant of the said surface may demand satisfactory security from the miner or miners, and if such security is refused, such owner or occupant of the surface may enjoin the miner or miners from

working such mine until such security is given. The order for such injunction shall fix the amount of the bond therefor.

**Sec. 3459. Relocation Certificates.** Whenever it shall be apprehended by the locator, or his assigns, of any mining claims or property heretofore or hereafter located, that his or their original location certificate was defective, erroneous, or that the requirements of the law had not been complied with before the filing thereof, or shall be desirous of changing the surface boundaries of his or their original claim or location, or of taking in any part of an overlapping claim or location which has been abandoned, or in case the original certificate was made prior to March 6, 1888, and he or they shall be desirous of securing the benefit of this law, such locator or locators, or his or their assigns, may file an additional location certificate in compliance with and subject to the provisions of this chapter; Provided, however, That such relocation shall not infringe upon the rights of others existing at the time of such relocation, and that no such relocation, or other record thereof, shall preclude the claimant or claimants from proving any such title or titles as he or they may have held under any previous location.

**Sec. 3460. Certificates Shall Describe but One Claim.** No location certificate shall contain more than one claim or location, whether the location be made by one or more locators, and any location certificate that contains upon its face more than one location claim shall be absolutely void, except as to the first location named and described therein, and in case more than one claim or location is described together so that the first one cannot be distinguished from the others, the certificate of location shall be void as an entirety.

**Sec. 3461. Obtaining Unlawful Possession---Penalty---Evidence.** In all cases when two or more persons shall, through collusion or otherwise, associate themselves together for the purpose of obtaining possession of any lode, gulch or placer, or other mineral claim or mining property within this State, then in the actual possession of another or others, by force and violence, or threats of violence, or by stealth, and shall proceed to carry out such purpose by making threats to and against the party or parties in possession, or who shall enter upon such lode, gulch, placer or other mineral claim or mining property for the purposes aforesaid, or who shall enter upon or into mineral claim or mining property; or, not being on such mining claim or mineral property, but within hearing of the same, shall make any threats or any use of any language, signs, gestures, intended to intimidate any person or persons in possession or at work on the said claim or claims of mineral property of whatever kind or nature, from continuing such possession or work thereon or therein, or to intimidate others from engaging to be employed thereon or therein, every such person or persons so engaging shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in a penal sum not exceeding two hundred and fifty dollars, and be imprisoned in the county jail for not less than thirty days nor more than six months. On trial of any person or persons charged with any of the offenses enumerated in this section, the proof of a common purpose of two or more persons to unlawfully secure



possession of any mining claim or mineral property within the State, or to intimidate any one in the possession of, or laborers at work on any mining claim or mineral property aforesaid, accompanied or followed by any acts or utterances of such person or persons as herein enumerated, shall be sufficient evidence to convict any one committing such acts, although such parties may not be associated or acting together at the time of the commission of such offenses.

**Sec. 3462. Destroying Mining Property---Penalty.** Any person or persons who shall unlawfully cut down, break down, level, demolish, destroy, injure, remove or carry away any sign, notice, post, mark, monument or fence upon or around any shaft, pit, hole, incline or tunnel, or any building, structure, machinery, implements or other property on any mining claim or mineral property, ground or premises, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined a penal sum of money not less than fifty dollars nor more than one thousand dollars, or be imprisoned for not less than thirty days nor more than one year, or both, in the discretion of the court.

**Sec. 3463. Mining Swindles---Penalty.** Any person or persons who shall defraud, cheat, swindle or deceive any party or parties in relation to any mine or mining property by "salting" or by placing or causing to be placed in any lode, placer or other mine, any genuine metals or material representing genuine minerals, which are designed to cheat and deceive others, for the purpose of gain, whereby others shall be deceived and injured by such, shall be guilty of a felony, and upon conviction thereof shall be fined in a penal sum of not less than fifty dollars, and not more than five thousand dollars, or imprisoned in the penitentiary for not more than three years, or both, in the discretion of the court.

**Sec. 3464. Protection of Live Stock From Shafts---Penalty for Failure.** Every person, persons, company or corporation, who have already sunk mining shafts, pits, holes, inclines, upon any mining claim, or on any mineral property, ground or premises, or who may hereafter sink such openings aforesaid, shall forthwith secure such shafts and openings against the injury or destruction of live stock running at large upon the public domain, by securely covering such shafts and other openings, as aforesaid, in a manner to render them safe against the possibility of live stock falling into them, or in any manner becoming injured or destroyed thereby; or by forthwith making a strong, secure and ample fence around such shafts and other openings aforesaid. Any person, persons, corporation or company that shall fail or refuse to fully comply with the provisions of this section shall be guilty of a misdemeanor, and on conviction thereof, shall be liable for any damages sustained by injury or loss of live stock thereby.

**Sec. 3465. Length of Lode Claim.** The length of any lode mining claim located within Wyoming, shall not exceed fifteen hundred feet measured horizontally, along such lode or vein. Nor can the regulations of any mining district limit a locator to less than this length.

**Sec. 3466. Width of Lode Claim.** The width of any lode claim located

within Wyoming shall not exceed three hundred feet on each side of the discovery shaft, the discovery shaft being always equally distant from the side lines of the claims. Nor can any mining district limit the locator to a width of less than one hundred and fifty feet on either side of the discovery shaft.

**Sec. 3467. Recording Claims---Requisites of Certificate.** A discoverer of any mineral lead, lode, ledge or vein shall, within sixty days from the date of discovery, cause such claim to be recorded in the office of the county clerk and ex officio register of deeds of the county within which such claim may exist, by a location certificate which shall contain the following facts:

1. The name of the lode claim.
2. The name or names of the locator or locators.
3. The date of location.
4. The length of the claim along the vein measured each way from the center of the discovery shaft, and the general course of the vein as far as it is known.
5. The amount of surface ground claimed on either side of the center of the discovery shaft or discovery workings.
6. A description of the claim by such designation of natural or fixed object, or if upon ground surveyed by the United States system of land survey, by reference to section or quarter section corners, as shall identify the claim beyond question.

**Sec. 3468. Imperfect Certificates Void.** Any certificate of the location of a lode claim which shall not fully contain all the requirements named in the preceding section, together with such other description as shall identify the lode or claim with reasonable certainty, shall be void.

**Sec. 3469. Pre-requisites to Filing Certificate.** Before the filing of a location certificate in the office of the county clerk and ex-officio register of deeds, the discoverer of any lode, vein or fissure shall designate the location thereof as follows:

1. By sinking a shaft upon the discovery lode or fissure to the depth of ten feet from the lowest part of the rim of such shaft at the surface.
2. By posting at the point of discovery, on the surface, a plain sign or notice containing the name of the lode or claim, the name of the discoverer and locator, and the date of such discovery.
3. By marking the surface boundaries of the claim, which shall be marked by six substantial monuments of stone or posts, hewed or marked on the side or sides, which face is toward the claim, and sunk in the ground, one at each corner and one at the center of each side line, and when thus marking the boundaries of a claim, if any one or more of such posts or monuments of stone shall fall, by necessity, upon precipitous ground, when the proper placing of it is impracticable or dangerous to life or limb, it shall be lawful to place any such post or monument of stone at the nearest point properly marked to designate its right place; Provided, That no right to such lode or claim or its possession or enjoyment, shall be given to any person or persons, unless such person or persons shall discover in said claim mineral bearing rock in place.



**Sec. 3470. What Open Cut Equivalent to Discovery Shaft.** Any open cut which shall cut the vein ten feet in length and with face ten feet in height, or any cross-cut tunnel, or tunnel on the vein ten feet in length which shall cut the vein ten feet below the surface, measured from the bottom of such tunnel, shall hold such lode the same as if a discovery shaft were sunk thereon.

**Sec. 3471. Time Given Discoverer to Sink Shaft.** The discoverer of any mineral lode or vein in this State shall have the period of sixty days from the date of discovering such lode or vein in which to sink a discovery shaft thereon.

**Sec. 3472. Mineral Boundaries Defined.** The locators of all mining locations heretofore made, or which shall hereafter be made, on any mineral vein, lode or ledge, situated on the public domain, their heirs and assigns, shall have the exclusive right of possession and enjoyment of all the surface included within the lines of their locations, and of all veins, lodes and ledges throughout their entire depth, the top or apex of which lies inside of surface lines extended downward vertically although such veins, lodes or ledges may so far depart from a perpendicular in their course downward as to extend outside the vertical side lines of such surface locations. But their right of possession to such outside parts of such veins or ledges shall be confined to such portions thereof as lie between vertical planes drawn downward as above described, through the end lines of their locations, so continued in their own direction that such planes will intersect such exterior parts of such veins or ledges. And nothing in this section shall authorize a locator or possessor of a vein or lode which extends in its downward course beyond the vertical lines of his claim to enter upon the surface of a claim owned or possessed by another.

**Sec. 3473. Relocation of Abandoned Claims.** Any abandoned lode, vein or strata claim may be relocated and such relocation shall be perfected by sinking a new discovery shaft and by fixing new boundaries in the same manner as provided for the location of a new claim; or the relocater may sink the original discovery shaft ten feet deeper than it was at the time of its abandonment, and erect new, or adopt the old boundaries, renewing the posts or monuments of stone if removed or destroyed. In either event, a new location stake shall be fixed. The location certificate of an abandoned claim may state that the whole or any part of the new location is located as an abandoned claim.

**Sec. 3474. Location of Placer Claims.** Hereafter the discoverer of any placer claim shall, within ninety days after the date of discovery, cause such claim to be recorded in the office of the county clerk and ex-officio register of deeds of the county within which such claim may exist, by filing therein a location certificate, which shall contain the following:

1. The name of the claim, designating it as a placer claim.
2. The name or names of the locator or locators thereof.
3. The date of location.
4. The number of feet or acres thus claimed.

5. A description of the claim by such designation of natural or fixed objects as shall identify the claim beyond question. Before filing such location certificate, the discoverer shall locate his claim: First, by securely fixing upon such claim a notice in plain painted, printed or written letters, containing the name of the claim, the name of the locator or locators, the date of the discovery, and the number of feet or acres claimed; second, by designating the surface boundaries by substantial posts or stone monuments at each corner of the claim.

**Sec. 3475. Assessment Work on Placer Claims.** For every placer claim, assessment work, as hereinafter provided, shall be done during each and every calendar year after the first day of January following the date of location. Such assessment work shall consist in manual labor, permanent improvements made on the claim in buildings, roads or ditches made for the benefit of working such claims, or after any manner, so long as the work done accrues to the improvement of the claim, or shows good faith and intention on the part of the owner or owners and their intention to hold possession of said claim.

**Sec. 3476. Assessment Work---Amount.** On all placer claims heretofore or hereafter located in this State not less than one hundred dollars' worth of assessment work shall be performed during each calendar year from the first day of January after the date of location.

**Sec. 3477. Assessment Work Upon Contiguous Claims.** When two or more placer mining claims lie contiguous and are owned by the same person, persons, company or corporation, the yearly expenditure of labor and improvements required on each of such claims may be made upon any one of such contiguous claims if the owner or owners shall thus prefer.

**Sec. 3478. Effect of Failure to Do Assessment Work.** Upon failure of the owners to do or have done the assessment work required within the time above stated, such claim or claims upon which such work has not been completed, shall thereafter be open to relocation on or after the first day of January of any year after such labor or improvements should have been done, in the same manner and on the same terms as if no location thereof had ever been made; Provided, That the original locators, their heirs, assigns or legal representatives have not resumed work upon such claim or claims after failure, and before any subsequent location has been made.

**Sec. 3479. Affidavit of Assessment Work Done.** Upon completion of the required assessment work for any mining claim, the owner or owners or agent of such owner or owners shall cause to be made by some person cognizant of the facts, an affidavit setting forth that the required amount of work was done, which affidavit shall within sixty days of the completion of the work, be filed for record, and shall thereafter be recorded in the office of the county clerk and ex-officio register of deeds of the county in which the said claim is located.

**Sec. 3480. Patents to Placer Claims.** When any person, persons or association, they and their grantors, have held and worked their placer claims



in conformance with the laws of this State and the regulations of the mining district in which such claim exists, if such be organized, for five successive years after the first day of January succeeding the date of location, then such person, persons or association, they and their grantors, shall be entitled to proceed to obtain a patent for their claims from the United States without performing further work; but where such person, persons or association, they or their grantors, desire to obtain a United States patent before the expiration of five years from the date hereinbefore mentioned, they shall be required to expend at least five hundred dollars' worth of work upon a placer claim.

**Sec. 3481. Coal Mines Not Included.** Nothing in this chapter shall apply to the working of coal mines.

**Sec. 3482. Assays---University Charges.** Hereafter the charge for making assays or tests for silver, gold, copper and lead at the University of Wyoming shall be the sum of fifty cents each, and for gold, silver and copper, when all are made on the same sample at the same time, the charge shall be one dollar in full therefor to any resident of the State, and no further nor greater sum shall be charged for making such assay or assays.

**Sec. 5645. Interest in Mines---How Sold.** When it appears from the inventory of the estate of any decedent that his estate consists in whole or in part of mines, or interest in mines, such mines or interests may be sold under the order of the court or judge having jurisdiction of the estate, as hereinafter provided.

**Sec. 5646. Petition for Sale of Mining Interests.** The executor or administrator, or any heir at law, or creditor of the estate, or any partner or member of any mining company, in which interests or shares are held or owned by the estate, may file in the court a petition, in writing, setting forth the general facts of the estate being then in due course of administration, and particularly describing the mine, interest or shares which it is desired to sell, and particularly the condition and situation of the mines or mining interests, or of the mining company in which such interests or shares are held, and the grounds upon which the sale is asked to be made.

**Sec. 5647. Order for Hearing and Notice.** Upon the presentation of such petition the court, or judge thereof, must make an order directing all persons interested to appear before such court or judge at a time and place specified, not less than four or more than ten weeks from the time of making such order, to show cause why an order should not be granted to the executor or administrator to sell such mine, mining interests, shares or stocks as are set forth in the petition and belonging to the estate. A copy of the order to show cause must be personally served on all persons interested in the estate, at least ten days before the time appointed for hearing the petition, or published at least four consecutive weeks in such newspaper as such court or judge shall specify. If all persons interested in the estate signify in writing their assent to such sale, the notice may be dispensed with.

**Sec. 5648. Order of Sale.** If, upon hearing the petition, it appears

to the satisfaction of the court or judge that it is to the interest of the estate that such mining property or interests of the estate should be sold, or that an immediate sale is necessary in order to secure the just rights or interests of the mining partners, or tenants in common, such court must make an order authorizing the executor or administrator to sell such mining interests, mines or shares, as hereinafter provided.

**Sec. 5649. Manner of Conducting Sale.** The court or judge may make an order for public sale of such mining property to take place in the same manner as provided for public sales of personal property in this chapter, or it may be ordered that the same may be sold at private sale, as it shall seem for the best interests of the estate.

**Sec. 3499. Eight-Hour Day---All Mines.** The period of employment of working men in all underground mines or workings shall be eight (8) hours per day, except in case of emergency where life or property is in imminent danger.

**Sec. 3500. Eight-Hour Day---Reduction Works.** The period of employment of working men in smelters, stamp mills, sampling works, concentrates and all other institutions for the reduction of ores, and refining of ores or metals, shall be eight (8) hours per day, except in cases of emergency where life or property is in imminent danger.

**Sec. 3501. Penalty.** Any person or persons, body corporate, agent, manager or employer who shall violate any of the provisions of Sections 3499 or 3500 shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for each offense, be subject to a fine of not less than one hundred dollars or more than five hundred dollars, or by imprisonment in the county jail for a period of not less than one (1) month or more than six (6) months or by both such fine and imprisonment.

**Sec. 3502. Day Defined.** In all contracts hereafter made between any owner, lessee or operator of any coal mine, with any such miner or laborer for his services as such, the word day when used shall be construed to be eight hours; Provided, That nothing in this section nor in Sections 3502 or 3503 contained shall be construed to prohibit or prevent any such owner, lessee or operator from operating his or its coal mine more than eight hours in any twenty-four.

**Sec. 3503. Time Defined.** The eight hours in this and the preceding section provided for, shall be construed to mean eight hours of actual labor and shall not include the time consumed in going to and returning from work.

**Sec. 3504. Penalty.** Any owner, lessee or operator, his or its agent, employes or servants, violating any of the provisions of the two preceding sections shall be fined not less than fifty dollars, nor more than three hundred dollars, or imprisoned not more than three months, or both.

**Sec. 2449. Taxation---Return for Assessment.** In proportion to the value thereof the gross product of all mines and mining claims from which gold, silver and other precious metals, soda, saline, coal, mineral oil, or other valuable deposit is, or may hereafter be produced, while the same are being



worked or operated, but not while the same are simply in course of development, shall be returned by the owner, owners, lessee or operator thereof for assessment for taxation, assessed for taxation and taxed in the manner provided for in this chapter, and such tax shall be in addition to any tax which may be assessed upon the surface improvements of such mines or mining claims, and in lieu of taxes upon the land of such claims while the same are being worked or operated.

**Sec. 2450. Sworn Statement.** The owner, owners, lessee or operator of mines or mining claims from which gold, silver and other precious metals, soda, saline, coal, mineral oil or other valuable deposits, is produced, but not while the same are simply in the course of development, shall, not later than the fourth Monday in January in each and every year, file with the state board of equalization a sworn assessment schedule statement setting forth the gross product in tons or gallons, as the case may be, of such mine or mineral claim during the calendar year expiring immediately preceding the first day of January of the then current year, and which said statement shall also set forth the net value of such property at the mine or mining claim after deducting the expenses incurred in production. If the return aforesaid be not received by the fourth Monday in January, as herein provided for, or if received and the state board of equalization shall believe that the return is not full, complete and correct, it shall be the duty of said board to proceed to obtain the facts and information aforesaid in any manner that may appear most likely to secure the same.

**Sec. 2451. Valuation---Fixed by Board.** The state board of equalization shall at least ten days before the date fixed for making assessments, classify and prescribe and fix the valuation each year for the assessment of the gross product, in tons or gallons, as the case may be, of all mines or mining claims from which gold, silver or other precious minerals, soda, saline, coal, mineral oil, or other valuable deposit is produced.

**Sec. 2452. Auditor's Certificate.** On or before ten days prior to the day fixed for beginning assessments, or so soon thereafter as the state board of equalization shall have made and determined the valuation and assessment of said property, the state auditor shall certify to the assessor of the county where such property is situated, the valuation and assessment on such property by said board so fixed, and the assessor shall enter such valuation and assessment upon the lists of taxable property in the assessment rolls of the county.

**Sec. 2453. Penalty for False Representation.** Any person who shall knowingly make any false or fraudulent representation in said statement shall be deemed guilty of perjury.

**Sec. 2454. Penalty for Failure to Return.** Any owner, owners, lessee or operator of any mine or mining claim who shall fail, neglect or refuse to make the assessment schedule statement provided for in this chapter, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding five thousand dollars or imprisoned in the county jail not exceeding six months.

**Sec. 3778. Lien of Laborer.** Every miner or other person who, at the request of the owner of any ledge or lode of quartz bearing gold, silver, lead, cinnabar or copper, or of any coal bank or mine, shall work in or upon said mine or bank, or do assessment work upon or in any mining claim, lode or placer, or upon or in any soda well or lake, oil well or spring, shall have a lien upon such vein or lode, mine, bank, well, lake or spring, to the amount due at any time, when a demand shall be made upon such owner or his or their agent, for money due for such labor, and payment shall be refused.

**Sec. 3779. Lien for Materials.** Any person who shall labor as a mechanic or otherwise, or who shall furnish timber, lumber, rope, nails or any other material for timbering shafts or levels for the mine, or who shall furnish any kind of materials for erecting windlass, whim or other hoisting apparatus upon any vein, mine or coal bank, referred to in the preceding section, shall also have a lien upon the mine or coal bank for which he furnished such materials, or upon which he performed such labor.

**Sec. 3780. Enforcement of Lien.** The party seeking a lien shall proceed, so far as the proceedings are applicable, in the same manner, to enforce a lien as by law required in the case of mechanics and other persons seeking to enforce a lien upon dwelling houses and other buildings, except when other provisions are made by this chapter.

**Sec. 3781. Notice of Lien.** When any sum, exceeding ten dollars, for labor performed by any miner or other person, upon or in any mine or coal bank specified in this chapter, shall be due and unpaid for ten days, it shall be competent for the person or persons to whom such sum of money shall be due, to file a notice in the office of the county clerk in the county where such mine is situated, at any time within six months after the last day upon which work was done by him; which said notice shall in substance set forth the fact that the party performed labor (naming the kind), for a party or company (naming the party or company), that such labor was performed under a contract (stating the substance); also, the time when the party commenced and when ceased to work, the amount still due and unpaid, together with a description of the mine or coal bank upon which such work was performed, which statement shall be verified by the affidavit of the party so filing it, and when filed, the county clerk shall record the same in a "lien book", the same as required in the case of "mechanic's notices of lien".

**Sec. 3782. Application of Last Section.** The provisions of the last preceding section shall apply to persons who shall furnish materials or work upon any shaft, whim, or other hoisting works, who, by complying with the general provisions of such section, shall have a like lien.

**Sec. 3783. Against Whom Lien Holds.** When notices, as provided in the last two preceding sections, shall be filed, the lien shall hold, not only against the owner of the mine or bank from the time when the miner or other person began work, but against all persons or company who shall have purchased such mine or coal bank while such miner or other person was employed therein, or furnished materials used therein or thereon.



**Sec. 3784. Time of Bringing Action.** Suit to enforce such lien may be commenced at any time within one year after filing such notice.

**Sec. 3785. Lien on Oil Lands.** Any owner of any oil well or spring, who shall employ any person to perform any work of any kind around, or about, any oil well or spring, either in building derricks, buildings or any kind of machinery, or in boring or drilling, shall be deemed within the provisions of this chapter; and all persons performing labor or furnishing materials, shall have like liens upon oil territory upon which they have labored or for which they have furnished materials or the improvements thereon, as miners or other laborers upon, or in, mines as provided in this chapter and shall proceed in the same manner to enforce a lien.

**Sec. 3786. Claim of Sub-Contractor or Laborer.** Every miner or other person doing or performing any work or furnishing any material, as specified in this chapter, under a contract or agreement, expressed or implied between the owner or owners thereof, or his or their agent, whether such work shall be performed or material furnished as miner, laborer, sub-contractor or otherwise, whose demand for work so done or material so furnished has not been paid, may deliver to the owner or owners of such mine or his or their agent an attested account of the amount and value of the work and labor thus performed or the material thus furnished and remaining unpaid, and thereupon such owner or owners, or his or their agent, shall retain out of his subsequent payments to the contractors the amount of such work and labor or material furnished for the benefit of the person so performing or furnishing the same.

**Sec. 3787. Liability of Owner After Notice.** Whenever any account of labor performed or material furnished, as referred to in the preceding section, shall be placed in the hands of the owner or owners of any mine or his or their agent, as above stated, it shall be the duty of such owner or owners or his or their agent to furnish his or their contractor with a copy of such papers, so that if there be any disagreement between such contractor and his creditor they may by amicable adjustment or by arbitration ascertain the true sum due, and if the contractor shall not, within ten days after the receipt of such papers, give the owner or owners or his or their agent written notice that he intends to dispute the claim, or if for ten days after giving notice he shall refuse or neglect to have the matter adjusted as aforesaid, he shall be considered as assenting to the demand, and the owner or owners or his or their agent shall be justified in paying the same when it becomes due.

**Sec. 3788. Enforcement of Claim by Action.** The amount which may be due from any contractor to his creditor may be recovered from said owner or owners or his or their agent by the creditor of said contractor, in an action at law to the extent and value of any balance due by the owner or owners or his or their agent, to his or their contractor, under the contract with him at the time of the notice first given as aforesaid, or subsequently, according to such contract or under the same.

**Sec. 3789. Procedure in Obtaining Lien.** Any person entitled to

a lien under this chapter shall make an account in writing of the items of labor, skill, machinery and material furnished, or either of them, as the case may be; and after making oath thereto, shall, within sixty days from the time of completing such labor and skill, or furnishing the last item of such machinery or material, file the same in the office of the register of deeds of the county in which the ledge, lead or lode, or bank may be situated, for which such labor, skill, machinery or material shall have been furnished, and shall also file at the same time a correct description of the property to be charged with said lien, which account and description of said property so made and filed, shall be recorded in a separate book to be provided for that purpose, and shall, for the time of the completion of the work, or furnishing material, and for one year thereafter, operate as a lien on the several descriptions of ledges, leads, lodges, mines or banks named in Section 3778, when any labor has been done or material furnished, on a written contract, the same, or a copy thereof, shall be filed with the account herein required to be filed; Provided, That all lien claims for labor performed, or material furnished shall be concurrent liens upon the same, and shall be paid pro rata out of the proceeds arising from the sale thereof, if the same shall be sold.

**Sec. 3790. Action to Enforce Lien.** Every person holding such lien may proceed to obtain a judgment for the amount of his account thereon, by civil action, and when any suit or suits shall be commenced on such accounts within the time of such lien, the lien shall continue until such suit or suits be finally determined and satisfied, and in all actions instituted under this chapter, all persons, claiming liens upon the property sought to be affected, shall be made parties to such action or proceeding; and the rights of all parties to such action shall be determined by the court and such order made therein as shall preserve and protect the rights of all such parties under the provisions of this chapter.

**Sec. 3791. Fees for Recording.** The county register of deeds, for filing and recording all papers under this chapter shall be paid the same fees as are, or hereafter may be allowed by law for filing and recording deeds.

**Sec. 3792. Entry of Satisfaction.** When any person who shall have filed his account and perfected his lien, pursuant to the provisions of this chapter, shall have received satisfaction for his claim and the legal costs of his proceedings therein, he shall, upon the request of any person interested, and within six days, enter satisfaction of his lien in the office where such account and lien is of record, which shall forever thereafter discharge, defeat and release the same.

**Sec. 3793. Penalty for Failing to Satisfy.** If any person, having received satisfaction as specified in the preceding section, or having been tendered the amount due on his claim with legal costs, shall not, within six days after request, enter satisfaction as aforesaid, he shall forfeit and pay to the person aggrieved, double the amount of damages which may have been sustained in consequence of such refusal or neglect.

**Sec. 3794. Application of This Chapter.** The provisions of this chapter



shall apply to iron mines, so far as the same may be applicable, and to all mines not herein specified, within this state.

**Sec. 3795. Where Actions to be Brought.** The suits or actions provided for by this chapter shall be brought in the county in which the lien provided for by this chapter is filed or recorded.

**Sec. 3796. Notice to Non-Residents by Publication.** When the owner or owners of the mine upon which the lien is filed, being a person or persons, shall reside out of the state, or being a corporation shall have its place of business outside the state and it shall be impossible to make service of process within the state, service may be made by publication in the manner now provided by law.

**Sec. 3797. Service may be Had in Any County.** When the owner or owners of the mine upon which the lien is filed, shall reside in the state but in a county other than that in which the suit or action is brought, or being a corporation, shall have its place of business in the state but in a county other than that in which the suit or action is brought, and it shall be impossible to make service of process within the county in which the suit or action is brought, it shall be the duty of the clerk of the court in which the suit or action is brought, upon an affidavit being filed in his office showing such facts, to transmit the summons or other process to the sheriff of the county in which the defendant resides or has its place of business, and the summons or other process shall be served by such sheriff and returned as in other cases, except that the time for making such service and return and the time of answering in such action may be extended one week.

**Sec. 3798. Application of Chapter to Oil Wells.** The provisions of this chapter shall apply to all persons who shall do any work in and about the mines or oil wells mentioned in this chapter, or in hauling and transporting the products of such mines or oil wells at the request of the owner or owners thereof, or of his or their agent.

**Sec. 3874. Mining Water---Supply.** Every person, association of persons, company or corporation, organized or hereafter organized under the laws of this state, and legally doing business under the laws of this state, who shall in the course of their business require a way of necessity for reservoirs, drains, flumes, ditches, canals or electric power transmission lines, on or across the lands of others for agricultural, mining, milling, domestic, electric power transmission, municipal or sanitary purposes, shall have power and are authorized to enter upon any land for the purpose of examining and making surveys for reservoirs, drains, flumes, ditches, canals or electric power transmission, or any branch or branches thereof, or for the purpose of changing any part of the original lines of any reservoir, drain, flume, ditch, canal, or electric power transmission lines, belonging to the corporation or person applying for such right of way, already constructed, owned by such person, association of persons, company or corporation, seeking to exercise the powers herein, to take, hold and appropriate, so much real property as may be necessary for the location, construction, and convenient maintenance and use

of such reservoir, drain, flume, ditch, canal or electric power transmission line, or any branch or branches thereof, or for the relocation of the whole or any part thereof, or any line to which such person, association of persons, company or corporation, may desire to change or enlarge any such reservoir, drain, flume, ditch, canal or electric power transmission line owned by any such person, association of persons, company or corporation; to enlarge any ditch, flume, drain or canal used for the conveyance of water, for the purpose of conveying additional waters in and through the same; to take and appropriate material for the construction and repair of any such reservoir, drain, flume, ditch, canal or electric power transmission line; to take, hold and appropriate a right of way over any such lands or adjacent lands sufficient to enable such persons, associations of persons, companies or corporations, to construct, repair, use and maintain any such reservoir, drain, flume, ditch or canal, or electric power transmission line upon the line of the location or re-location thereof; Provided; That the land so held, taken and appropriated otherwise than by the consent of the owner, shall not exceed one hundred feet in width on each side of the outer sides or marginal lines of any such reservoir, drain, flume, ditch, canal or electric power transmission line, unless a greater width is necessary for excavation, embankments or depository for waste earth; and in no case shall the area taken exceed the actual necessities of the work constructed; and, Provided, further, That no appropriation of private property for the use of any such person, association of persons, company or corporation shall be made until further compensation therefor be made to the owner or owners thereof; and, Provided, also, That the words, "private property," as used in this chapter shall be understood to include any advantage, the previous construction of any such reservoir, drain, flume, ditches, or any necessary part or parts thereof being the property of others, may be to any such person, association of persons, company or corporation and that the value of such advantage may have due consideration in such condemnation proceedings.

**Sec. 4002. Construction of Roads by Mining Companies.** Any corporation or association of persons organized under this chapter, now or hereafter engaged in mining gold or silver bearing quartz rock, coal, lead, iron, copper, or other minerals, may construct or operate a railroad, tramway road or wagon road from their said mine or mines, to any point or points desired by them, and shall have the exclusive right of way to the line of their road over the unoccupied public domain for the space not exceeding one hundred feet on either side thereof, and also, the exclusive possession at the termini of their said road, and at such intermediate points as may be required, for depots, buildings, turn-tables, water tanks, machine shops and other necessary appurtenances of a railroad, and said corporation or association of persons may file a survey or diagram of such line of road with the land claimed by them on either side thereof, and also the land claimed at the termini aforesaid, with the secretary of state, and it shall not be lawful for any person or persons to construct any road or erect any buildings or otherwise interfere with the possession of the land so indicated in the survey or diagram filed as aforesaid,



and a certified copy of such survey under the seal of the state shall be received in evidence in all courts of laws or equity within the state.

**Sec. 4249. Foreign Corporations---Shall File Certificate or Charter.** Every incorporated company incorporated under the laws of any foreign state or kingdom or of any state or territory of the United States beyond the limits of this state (except insurance companies), and now or hereafter doing business within this state, shall within thirty days after commencing so to do business, file in the office of the secretary of state, and also file in the office of the register of deeds of the particular county within which it maintains its principal office and place of business, a copy of its charter of incorporation; or in case such company is incorporated by a certificate under any general incorporation law, it shall file in the office of the secretary of state, and in the office of the register of deeds of the particular county within which it maintains its principal office and place of business, a copy of such certificate and of such general incorporation law duly certified and authenticated by the proper authority of such foreign state, kingdom or territory.

**Sec. 6010. Using False Weights.** If any person shall knowingly have, keep, or use any false or fraudulent scales or weights for weighing gold or gold dust, or any other article or commodity, every person so offending shall be fined not more than five hundred dollars, or imprisoned in the county jail not more than six months.

**Sec. 6011. Cheating in Extracting Gold.** The owner, manager or agent of any species of quartz mill, arasta mill, furnace or cupel, employed in extracting gold from quartz, pyrites, or other minerals, who shall neglect or refuse to account for, or pay over and deliver all the proceeds thereof to the owner of such quartz, pyrites, or other minerals, excepting such portion of said proceeds as he is entitled to in return for his services, shall be fined not more than one thousand dollars, or be imprisoned in the penitentiary for a term of one year.

**Sec. 2964. Where Explosives shall be Stored.** It shall be unlawful for any person or company to store any gunpowder or any other explosive material at a less distance than one thousand feet from any house or habitation, when more than fifty pounds are stored at the same place, except with the sanction of the board of county commissioners of the county in which storage place may be located; but it shall be unlawful to place or to keep more than five pounds of such powder, or other explosive material, in any house or building occupied as a residence, or in any out building pertaining thereto.

**Sec. 2965. Powder Magazine—How Constructed.** Hereafter, any powder magazine that may be built, shall be so constructed as to provide and maintain the storage room thereof, entirely below the natural surface of the ground adjacent; and it shall be unlawful to store such powder or explosives in any other than such storage room.

**Sec. 2966. Penalties---Nuisance.** Anyone violating the provisions of Section 2964 shall be on conviction, fined in any sum not exceeding one hundred dollars for each and every offense, and may be imprisoned not ex-

ceeding thirty days, or both fined and imprisoned, in the discretion of the court having jurisdiction. Any violation of the provisions of the preceding section shall be a public nuisance, and shall be abated at the suit of any person, in any court of competent jurisdiction.

**Sec. 2967. Sale of Explosives.** All nitro-glycerine, powder or other high explosive sold in the State of Wyoming shall be properly marked with the date of manufacture on each stick of powder, and no nitro-glycerine, powder or other high explosive shall be sold after twelve months from date of manufacture.

**Sec. 2968. Storage of Explosives.** Explosives must be stored in a magazine provided for that purpose alone; said magazine to be placed far enough from the open cutting or working shaft, tunnel or incline to insure the same remaining intact, in the event the entire stock of explosives in said magazine be exploded; that all explosives in excess of the amount required for a shift's work be kept in said magazine; that no powder or other explosive be stored in underground workings where men are employed; that each mine shall provide and employ a suitable device for thawing or warming powder and keep the same in condition for use; that oils or other combustible substances shall not be kept or stored in the same magazine with explosives.

**Sec. 2969. Storage of Oils.** Oils and other inflammable materials shall be stored or kept in a building erected for that purpose, and at a safe distance from the main buildings, and at a safe distance from the powder magazine, and their removal from said building for use shall be in such quantities as are necessary to meet the requirements of a day only.

**Sec. 2970. Use of Steel or Iron Tamping Bar Prohibited.** No person shall, whether working for himself or in the employ of any person, company or corporation, while loading or charging a hole with nitro-glycerine, powder or other explosive, use or employ any steel or iron tamping bar; nor shall any mine manager, superintendent, foreman or shift boss, or other person having the management or direction of mine labor, allow or permit the use of such steel, iron or other metal tamping bar by employes under his management or direction.

**Sec. 2971. Inspector of Mines---Authority.** The inspector of mines shall have authority to regulate and limit the amount of nitro powder stored or kept in general supply stores in mining camps or mining towns where there is no municipal law governing the same; he shall have authority to enforce the provisions of this act and to prosecute any violation thereof as hereinafter provided.

**Sec. 2972. Penalty.** Any person or persons violating any of the provisions of the five preceding sections shall be liable to a fine of not less than ten dollars or not more than one hundred dollars for each violation.

**Sec. 5890. Intoxicating Liquor---Use of in Mines.** Whoever shall, while under the influence of intoxicating liquor enter any mine, smelter or metallurgical works or any of the buildings connected with the operation of the same in Wyoming, where miners or other workmen are employed,



or carry any intoxicating liquor into the same, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding five hundred dollars, to which may be added imprisonment in the county jail for a term not exceeding one year.

**Sec. 3505. Coal Mines---Map of to be Prepared.** The owner, operator or superintendent of every coal mine shall make, or cause to be made, an accurate map or plan of such coal mine, on a scale not exceeding two hundred feet to the inch; which map or plan shall exhibit all the openings or excavations, the shafts, tunnels, slopes, planes, gangways, entries, cross-headings, rooms, etc., and shall show the direction of the air currents therein, and shall accurately delineate the boundary line between said mine and adjoining mines, and show its relation and proximity thereto. The said map or plan, or a true copy thereof, shall be kept at such mine by the said owner, operator or superintendent, for the use of the state inspector of coal mines, and for the inspection of any miner working in said mine, whenever said miner shall have cause to fear that the place where he is working is becoming dangerous by reason of its proximity to other workings, which may be supposed to contain water or dangerous gases. The said owner, operator or superintendent shall as often as once in every six months, accurately place or cause to be placed on a map or plan of said coal mine, a plan of the excavations made of all the working places or other parts of such coal mine during the preceding six months, and whenever the workings or excavations of said coal mine, or any part of the same have been driven to within ten feet of the boundary line, or when said coal mine, or any part of the same is abandoned, the owner, operator or superintendent thereof shall furnish the state inspector of coal mines, within three months thereafter, the proximity to the boundary line as aforesaid, or after abandonment of the said mine, or any part of the same, with a correct copy on tracing muslin or blue print of the map or plan of said mine, which shall accurately show all excavations and workings of such mines to date, exhibiting clearly the part or parts abandoned, and the part or parts in proximity to the boundary line aforesaid. The several coal maps or plans of mines in the state which are furnished to the state inspector of coal mines, as last aforesaid, shall be the property of the state, and shall remain in the care of the said state inspector of coal mines, to be transferred by him to his successor in office, and in no case shall any copy of the same be made without the consent of the owner, operator or his agent. If the said inspector of coal mines shall find or have good reason to believe that any map or plan of any coal mine made or furnished in pursuance of the provisions of this chapter, is materially inaccurate or imperfect, he is hereby authorized to cause a correct plan or map of said coal mine to be made at the expense of the owner or operator thereof, the cost of which shall be recovered from the said owner or operator, in the name of the state, as other debts are recoverable by law; Provided, however, That if the map or plan which is claimed to be inaccurate shall prove to have been correct, then the inspector shall be held liable for the expenses incurred in making such test survey, and the same shall be paid by the inspector.

**Sec. 3506. Mines to Have Two Openings.** It shall not be lawful for the owner, operator, contractor, lessee or agent of any coal mine, or for any firm, company, corporation or association, their clerks, servants, agents or employes to employ any person at work within any coal mine, or permit any person to be in any coal mine for the purpose of working therein, unless such mine is in communication with at least two openings, if the mine be worked by shaft or slope, which two shafts or slopes shall be separated by natural strata at all points by a distance of not less than fifty feet, except in drift mines heretofore opened, where the mine inspector shall deem it impracticable; Provided, however, An aggregate number not exceeding twenty persons may be employed in the mine at any one time until the second opening shall be reached and made available, which said second opening the said inspector of coal mines shall cause to be made without unnecessary delay, and in case of furnace ventilation being used before the second opening is reached, the furnace shall not be placed within forty feet of the foot of the shaft, slope or drift, and shall be well secured from danger from fire by brick or stone walls of sufficient thickness.

**Sec. 3507. Man-Ways.** When a second opening or outlet is made which does not exceed seventy-five feet in vertical depth, from the surface to the seam or strata of coal that is being mined, it shall be set apart exclusively for the purpose of ingress and egress to or from the mine, by any person or persons employed therein, and it shall always be kept clear of any obstruction, and if the opening is a shaft it shall be fitted with safe and convenient stairs not less than two feet wide, and not to exceed an angle of sixty degrees descent, and landings of not less than eighteen inches wide and four feet long, at easy and convenient distances; and all water coming from the surface, or out of the strata in the shaft, shall so be conducted as to be prevented from falling down the shaft or the stairs, or on persons ascending or descending the stairway of the shaft. If the second opening in a slope for a traveling way and has a greater angle of descent than twenty-five degrees, it shall be provided with suitable stairs not less than two feet wide, but when the seam or stratum of coal at main outlet or escapement shaft in connection with any mine exceeds seventy-five feet in vertical depth from the surface, the miners or other employes in the mine shall be lowered into or raised from said mine by machinery; and when the employes are lowered into or raised from said mine at the main outlet, the escapement shall be fitted with safe and available machinery, or safe and convenient stairs, by which persons employed in the mines may readily escape in case of accident. The hoisting machinery and stairs used for lowering or raising the employes into or out of the mine shall be kept in a safe condition and inspected once each twenty-four hours by a competent person employed in whole or in part for that purpose, and such machinery and the methods of its inspection shall be approved by the state inspector of coal mines.

**Sec. 3508. Ventilation---Gas and Fire Damp.** The owner, lessee or agent of any coal mine, whether shaft, slope or drift, shall provide and maintain for every such mine, ample means of ventilation affording not less



than one hundred and fifty cubic feet of pure air per minute for each and every person employed in said mine, and as much more as the circumstances may require, which shall be circulated around the main headings and cross-headings and working places to an extent that will dilute, carry off and render harmless the noxious or dangerous gases generated therein; the main current of air shall be so split, or subdivided as to give a separate current of reasonably pure air to every hundred men at work, and the inspector shall have authority to order separate currents for smaller groups of men, if, in his judgment, special conditions make it necessary; and the air currents for ventilating the stable shall not pass into the intake air current for ventilating the working parts of the mine. In the mines generating fire damp, worked out or abandoned parts thereof shall be kept free of standing gas, or properly walled off and the entrance thereto properly closed, and cautionary notice posted on the stopping to warn persons from danger, and every working place and all other places where gas is known or supposed to exist shall be carefully examined by the fire boss within two hours immediately before each shift, with a safety lamp, and in making said examination it shall be the duty of the fire boss at each examination to leave at the face of every place examined, evidence of his presence; and it shall not be lawful for any miner to enter any mine or part of a mine generating fire damp until it has been examined by the fire boss aforesaid, and by him reported to be safe. No working place shall be driven more than fifty feet in advance of a break-through or air-way. All cross cuts in rooms and entrys, except the one nearest to the working face, shall be sealed in such a manner that the air current shall be directed across the working place.

**Sec. 3509. Penalty.** Any person or persons, or association of persons, or corporation or agent, lessee or owner of any coal mine in this state, or any fire boss or miner who shall violate any of the provisions of Section 3508 shall upon conviction thereof, be fined in any sum not less than two hundred dollars, nor more than five hundred dollars for each offense.

**Sec. 3510. Control of Fire Damp---Penalty.** It shall be unlawful for any miner, fire boss, employe in any mine, or any other person, to brush fire damp from any place in a coal mine by means of a coat, sack, sail cloth, or any like article or material; and any person so offending shall be deemed guilty of a misdemeanor, and upon conviction shall be imprisoned for a term not exceeding six months, and fined in any sum not to exceed one hundred dollars. And any owner or superintendent, mine boss or fire boss, who shall knowingly permit the same to be done, shall be deemed guilty of a misdemeanor, subject to the same penalties as hereinbefore prescribed.

**Sec. 3511. Mining Boss---Duties.** In order to better secure the proper ventilation of every coal mine, and promote the health and safety of the persons employed therein, the owner or agent shall employ a competent and practical inside overseer, to be called mining boss, who shall be an experienced coal miner, and shall have taken and passed examination before, and received a certificate of competency from the examining board hereinafter provided for, and who shall keep a careful watch over the ventilating apparatus and

the air-ways, traveling ways, pumps and drainage, and shall see that as the miners advance their excavations, all loose coal, slate and rock overhead are carefully secured against falling on the traveling ways, and that sufficient props, caps and timbers are furnished upon the order of the miner, of suitable size and cut square at both ends, and as near as practicable to a proper length for places where they are to be used, and such props, caps or timbers and necessary rails and ties shall be delivered at the mouth of the rooms. He shall see that all water be drained and hauled out of all working places before the miner enters, and as far as practicable, kept dry while the miner is at work; and it shall be the further duty of the mining boss to see that the proper cut-throughs are made in the room pillars of the miners' places at intervals of not more than sixteen yards for the purpose of ventilation, and in all hauling roads, holes for shelter shall be made every thirty yards, and be kept white washed, when a space two feet and six inches between the wagon and rib shall be deemed sufficient for shelter; and the mining boss shall measure the air current at least once a week at the inlet and outlet and at or near the face of the headings.

**Sec. 3512. Record.** The mining boss shall keep a record of such measurements, which shall be placed by him in a book kept for that purpose; said book to be open for the examination of the said state inspector. He shall also, on or about the fifteenth day of each month, mail to the state inspector of coal mines, a true copy of the air measurements given, stating also the number of persons employed in or about said mine, the number of mules and horses used, and the number of days worked in each month, for which purpose blanks shall be furnished by the said inspector. It shall be the further duty of the mining boss to immediately notify the owner or agent of the mine of his inability to comply with the provisions of this chapter. It shall then become the duty of the said superintendent, operator, owner or agent, to at once attend to the matter complained of by the mining boss, and to comply with the provisions hereof.

**Sec. 3513. Safety Lamps---Ventilation.** The safety lamps used for examining mines, or which may be used in the working therein, shall be furnished by and be the property of the owner of said mine, and shall be in charge of the agent of such mine, and in all mines the doors used in assisting or directing the ventilation of the mine shall be so hung and adjusted that they will close themselves, or be supplied with strings or pulleys so that they cannot be left standing open, and bore holes shall be kept not less than twelve feet in advance of the face of every working place, and when necessary on the sides of the same when they are being driven towards and in dangerous proximity to an abandoned mine or part of a mine, suspected of containing inflammable gases, or which is inundated with water.

**Sec. 3514. Examination of Mine.** The mining boss, or his assistant, shall visit and examine every working place in the mine at least once every alternate day, while the miners of such place are, or should be at work, and shall direct that each and every working place is properly secured by props and timber, and that safety in all respects is assured, and that no person shall



be permitted to work in an unsafe place, unless it be for the purpose of making it safe.

**Sec. 3515. Rules.** All owners and operators of coal mines shall keep posted in a conspicuous place about their mine printed rules, submitted to and approved by the state inspector, defining the duties of all persons employed in or about said coal mines, which said notices shall be printed in the language or languages used by the miners working therein.

**Sec. 3516. Injury to Property---Penalty.** Any miner, workman or other person who shall intentionally injure any shaft, lamp, instrument, air course or brattice, or obstruct or throw open air ways, or carry lighted pipes or matches into places that are worked by safety lamps, or handle or disturb any part of the machinery, or open a door and not close it again, or enter any place of the mine against caution, or disobey any order given in carrying out the provisions of this chapter, or do any other act whereby the lives or the health of persons or security of mines or machinery is endangered shall be deemed guilty of a misdemeanor, and may be punished in a manner provided in Section 352:

**Sec. 3517. Machinery---Traveling Way.** All machinery about mines shall be properly fenced off, and there shall be cut in the side of every hoisting shaft, at the bottom thereof, a traveling way sufficiently wide and high to enable persons to pass the shaft in going from one side of the mine to the other, without passing over or under the cage, or other hoisting apparatus.

**Sec. 3518. Inspector---Access to Mines.** Any state inspector of coal mines or his deputy or deputies shall have the right to enter at all times any coal mine within his district in this state, or whenever he may lawfully act in said state, to make examinations thereof or to obtain information relating to the working of the same, and the owner, lessee or superintendent of such mine shall afford any assistance required by said inspector or his deputy or deputies in making such examination and in obtaining such information. Said inspector or his deputy or deputies shall immediately notify the owner, lessee, superintendent or mining boss of the discovery of any violation of the mining laws of this state, and of the penalty thereby imposed for such violation; and in case such notice is disregarded, such inspector or deputy or deputies shall have power to stop immediately the working and operation of any mine or any part thereof where any dangerous or unlawful conditions are found; Provided, however, That where conditions justify him in doing, so he may grant a reasonable length of time for making repairs and putting such mine in proper condition; and, Provided further, That where any stops or cessation of work are enforced, such inspector or deputy or deputies shall have the power thereafter to allow such mine or part of a mine to be re-opened when the dangerous or unlawful conditions therein existing are removed or remedied so that they no longer exist. Every person, company or corporation who willfully obstructs the state inspector of coal mines or his deputy or deputies in the execution of his or their duties under this act, and every owner, agent, officer, lessee or manager of a coal mine who refuses or neglects to furnish the said inspector or his deputy or deputies the means, information, or oppor-

tunity necessary for making any entry, inspection, examination or inquiry of or relating to any coal mine in this state as herein provided for, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than two hundred dollars, and not exceeding five hundred dollars at the discretion of the court trying said offender. Every state inspector of coal mines in this state and his deputy or deputies is and are hereby empowered to act as police officers and deputy sheriffs, with full powers to arrest and detain any person found violating any provision of this section, or of any of the coal mining laws of this state, or any part thereof, or who shall be engaged in any attempt to violate such law or laws, or against whom there is found any evidence of a previous violation thereof.

**Sec. 3519. Procedure in Case of Accident.** Whenever, by reason of any explosion, or any other accident, in any coal mine or the machinery connected therewith, loss of life or serious personal injury shall occur, it shall be the duty of the persons having charge of such mine or colliery to give a notice thereof forthwith to the state inspector of coal mines, and if any person is killed thereby, to the coroner of the county, who shall give due notice of the inquest to be held. If the coroner shall determine to hold an inquest, the said inspector shall be allowed to testify and offer such testimony as he shall deem necessary to thoroughly inform the said inquest of the causes of the death, and the said inspector shall have authority at any time to appear before said coroner and jury and question or cross question any witness, and in choosing a jury for the purpose of holding such inquest, it shall be the duty of the coroner to empanel at least one experienced miner on such jury. It shall be the duty of the said inspector, upon being notified as herein provided, to immediately repair to the scene of the accident and make such suggestions as may appear necessary to secure the future safety of the men, and if the results of the explosion or accident do not require an investigation by the coroner, he shall proceed to investigate and ascertain the cause of the explosion or accident and make a record thereof, which he shall file as provided for, and to enable him to make the investigation he shall have the power to compel the attendance of persons to testify, and to administer oaths or affirmations. The cost of such investigation shall be paid by the county in which the accident occurred in the same manner as costs of coroners' inquests are paid by law.

**Sec. 3520. Appeal from Decision of Inspector.** The inspector shall exercise his sound discretion in the enforcement of the provisions of this chapter, and if the operator, owner or miner shall not be satisfied with any decision of the inspector rendered in the discharge of his duties under this chapter, which said decision shall be in writing, and signed by said inspector, the said owner, operator, miner or miners may, within fifteen days after such decision is rendered, appeal to the district court of the county in which the mine concerned is located, and said court shall speedily determine the point involved in said decision and appeal, which said decision shall be binding and conclusive, subject only to an appeal to the supreme court of the state. The court, in its discretion, may appoint three practical, competent and dis-



interested persons, whose duty it shall be, under instructions of the said court, to forthwith examine such mine and make report under oath of the facts as they exist or may have been, together with their opinion thereon, which report of said board shall become absolute, unless exceptions thereto shall be filed within ten days after the notice of the filing thereof, to the owner, operator, miner or miners, or inspector, and if exceptions be filed, the court shall at once hear and determine the same, and the decision shall be final and conclusive, subject only to appeal as aforesaid. If the court shall finally sustain the decision of the inspector, then the appellants shall pay all costs of such proceedings, and if the court shall not sustain the decision of the inspector, then such costs shall be paid by the county or by the appellants and county in such proportion as the court shall determine. No appeal from any decision made by any inspector shall work as a supersedeas during the pendency of such appeal, but all such decisions shall be in full force until reversed or modified by the court.

**Sec. 3521. Examining Board---Appointment.** On the petition of the inspector of coal mines, the district court in any county in this state shall appoint an examining board for such county, consisting of the state inspector of coal mines, an operator of a coal mine, and a coal miner, who shall be citizens of the United States, and the latter two of which board shall have at least ten years experience in coal mines and mining, whose duty shall be to examine any person applying thereto as to his competency and qualifications to discharge the duties of mining boss.

**Sec. 3522. Duties of Board.** Said board of examiners shall meet at the call of the inspector and they shall grant certificates to all persons whose examination shall disclose their fitness for the duties of mining boss, and such certificate shall be sufficient evidence of the competency and qualification of the holders for the duties of said office; Provided, however, That when the state mining inspector from his inspection of any mine may become satisfied that the mine boss or fire boss is incompetent in the performance of his duties, he may request him to undergo a re-examination before the examining board, and in the event of his refusal to undergo said examination, he is hereby authorized to cancel his certificate of competency and cause the same to become null and void.

**Sec. 3523. Compensation and Term of Office.** The members of the examining board, other than the inspector, shall hold their office for the period of two years from the date of their appointment and shall receive five dollars per day for each day necessarily and actually employed, and mileage at the rate of fifteen cents per mile for each mile necessarily traveled, to be paid by the state. Vacancies in the membership of the board shall be filled by the court of the proper county, except the vacancy in the office of inspector. Sessions of the examining board shall not exceed three days in each quarter, and for any certificate granted the board shall receive the sum of one dollar, the same to be paid into the state treasury.

**Sec. 3524. Boss to have Certificate.** No person shall act as fire-boss or mining boss unless granted a certificate of competency by the state inspector

of coal mines. No owner, operator, contractor, lessee or agent shall employ any mining boss or fire boss who does not have the certificate of competency required. Said certificate shall be posted up in the office of the mine, and if any accident shall occur in any mine in which a mining boss or fire-boss shall be employed who has no certificate of competency, as required by this chapter, by which any miner shall be killed or injured, he or his estate shall have a right of action against such operator, owner, lessee or agent, and shall recover the full damages sustained; in case of death, such action to be brought by the administrator of his estate within three years from the date of accident, the proceeds recovered to be divided among the heirs of the deceased, according to law.

**Sec. 3525. Inspection at Request of Miners.** At any time upon the request of the miners employed in any coal mine, the state inspector may appoint a committee of two miners employed in said mine, which committee shall be assisted by the mine-boss to make an inspection of said mine and report the result of said inspection to the state mine inspector, for which services said committee shall be paid by the miners employed in said mine. The state inspector is hereby made the legal adjuster of all weigh scales, measures or other mechanical machine by which the miners' coal is weighed or measured, and shall balance and adjust said scales or measures at any time he may consider it necessary in his official visits to the mines.

**Sec. 3526. Person Injured to Recover Damages--When.** For any injury to person or property occasioned by any violation of this chapter, or any wilful failure to comply with its provisions, a right of action against the party at fault shall accrue to the party injured for the direct damages sustained thereby, and in case of loss of life, by reason of such violation or wilful failure, a right of action against the party at fault shall accrue to the administrator of the estate of the person whose life shall be lost, for like recovery of damages for the injuries sustained; Provided, That nothing in this section shall be so construed as to prevent the recovery of any lawful damages against the person or company operating mines if said company should be found in fault or shall have contributed to any accident by means of carelessness on their part; and Provided further, That in no case shall the state be liable for damages under this chapter.

**Sec. 3527. Stretchers to be Provided--When.** It shall be the duty of owners, operators, lessees, superintendents and agents of coal mines to keep at the mouth of the drift, shaft or slope, or at any such place or places as shall be designated by the inspector, stretchers in such number as the inspector shall designate, properly constructed for the purpose of carrying away any miner or employe working in or about such mines, who may in any way be injured in and about his employment.

**Sec. 3528. Neglect of Duty--Penalties.** The neglect or refusal to perform the duties required to be performed by any section of this chapter by the parties therein required to perform them, or the violations of any of the provisions or requirements thereof, shall be deemed a misdemeanor, and shall, upon conviction, except when otherwise provided, be punished by



a fine of not less than two hundred dollars and not exceeding five hundred dollars, at the discretion of the court; Provided, That in case the neglect, or failure or violation occurs in the case of the state inspector of coal mines, if such violation, failure or neglect is shown to be wilful, such punishment shall be by fine of not less than five hundred dollars nor more than one thousand dollars, or by imprisonment not less than six months, nor more than one year, or by both; and in default of payment of any fine imposed upon any person under this chapter, such person may be committed to jail until the same shall be paid.

**Sec. 3529. Application.** The provisions of this chapter shall not apply to any mine employing an average of less than ten persons during any one twenty-four hours.

**Sec. 3530. Shut-Off Cross-Cuts.** It shall be the duty of every person, company or corporation, owning or operating coal mines, to shut off all unused cross-cuts between main entries and air courses, with a tightly built wall of suitable rock; said wall may be built of waste rock from said mine, the face of such wall to be plastered with mud, or lime and sand; said wall to be kept at all times in perfect condition and repair.

**Sec. 3531. Safety Cable on Man-Trips.** It shall be the duty of every person, company or corporation, owning or operating coal mines, to provide a wire cable which shall, in all cases and under all circumstances, be attached to the lead car on all trains of coal cars going into a coal mine, and to the last car of coal cars coming out of a mine, which train of cars are commonly known as "man-trips;" and which said wire cable shall also be attached to the hoist cable in such way, that if any coupling of the cars on said "man-trips" should become broken or unfastened, the said wire cable, so attached to the hoist cable, would prevent the cars becoming uncoupled and running back into the mine. And such train of cars, known as "man-trips," shall not be run at a greater speed than five miles an hour.

**Sec. 3532. Penalty.** Any person, company or corporation violating any of the provisions of the two preceding sections shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be fined not less than one hundred dollars, nor more than one thousand dollars, for each offense.

**Sec. 3533. State Mine Inspector---Duty.** It shall be the duty of the State Mine Inspector to enforce the provisions of Sections 3530, 3531 and 3532.

**Sec. 3534. Cleaning and Sprinkling Mines.** The owner, lessee or agent or operator of any coal mine whether shaft, slope or drift, shall sprinkle with water at least twice a week all dry and dusty places within said coal mines, and all accumulations of dust shall be loaded up and taken outside of the said mines at least once each month while such mine is in operation; Provided, That all accumulations of slack, machine slack, track cleanings and other waste materials incident to coal mining shall be considered as dust within the meaning of this section.

**Sec. 3535. Penalty.** Any person or persons, or association of persons,

or corporations or agent, operator, lessee or owner of any coal mine in this State who shall violate any of the provisions of the preceding section shall upon conviction thereof be fined in any sum not less than fifty dollars, nor more than one hundred dollars for each and every offense.

**Sec. 3549. Semi-Monthly Payments.** All wages or compensation of coal miners and laborers, now employed, or who may hereafter be employed, in or about any coal mine in the State, shall be due and payable semi-monthly, and such payment shall be made in lawful money of the United States, or by a good and valid check or draft, payable on presentation thereof, in lawful money of the United States, and not otherwise; that is to say, all such money earned prior to the first day of any month, shall be due and payable on or before the fifteenth day of such month, and any such money earned prior to the sixteenth day of any month shall be due and payable on or before the last day of such month. Any person, company or corporation operating coal mines within this State who fails to comply with the provisions of this section, shall be fined in the sum of not less than twenty-five dollars, nor more than one hundred dollars for each and every offense.

**Sec. 3550. Action Accrues--When.** In case any employer of any such miner or laborer shall fail or refuse to make payment as aforesaid, the same shall be recoverable in an action at law, together with legal interest from the date when such amount was due, as provided herein.

**Sec. 3551. Set-Off.** No account for goods, wares or merchandise, nor any claim, except for money loaned or advanced by such employer, to such miner or laborer, except as hereinafter provided, shall be allowed as a set-off or counter-claim in such action, and any condition of employment whereby any of the provisions of this chapter are sought to be avoided, shall be utterly null and void.

**Sec. 3552. Employer May Furnish Certain Supplies.** Nothing in this chapter contained shall be held to interfere with any contract or agreement, in writing, for the furnishing by such employer to such employes, of medicine, medical attendance, fuel or house rent.

**Sec. 3553. Regulating the Weighing of Coal.** It shall be unlawful for any mine owner, lessée, operator, agent or company in this state, employing miners at bushel or ton rates, or other quantities, in mining coal, to pass the output of coal mined by said miners over any screen or any device which shall take any part of the marketable coal from the amount thereof, before the same shall have been weighed and duly credited to the employes sending the same to the surface, unless otherwise agreed upon between miners and their employers. In case of any agreement where coal is credited to miners after having been screened and weighed, said miners or employes shall receive compensation for all marketable or saleable coal sent by them to the surface, and accounted for at the customary rate of weights; Provided, That this section shall also apply to the class of workers in mines known as loaders engaged in mines where mining is done by machinery whenever the workers are under contract to load coal by the bushel, ton or quantity.



**Sec. 3554. Fraudulent Weighing of Coal Prohibited.** It shall be unlawful for any person, company or corporation having or using scales for the purpose of weighing the output of any coal mine in this state, to so arrange or construct the same that fraudulent or incorrect weighing may be done thereby, or to resort to or employ any means by reason of which such coal as may be mined shall be incorrectly weighed and reported.

**Sec. 3555. Penalty.** Any person, company or corporation, or agent or employe of any person, company or corporation, who shall violate any of the provisions of the two preceding sections, shall be fined not more than one hundred dollars, or imprisoned in the county jail not more than three months, or both.

**Sec. 3556. Oil and Gas---Waste.** It shall be unlawful for any person, firm or corporation having possession or control of any natural gas or oil well, whether as a contractor, owner, lessee, agent or manager, to allow or permit the flow of gas or oil from any such well to escape into the open air, without being confined within such well or proper pipes, or other safe receptacle for a longer period than thirty (30) days next after gas or oil shall have been struck in such well. And thereafter all such gas or oil shall be safely and securely confined in such well, pipes or other safe and proper receptacles.

**Sec. 3557. Plugging Abandoned Wells.** Whenever any well shall have been sunk for the purpose of obtaining natural gas or oil or exploring for the same, and shall be abandoned or cease to be operated for utilizing the flow of gas or oil therefrom, it shall be the duty of any person, firm or corporation having the custody or control of such well at the time of such abandonment or cessation of use, and also of the owner or owners of the land wherein such well is situated, to properly and securely stop and plug the same as follows: If such well has not been "shot" there shall be placed in the bottom of the hole thereof a plug of well seasoned pine wood, the diameter of which shall be within one-half inch as great as the hole of such well, to extend at least three feet above the salt water level, where salt water has been struck; where no salt water has been struck such plug shall extend at least three feet from the bottom of the well. In both cases such wooden plugs shall be thoroughly rammed down and tightened by the use of drilling tools. After such ramming and tightening the hole of such well shall be filled on top of such plug with finely broken stone or sand, which shall be placed and well rammed to a point at least four feet above the gas or oil bearing rock, on top of this stone or sand there shall be placed another wooden plug at least five feet long with diameter as aforesaid, which shall be thoroughly rammed and tightened. In case such well shall have been "shot", the bottom of the hole thereof shall be filled with a proper and sufficient mixture of sand, stone and dry cement, so as to form a concrete up to a point at least eight feet above the top of the gas or oil bearing rock or rocks and on top of this filling shall be placed a wooden plug at least six feet long, with a diameter as aforesaid, which shall be properly rammed as aforesaid.

**Sec. 3558. Penalty.** Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and be punishable

by a fine of not more than five hundred dollars, and all such fines when so collected shall be paid into the treasury of the county.

**Sec. 3559. Rights of Adjoining Owners.** Whenever any person or corporation in possession or control of any well in which natural gas or oil has been found shall fail to comply with the provisions of this chapter, any person or corporation lawfully in possession of lands situated adjacent to or in the vicinity or neighborhood of such well may enter upon the lands upon which such well is situated and take possession of such well from which gas or oil is allowed to escape in violation of the provisions of Section 3556, and pack and tube such well and shut in and secure the flow of gas or oil, and maintain in a civil action in any court of competent jurisdiction in this State against the owner, lessee, agent or manager of said well, and each of them jointly and severally to recover the cost and expense of such tubing and packing, together with attorney's fees and costs of suit. This shall be in addition to the penalties provided by Section 3558.

**Sec. 3560. Adjoining Owners may Plug Abandoned Wells.** Whenever any person or corporation shall abandon or cease to operate any natural gas or oil well, and shall fail to comply with the provisions of Section 3557, any person or corporation lawfully in possession of lands adjacent to or in the vicinity or neighborhood of such well may enter upon the lands upon which such well is situated and take possession of such well, and plug and fill the same in the manner provided by Section 3557, and may maintain a civil action in any court of competent jurisdiction of this State against the person, persons or corporation so failing, jointly and severally, to recover the costs and expense of such plugging and filling, together with attorney's fees and costs of suit. This shall be in addition to the penalties provided by Section 3558.

**Sec. 3561. Application.** The provisions of this chapter shall not apply to wells in existence on February 21, 1905.

**Sec. 208. State Geologist---Appointment of.** There shall be a state geologist of the State of Wyoming, who shall be appointed by the governor by and with the consent of the Senate. He shall hold his office for the term of six years or until his successor shall have been appointed and qualified.

**Sec. 209. Bond and Oath.** Before entering upon the duties of his office, the state geologist so appointed as hereinbefore provided, shall take the oath required by the constitution of this State and shall give a bond to the State of Wyoming with sureties to be approved by the governor in the sum of two thousand dollars, conditioned for the faithful performance of the duties of his office.

**Sec. 210. Removal of.** The governor shall have the power to remove from office any person appointed to the position of state geologist for cause. The grounds for which shall be in writing and filed in the office of the secretary of state.

**Sec. 211. General Duties.** It shall be the duty of the state geologist to make reports on mining property where a proper certificate has been presented showing sufficient development and upon the payment of fees herein-



after prescribed, and his reports shall be in such form as is usually required of mining exchanges, for the purpose of obtaining a working capital, provided that such property shall be deemed by the state geologist of sufficient value to warrant a favorable report. It shall be the duty of the state geologist to collect official information relating to the various mines and mining projects of the State and to publish and circulate such information as he may deem advisable for advertising the mineral wealth of the State and also to take any steps which would be likely to advance the development of the mining industry. It shall be the further duty of the state geologist to examine free of charge all specimens of rock or mineral formation, and to name and classify such specimens so far as it be in his power, without an assay, and to make returns to the person sending the same. He shall ex-officio perform the duties of inspector of mines until otherwise provided by law.

**Sec. 212. Fees.** For the examination of and report on any mining prospect, undeveloped oil or coal land or other form of mineral deposit, as recognized under the United States mining laws, the state geologist shall charge a minimum fee of \$25, with a further fee of \$25 per day for any detailed examination and report on any mine, oil or coal land or other mineral deposit, Provided, That the state geologist shall find that said mine, oil or coal land or other mineral deposit shall be a producing mine, oil or coal land or other mineral deposit, or be in shape to produce ore, oil, coal or other minerals at a profit to the owner or lessees. The state geologist shall exercise a sound discretion in fixing the amount of fees for each examination, and his decision shall be final, said fees to be paid in advance by the person or persons requesting such examination. The state geologist shall state in full in the official record of each report, the reason for each charge, and shall pay over to the state treasurer on the first day of each month all funds that may come into his hands by reason of the duties of his office.

**Sec. 213. Record Reports.** It shall be the duty of the state geologist to keep a book with proper index, alphabetically arranged, in which he shall record all reports made by him, giving the name of the mine owner, the name of the mine, where situated, kind of mine, whether gold, silver, copper or other mineral.

**Sec. 214. Reports.** It shall be the duty of the state geologist to make a report annually, under his hand, of all reports and examinations made during the year, to the governor of the State, who shall report the same to the Legislature.

**Sec. 215. Salary.** The state geologist shall receive an annual salary of \$2,400, to be paid monthly by the state treasurer upon warrant of the state auditor for this purpose.

**Sec. 216. Interest in Mining Property Disqualifies.** No person holding a pecuniary interest in a mining property in this State shall be eligible to fill or hold the office of state geologist.

**Sec. 3483. State Geologist is Inspector of Mines.** The state geologist shall act ex-officio as inspector of mines until otherwise provided by

law, and under this act shall have power to make such examination and inquiry as is deemed necessary to ascertain whether the provisions of this act are complied with; to examine into, and make inquiry into the condition of any mine, mill or part thereof, and all matters or things connected with or relating to the safety of the persons employed in or about the same; to examine into and make inquiry respecting the condition of the machinery or mechanical device, and if deemed necessary, have same tested; to appear at all coroner's inquest held respecting accidents, and if necessary, call, examine and cross-examine witnesses; to exercise such other powers as are necessary for carrying this chapter into effect.

**Sec. 3484. Admission to Mines.** Every owner, agent, manager or lessee of any metalliferous or metallurgical plant in this State shall admit the inspector on the exhibition of his badge or certificate of appointment, for the purpose of making examination and inspection provided for in this act, whenever the mine is in active operation and render any necessary assistance for such inspection. But said inspection shall not necessarily obstruct the working of said mine or plant. The refusal of the owner, agent, manager or lessee to admit the inspector to such mine or plant to lawfully inspect the same, shall, upon conviction, be deemed a misdemeanor and shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00) or be imprisoned not less than one (1) nor more than three (3) months.

**Sec. 3485. Dangerous Mines---Report.** The inspector shall exercise a sound discretion in the enforcement of this act and if he shall find any matter, thing or practice in or connected with any metalliferous mine or metallurgical plant to be dangerous or defective so as to, in his opinion, threaten or tend to the bodily injury of any person, the inspector shall give notice in writing thereof to the owner, agent, manager or lessee of such mine or plant, stating in such notice the particulars in which he considers such mine, plant or part thereof, or practice to be dangerous or defective; and he shall order the same to be remedied, a copy of said order shall be filed and become a part of the records of the inspector of mines, and said owner, agent, manager or lessee shall, upon compliance of said order, immediately notify the inspector of mines in writing. Upon the refusal or failure of said owner, agent, manager or lessee to report within a reasonable length of time, said owner, agent, manager or lessee shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00) for each and every such refusal or failure.

**Sec. 3486. Misrepresentation---Penalty.** Any owner, lessee, manager, superintendent or foreman in charge of any metalliferous mine who shall wilfully misrepresent or withhold facts or information from the inspector regarding the mine, such as length of time timbers have been in place, or making any misrepresentation tending to show safety when the reverse is true, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be fined in any sum not less than



one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00) for each offense.

**Sec. 3487. Accidents.** Any owner, agent, manager or lessee having charge or operating any metalliferous mine or metallurgical plant, whenever loss of life or accident serious enough in character to cause the injured party to stop work for thirty consecutive days and being under the care of a physician and connected with the workings of such mine or metallurgical plant, shall occur, shall give notice immediately and report all the facts thereof to the inspector of mines. The refusal or failure of the said owner, agent, manager or lessee to so report within reasonable time shall be deemed a misdemeanor and shall upon conviction be subject to a fine of not less than fifty dollars and not more than three hundred dollars, or be imprisoned for not less than one and not more than three months. The inspector of mines upon receipt of notice of accident shall investigate and ascertain the cause and make or cause to be made a report, which shall be filed in his office for future reference.

**Sec. 3488. Report of Operator.** Any person or persons operating any metalliferous mine or mill and employing five or more men, shall report the same to the inspector of mines and state when work is commenced and when stopped, and mines working continuously shall report on or before December 1 of each year, together with the names of the owners and managers or lessee in charge of said work, together with the post-office address, the name of the claim or claims to be operated, the name of the county and mining district, together with the number of men employed, directly or indirectly, the same being classified into miners, trammers, timbermen or sorters, mill men, teamsters, etc. The necessary blanks to carry out the provisions of this section shall be furnished upon application by the inspector of mines.

**Sec. 3489. Mine Signals.** There is hereby established the following code of signals for use in the metalliferous mines of this State, which shall be securely posted in a clear and legible form in the engine room, at the collar of the shaft and at each level or station:

#### SIGNALS.

- 1 Bell—Hoist. (See rule 2.)
- 1 Bell—Stop, if in motion.
- 2 Bells—Lower. (See rule 2.)
- 3 Bells—Men on, run slow. (See rule 2.)
- 7 Bells—Accident. Hoist or lower by verbal orders only.
- 3-2-1 Bells—Ready to shoot. (See rule 3.)

Engineer Signal—Engineer shall, after signal 3-2-1, raise the bucket or cage two feet and lower again, and shall remain at his post until final signal is given and command executed.

#### RULES GOVERNING SIGNALS.

Rule 1. In giving ordinary signals make strokes on bell at regular intervals. In signals similar to "ready to shoot" 3-2-1 bells each bar (-) must take the same time as one stroke of the bell.

Rule 2. When men are to be hoisted or lowered, give the signal for "men on, run slow" (3 bells). Men must then get on bucket or cage, then give signal to hoist or lower (1 or 2 bells).

Rule 3. After signal "Ready to shoot" (3-2-1 bells) engineer must reply as above. Miners must then give signal "men on" (3 bells), then spit fuse, get on bucket or cage and give signal to hoist.

Rule 4. All timbers, tools, etc., longer than the depth of bucket or placed within a cage, must be securely lashed before-being hoisted or lowered.

Rule 5. Signals to meet local demands and not in conflict with above may be added by individual operators, but same must be posted in clear and legible form in connection with above code.

**Sec. 3490. Power of Inspector.** The inspector of mines shall have power to enforce the adoption of this code of signals in all metalliferous mines using hoisting machinery, and all persons giving or causing to be given false signals or riding upon any cage, skip or bucket upon signals that designate to the engineer that no employes are aboard, shall be deemed guilty of a misdemeanor under this act.

**Sec. 3491. Hoisting Engineer.** No person addicted to the use of intoxicating liquors or under eighteen years of age shall be employed as hoisting engineer.

**Sec. 3492. Visitors.** Strangers or visitors shall not be allowed underground in any mine unless accompanied by some owner, official, or employe deputized to accompany same.

**Sec. 3493. Bureau of Mining Statistics.** The state geologist is hereby authorized to establish a bureau of mining statistics wherein information relative to the mineral industry of Wyoming may be filed for reference and distribution as hereinafter provided.

**Sec. 3494. Sworn Statements.** Each company or person owning or operating any mining or other enterprise concerned in the mineral industry of Wyoming may, at their own discretion, file with the state geologist, upon blanks to be furnished on application to the geologist, a sworn statement, properly attested by the officers of such company or such owner or operator, giving:

- The name of company, owner or operator and object of same.
- Postoffice address of office and mine.
- Name and addresses of officers of company, owner or operator.
- Location of property and title.
- Description of property, number of claims, acreage, etc.
- Number of shares of stock (if incorporated) and par value.
- Number of shares of treasury stock.
- Number of shares of stock sold to date.
- Amount received from sale of above stock.
- Amount expended for development work.
- Amount expended for office expenses, supplies and machinery.
- Total amount of work done on property.



Extent of workings, size of vein or ledge, etc.

Estimate of ore in sight.

Estimate of work proposed for coming year.

Statement of shipments made and value of same.

Number of men employed and length of time work was carried on.

General statement regarding the property, giving amount, kind and condition of machinery, etc.

Other resources of the company, owner or operator.

**Sec. 3495. Filing.** The filing of this statement, or any part thereof, shall be purely optional with each company, owner or operator engaged in any mineral business in Wyoming, and each statement so filed shall be in duplicate, one copy to be properly certified to by the state geologist as to time and place of filing and returned to the company or person making the statement, and the other copy to be filed for reference in the office of the state geologist.

**Sec. 3496. False Statements.** Whoever wilfully, corruptly and falsely makes any false statement under this act with the purpose or intent to deceive, shall be deemed guilty of perjury, and shall be imprisoned in the penitentiary not more than five years, as provided by the Revised Statutes of Wyoming for perjury.

**Sec. 3497. Fees.** For the receiving and filing of each statement, the state geologist is hereby authorized to charge the sum of one dollar for each statement so received and filed, and is further authorized to furnish a properly certified copy of any statement filed as above provided to any person desiring the same, upon the payment of one dollar for each copy so furnished, these fees to be collected in advance and covered into the state treasury as provided for the other fees of this office.

**Sec. 3498. Annual Report.** The state geologist shall keep a proper record of all such statements so filed and copies issued, as well as fees received, and report same to the governor, annually, as provided for the other work and fees of the office.

**Sec. 3536. Inspector of Coal Mines---Appointment---Salary.** The governor shall nominate and by and with the consent of the senate appoint two state inspectors of coal mines, who shall hold their respective offices for terms of two years and until their successors are duly appointed and qualified. They shall each have a thorough knowledge of practical mining and mining engineering, neither of whom shall be an employee, owner or part owner in any coal mine or any coal mining company in the state. Said inspectors shall not be less than thirty (30) years of age, citizens of the United States and qualified electors of this state, of good repute and temperate habits. The state inspectors of coal mines shall receive an annual salary of two thousand dollars and actual traveling expenses when in the discharge of their duties, and shall keep their respective offices at some convenient point within the district for which they may be appointed. Said inspectors are hereby authorized to procure such instruments, chemical tests and stationery, and to incur such expense of communication from time to time as may be necessary in

the discharge of their duties; Provided, That such expenses shall not exceed the contingent fund provided for that office, at the cost of the state, subject to the approval of the governor of the state, which shall be paid out of the state treasury upon accounts duly certified by him, audited by the state auditor. All instruments, plans, books, memoranda, notes and other property, pertaining to the offices hereby created, shall be the property of the state and shall be delivered by each inspector to his successor in office, and said inspector shall be allowed all expenses necessarily incurred in enforcing the provisions of this chapter, in the courts of this state when such expenses are certified to be correct by the courts before which the proceedings were heard.

**Sec. 3537. Districts.** The state shall be divided into two inspection districts, one to be known as district No. 1 comprising the counties of Laramie, Albany, Carbon, Sweetwater and Uinta, the other to be known as district No. 2 comprising the counties of Converse, Natrona, Fremont, Big Horn, Johnson, Sheridan, Crook and Weston. In the appointment of inspectors the governor shall designate the district for which each inspector is appointed, and the jurisdiction of such inspector shall extend to, and be confined to the particular district for which he has been appointed; Provided, That in case of the inspector of either district being unable to attend to the duties of his office, through sickness, absence from the state or any other cause, the inspector of the other district shall have full authority and jurisdiction to act in the place and stead of the regularly appointed inspector of such district.

**Sec. 3538. Bond--Duties.** Such inspectors of coal mines shall each, before entering upon the discharge of their duties, give bond in the penal sum of five thousand dollars to the state of Wyoming with sufficient sureties which bond shall be conditioned on the faithful discharge of their duties. Each of said inspectors shall devote the whole of his time to the duties of his office. It shall be the duty of each inspector to examine the coal mines within his district not less frequently than once during every three months, and more often if conditions require special examination for the protection of life and property. It shall be the further duty of each inspector to make a detailed report of each examination in writing and to file the same in the office of the governor within one week after making such examination. And each of said inspectors shall make up a general annual written report in detail, showing the number of times each mine has been inspected during the year, and file the same in the office of the governor not later than December 1st of each year; it shall be the further duty of each of said inspectors to faithfully execute the provisions of this chapter, and cause its provisions to be observed and strictly carried out.

**Sec. 3539. Examinations---Reports.** It shall be the duty of each inspector to make records of all examinations of mines within his district, showing the condition in which he finds them, especially in reference to ventilation and drainage, the number of mines in his district, the number of persons employed in each mine, the extent to which the laws are obeyed, the progress made in the improvements sought to be secured, the number of accidents



and deaths resulting from injuries received in and about the mines, with the cause of such accident or death; said reports to be made quarterly.

**Sec. 3540. Removal.** The district court within the proper county, or judge thereof, in vacation or recess, upon a petition signed by not less than fifteen reputable citizens who shall be miners, owners or lessees of mines, and with the affidavit of one or more of said petitioners attached setting forth that the state inspector of coal mines for that district neglects his duty or is incompetent, or that he is guilty of malfeasance in office, shall issue a citation in the name of the state to the said inspector to appear upon a day, to be therein fixed and stated, before said court, which notice shall be served at least fifteen days before the time fixed to appear, at which time the court, or judge thereof in vacation or recess, shall proceed to inquire into, and investigate the allegations of the petitioners; and if the court find that said inspector is neglectful of his duties or is incompetent to perform the duties of his office, or if he is guilty of malfeasance therein, the court or judge shall certify the same to the governor, who shall thereupon declare the office of said inspector vacant and proceed to supply said vacancy by appointment. And all vacancies in said office shall be filled by appointment by the governor. The cost of said investigation shall, if the charges are sustained, be taxed against the said inspector, but if the charges be not sustained, they shall be taxed against the county in which the investigation is instituted.

**Sec. 3541. Post Inspection Report.** It shall be the duty of each state inspector of coal mines on each visit to any mines within his district, to make out a written or partly written and partly printed report of the condition in which he finds such mines, and post the same in the office at the mine; also on the dump of such mine, the said report shall give the date of visit, the number of visits during the year, the total number of mines in the state, the number of feet of air in circulation at the face of each and every entry, and such other information as he shall deem necessary, and the report shall remain posted in the office and also on the dump of such mine for one year and said report may be examined by any miner or person employed in and about such mine.

**Sec. 3542. Owner or Operator---Report.** On or before the 30th day of October in each year the owner, operator or superintendent of any mine or coality shall send to the state inspector of coal mines for the district in which said mine is situated, a correct report, specifying with respect to the year ending the 30th day of September, the name of the owner, operator and officers of the mine, and the quantity of coal mined, and the number of men employed. The report shall be in such form and give such information as may be from time to time required and prescribed by the inspector; blank forms for such report shall be furnished by the state.

**Sec. 3543. Inspectors---Duties.** Wherever in the statutes or laws of Wyoming, not specifically referred to in this chapter, any duty or obligation is imposed upon the state inspector of coal mines, said duty shall become and is hereby made a part of the duties of the inspectors of coal mines provided

for in this chapter, and the inspectors appointed under the provisions of this chapter shall have the same jurisdiction, power and authority to act in the premises, and to enforce the laws of this state within the bounds of their respective districts as the state inspector of coal mines has heretofore possessed throughout the state.

**Sec. 3544. Inspectors' Annual Report.** Each state inspector of coal mines in this state shall make an annual report to the governor on the first Monday in December of each year, containing the substance of the matters embodied in his quarterly reports now provided for by law, and setting forth fully the number of fatal and non-fatal accidents occurring within his jurisdiction, the name of the mine and its location, the names of all persons injured and killed thereby, the nature and causes thereof and such recommendations as he may suggest that would prevent such accidents in the future; and such report shall contain statistical and other information which may tend to promote the development of the coal mining resources of this state and afford a better knowledge of the proper method in mining, blasting and handling of coal, in order that those engaged in the coal mining industry may be informed fully of methods that may secure their safety.

**Sec. 3545. Publication.** The governor shall cause a sufficient number of such reports to be published directly after receiving the same in order to supply coal mine operators, coal miners and the public generally, who shall be furnished such reports upon application therefor without expense; and such report shall be submitted to the legislature following their rendition, by the governor, with such recommendations for legislation thereon as he shall see fit to make.

**Sec. 3546. Penalty.** Any state inspector of coal mines in this state who shall fail to make the annual report required of him in Section 3544, or who shall violate any of the provisions of this chapter, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than fifty dollars, nor more than two hundred and fifty dollars, in the discretion of the court.

**Sec. 3547. Appointment of Deputies.** The state coal mine inspector shall have authority to appoint, from time to time, special deputies for the purpose of reporting and investigating mine accidents, making examinations and reporting the same, and performing such other duties as they may be directed to perform by the coal mine inspector, in cases where it is impossible for the coal mine inspector to be present in person.

**Sec. 3548. Salary of Deputies.** The deputies appointed under the provisions of Section 3547 shall receive four dollars per day together with their necessary expenses while on duty; such per diem and expenses to be paid from the appropriation made for the contingent expenses of the state coal mine inspector, upon vouchers duly sworn to as in cases of other claims against the state; Provided, That all claims shall be approved by the state coal mine inspector before being paid.



# Laws Relating to the Lease and Purchase of State Lands

From the Compiled Statutes 1910

**Sec. 602. School Land Board.** The Governor, Secretary of State, State Treasurer and Superintendent of Public Instruction, being constituted a Board of Land Commissioners by the provisions of Section 13, Article 7, of the Constitution of the State, they shall, as such Board, have the direction, control, lease and disposal of all lands heretofore or hereafter granted to the State for the support and benefit of public schools. Said Board shall be officially known and designated as "The State Board of School Land Commissioners," and shall have power and authority to take such official action, as may be at any time necessary, in making the selection of lands granted to the State for public school purposes, or to secure to the State the transfer and title of any such lands.

**Sec. 603. State Land Board.** The Governor, Superintendent of Public Instruction and Secretary of State, being constituted a Board of Land Commissioners by the provisions of Section 3, Article 18, of the Constitution of this State, shall as such Board, have the direction, control, disposition and care of all lands granted or acquired by the State, other than lands granted for the benefit and support of public schools. Said Board shall be officially known and designated as "The State Board of Land Commissioners," and shall have power and authority to take such official action as may, at any time, be necessary, in making the selection of lands granted for other than public school purposes, or to secure to the State the transfer and title of any such lands.

**Sec. 619. Mineral Leases---When Granted.** The state boards of land commissioners are hereby authorized to lease, upon a royalty basis, any state or school lands supposed to contain coal, oil or minerals, and to make and establish rules and regulations covering the conduct of development and mining operations to be carried on thereunder.

**Sec. 620. Mineral Lands---Rental.** No mineral lease shall be issued for a less annual minimum payment than \$16.00 per year, which payment shall be applied upon such royalty as may be provided for by the terms of the lease, which royalty shall be fixed according to the amount of mineral produced and shall in no case exceed ten per cent. of the gross output of mineral or oil produced from said lands under said lease. Whenever the lessee of such mineral lands shall have performed one hundred dollars' worth of work per year in the development of the mineral resources in the lands held

under said lease, and shall have in all other respects complied with the terms thereof, he shall have the preferred right to renew the lease for further terms of five years each, provided that such lessee shall file with the commissioner of public lands on or before December 31st, of each year, his sworn statement corroborated by two witnesses showing that he has performed the required amount of work in the development of claims upon the said land.

**Sec. 621. Coal---Minimum Rental.** No coal lease shall be issued for a rental payment of less than sixteen dollars per year, which payment shall be applied upon such royalty as may be fixed by the board. The board shall in all cases fix the royalty rate according to the amount of coal produced and said rate shall in no case exceed ten cents per ton. Coal leases shall be for a period of five years, and whenever the lessee of coal lands shall have, during the term of five years, performed two hundred dollars' worth of work per year in the development of a coal mine on the lands included in his lease, and shall have constructed suitable surface improvements, machinery and equipment for the purpose of carrying on the business of mining coal, such lessee shall have a preferred right to renew said lease for further terms of five years each, provided that the said lessee shall file with the commissioner of public lands on or before December 31st, of each year, a sworn statement corroborated by two witnesses, showing that he has performed the required amount of work in the development of a mine or mines upon said lands.

**Sec. 622. Appraisal of Mineral Lands---Sale.** A state board of land commissioners may, in its discretion, authorize the sale of all or any portion of lands leased for mineral purposes at the expiration of any lease made therefor, or at any time with the consent of the lessee, in which case they shall cause the improvements thereon to be appraised in the same manner as improvements are appraised on lands leased for grazing purposes, and the purchaser of such mineral lands, if other than the owner of such improvements, shall pay to the owner the appraised value of such improvements. The word "improvements" shall be construed to mean the value of surface improvements and the work performed on the property, and ninety per cent. of the estimated value of the mineral or oil contained in the same so sold. Ten per cent. of the estimated value shall be added to the minimum price of the land, ten dollars per acre, which total shall be the appraised value of the land. Payments for such land should be made in cash upon the day of sale, or thirty per cent. of the purchase price should be made in cash and the balance in such payments as may be fixed by the board, not to exceed seven annual payments and arranged so that the State shall not lose by reason of the removal of the mineral from the ground so sold. Provided, That the provisions of this section shall not apply to the sale of coal lands.

**Sec. 623. Appraisal of Coal Lands.** A state board of land commissioners may in its discretion authorize the sale of all or any portion of lands leased for coal mining purposes at the expiration of the lease held thereon, or at any time with the consent of the lessee. In the case of such sale the said board shall cause the improvements thereon to be appraised and the purchaser of such lands, if other than the owner of such improvements, shall pay to the owner the appraised value of the improvements. The word



"improvements" shall be construed to mean the value of the surface improvements, machinery and other equipment and the value of the work performed in the development of said property for coal mining purposes. Payments for such lands shall be made in cash on the day of sale, or thirty per cent. may be paid in cash and the balance in such payments as may be fixed by the board not to exceed seven annual payments, and arranged so that the State shall not lose by reason of the removal of the coal from the ground so sold by any default in such payment.

**Sec. 624. Distinct from Surface Lease.** All coal or mineral leases made and executed pursuant to this act shall be separate and distinct from any lease of the grazing privileges thereon and may be made by said board, and the regulations so made by said board in connection therewith shall provide for the use of said lands for grazing purposes without interference by the lessee of coal or mineral privileges.

**Sec. 625. Assignments.** No coal or mineral lease made under the provisions of this chapter shall be assignable or transferable except upon the written consent of the board issuing the same, and the board in each case shall require the execution of a good and sufficient bond on the part of the lessee conditioned upon the payment of all moneys, rentals, and royalties provided for by the terms of said lease, and for the full compliance and observance of all rules and regulations established by said board and all other terms which may be set forth in said lease.

**Sec. 626. Reports upon.** The state geologist or any state coal mine inspector shall, when requested by any state board of land commissioners of Wyoming, visit and make a report upon any lands held under coal and mineral lease. Such report shall be made without any fee to the officer making same.

**Sec. 627. State Lands---Sale of.** The board may at any time direct the sale of state lands. Such lands which have been reserved in any way to the public use, or for the use of public institutions, shall not be sold to any member of the board. The board shall sell such lands according to the subdivisions of sections as established by the United States survey thereof, or by metes and bounds, as may appear to be to the interest of the State of Wyoming. The board shall sell such subdivisions as it shall deem for the best interests of the State; Provided, In cases of actual and bona fide settlers at the time of the adoption of the Constitution of the State of Wyoming, that any actual and bona fide settler may make application to the board, accompanied by a map showing the exact situation and extent of said portion of legal subdivision so improved, and the improvements thereon made, and the board shall appraise said portion of the legal subdivisions, and sell the same to said settler at not less than the appraised value.

**Sec. 628. Preference Given to Actual Settlers.** Actual and bona fide settlers who have improved state lands, and were, at the time of the adoption of the constitution of the state of Wyoming, actual settlers thereon, shall have the preference right to purchase the land whereon such settlement has been made, not exceeding one hundred and sixty acres, for a sum not less than the appraised valuation thereof. In making appraisement thereof, the valuation of improvements thereon shall not be taken in consideration.

**Sec. 629. How Sold.** All state lands shall be disposed of only at public auction to the highest responsible bidder, after having been duly appraised by the board, except as provided in the last two preceding sections, and shall be sold at not less than three-fourths of the appraised value thereof, and for not less than ten dollars per acre.

**Sec. 630. Dead Timber---How Sold.** The board may sell the dead timber upon any state lands in the same way as it may sell state lands, but payment for such timber must be made in full by the purchaser thereof on the day of sale. A failure to make such payment shall work a forfeiture of the contract of such sale.

**Sec. 631. Sale Advertised---How.** All sales of state lands under this chapter shall be advertised for four consecutive weeks in some newspaper in the county in which such land is situated, if there be such paper; if not, then in some paper published in an adjoining county. Advertisements of such sales may be made in other papers as the board may direct. The advertisement shall state the time, place, description of land, and terms of sale, and the price at which the land was appraised by the board for each parcel.

**Sec. 632. Appraisalment of Improvements.** If any State lands be sold upon which surface improvements, including irrigation works of any kind, have been made by a lessee, or for which water rights or proportionate interests in irrigation reservoirs, canals, or systems, have been acquired, said improvements, irrigation works and water rights shall be appraised under the direction of the Board. The purchaser of said lands, upon which improvements and irrigation works have been made, or for which water rights have been acquired as herein provided for, shall pay the owner of such improvements, irrigation works or water rights, as the case may be, the appraised value thereof, and take a receipt therefor, and shall deliver the same to the Commissioner of Public Lands before he shall receive a patent or certificate of purchase. All such receipts shall be filed and preserved in the office of the Commissioner of Public Lands.

**Sec. 633. Where Sold.** All sales of state lands shall be held at the door of the court house of the county in which such land is situated; and leases for said lands may be executed in the presence of a notary public, justice of the peace, or other officer authorized to administer oaths.

**Sec. 634. Terms of Payment.** The terms of payment for state lands shall be as follows: Thirty per centum of the purchase money in cash on day of sale, the balance in seven equal annual payments with interest thereon at the rate of six per centum per annum, and ten per centum per annum on all amounts not paid when due; the interest on all deferred payments shall be paid annually; or the purchaser may pay in full at the time of sale, or at the time of making an annual payment.

**Sec. 635. Money Refunded when Paid by Mistake.** In case any person, persons or corporation shall pay to the state land board any money for any state or school lands sold to him, or them, or in case any person shall pay into the state treasury, any money in consideration of the leasing of lands, which said board supposed to belong to the state, and it shall thereafter be



discovered that such lands do not belong to the state, and were not subject to sale by the state, as state or school lands, such money, together with interest—except in the case of money paid for leases—at the rate of six per cent. per annum from the date of the patent for such lands, but without interest if they have not been patented, shall be refunded to the person buying the same, upon certificate from the state land board to the effect that such money has been paid under mistake as aforesaid, such certificate being accompanied by a verified statement of account thereof, as in the case of other claims against the state; and upon the presentation of such certificate to the state auditor he shall draw his warrant upon the state treasurer for the amount named in such certificate, if the same is within the limit of any appropriation of money for said purpose. And it is hereby made the duty of the state land board to furnish such certificates upon ascertaining the fact of the mistake having been made.

**Sec. 636. Time Limitation.** The provisions of the preceding section, so far as it relates to leased lands, shall apply to any case coming under its provisions, heretofore occurring, providing that the certificate and voucher therefor may be hereafter presented, if so presented within one year after February 21st, A. D. 1899.

**Sec. 637. Certificate of Purchase.** When any state land shall have been purchased according to law, the board shall make and deliver to the purchaser a certificate of purchase, which shall contain the name of the purchaser, a description of the land purchased, the sum paid, the sum remaining unpaid, the amount of annual payments, which shall include the accrued interest, and the date on which each of the deferred payments falls due. Such certificates shall be signed by the governor and counter-signed by the register, and a record of the same kept by him in a suitable book.

**Sec. 638. Patent.** Whenever the purchaser of any state land, or his assign, has complied with all the conditions of this chapter, and has paid all the purchase money therefor, together with the lawful interest thereon, he shall receive a patent for the land purchased. Such patent shall run in the name of the state of Wyoming; it shall be signed by the governor, and counter-signed by the register, and attested by the seal of the board. Such patent signed and executed as aforesaid, shall convey a good and sufficient title to the patentee therein named in fee simple.

**Sec. 639. Upon Failure to Pay. Duty of Board.** Whenever any purchaser of state land shall fail to make any of the payments stipulated in his certificate of purchase, and the same remains unpaid for one year after the time when it should have been paid as specified in said certificate, the board may sell such land again. In case of such sale, all previous payments made on account of such land shall be forfeited to the state; such land shall revert to the state, and the title thereto shall be in the state as if no sale thereof had ever been made.

**Sec. 640. Funds to be Paid to the Treasurer.** All moneys arising from the sale of state lands shall be paid by the board to the treasurer of the state, who shall receipt for the same, and the same shall be credited to the permanent funds to which the land sold belonged.

**Sec. 641. Interest.** All interest on purchase money, and all rent received from lands leased shall be paid by the board to the treasurer of the state, and shall be by him credited to the income fund to which the land belonged.

**Sec. 642. Purchaser to Give Bond.** The board may require of each purchaser of state lands a bond, upon such conditions as the board may determine.

**Sec. 643. Lessee to Give Bond.** The board shall require of each lessee of state lands a bond, which shall secure the state against loss or waste, or occupation of the land for more than thirty days after the cancellation or expiration of the lease of such lessee, unless such lessee should become the purchaser of the land.

**Sec. 644. Lost Certificate.** Whenever a certificate of purchase shall be lost, or wrongfully withheld from the owner thereof, the board may receive evidence of such loss or wrongful detention, and upon satisfactory proof of this fact, and such indemnity therefor as the board may prescribe, it may cause a new certificate of purchase or patent, as the case may be, to be issued to such person as shall appear to it to be the proprietor of the land described in the original certificate of purchase.

**Sec. 645. Controversy---How Determined.** The board may hear and determine the claims of each person who may claim to be entitled, in whole or in part, to any lands owned by this state. The decisions of the board shall be final until set aside by a court of competent jurisdiction. The board may establish such rules and regulations as in its opinion may be proper to prevent fraudulent applications being granted.

**Sec. 646. Trespass and Penalty.** Any person who shall use or who shall occupy any state land without lease or certificate of purchase, and any person who shall use or occupy state lands for more than thirty days after the cancellation or expiration of his lease, unless he shall be a purchaser thereof, shall be a trespasser; and upon conviction thereof shall be fined not less than twenty-five dollars, and not more than five hundred dollars, and the bondsmen of such lessee shall, upon the bond of such lessee, be equally liable with the lessee for the payment of such fine imposed.

**Sec. 647. Suits.** All suits or actions brought under the provisions of this chapter, shall be instituted by the board, in the name of the people of the state of Wyoming.

**Sec. 648. Funds---How Held.** The funds arising from the sale or lease of the agricultural college, scientific school, normal school, common school, charitable and penal institutions, lands, shall be held intact for the benefit of the funds for which said lands are granted, and the interest and rental only shall be expended for the purpose of the grant. The fund arising from the sale, leasing and income of all other state lands shall be disposed of as provided by law, but in the absence of any other provisions they shall be invested in the same manner as the common school fund.

**Sec. 649. Right of Way.** The board may grant the right of way across or upon any portion of the state lands, upon such terms as the board may de-



termine, for any ditch, reservoir, railroad, public highway, telegraph lines or other public conveyances, but no such right of way shall be granted as a permanent right, unless the same shall be granted in the procedure as that required for the sale of state lands.

**Sec. 650. Rights of Ditch Companies.** Nothing in this chapter shall be construed so as to impair the rights of any ditch company, or any person owning any ditch or ditches on, or passing through, any of the lands included herein.

## Lands on Indian Reservations

### REGULATIONS GOVERNING THE LEASING OF TRIBAL LANDS FOR MINING PURPOSES.

The proviso of section 3 of the Act of Congress approved February 28, 1891 (26 Stat. L., 795), reads:

“That where lands are occupied by Indians who have bought and paid for the same, and which lands are not needed for farming or agricultural purposes, and are not desired for individual allotments, the same may be leased by authority of the Council speaking for such Indians, for a period not to exceed ten years for mining purposes, in such quantities and upon such terms and conditions as the agent in charge of such reservation may recommend, subject to the approval of the Secretary of the Interior.”

1. The lands authorized to be leased are lands occupied by Indians who have “bought and paid for the same;” “lands acquired by treaty, by the payment of money or exchange of, or surrender of, other property or possessions.”
2. Lands withdrawn from the public domain by executive order, for the use of the Indians, are not subject to lease for mining purposes.
3. Selection of tribal lands for mining purposes must be made with the consent of the tribal council of the reservation, subject to the approval of the Secretary of the Interior.
4. If the Indians of a reservation wish to lease their surplus lands for mining purposes, the superintendent in charge of the reservation should submit the question to the Indian Office. The first step necessary to be taken, in case the surplus lands are subject to lease, is the authorization of the tribal council. Application should be made to the Commissioner of Indian Affairs for authority to negotiate with the tribe or tribes of the reservation for mining privileges.
5. Leases must be executed in quadruplicate and signed by the lessee

and business council of the tribe or tribes, and submitted to the Indian Office for approval of the Secretary of the Interior.

6. The action of the council authorizing the leasing must be reduced to writing and properly signed and authenticated. A certified copy of so much of the council proceedings as relate thereto must be attached to each lease and made a part thereof.

7. The term of the lease shall not be for more than ten years.

8. Without special permission of the Secretary of the Interior, which may be obtained only when the conditions of mining or operation are very exceptional;

(A) No lease on deposits of the nature of lodes or veins, containing ores of gold, silver, copper, lead, zinc, or other useful metals, shall be granted for less than 20 acres, nor for more than 640 acres.

(B) No lease for beds of placer gold, gypsum, phosphate, asphaltum, iron ores, or other useful minerals other than coal, oil, and gas shall be granted for less than 40 acres, nor for more than 960 acres.

(C) No lease for coal, oil, or gas shall be granted for less than 40 acres, nor for more than 4,800 acres.

9. The area covered by a lease shall be in a reasonably compact body and shall conform to the system of the Public Land Surveys, except that leases covering lode ground may consist of one or more adjoining parallelograms 1,500 feet in length by 600 feet in width as provided for by the U. S. mining laws. No lease under these regulations shall convey any extralateral rights, and no coal lease shall have a length exceeding one mile along the outcrop.

10. No person, or association, and no association of which each member is not individually qualified, shall be permitted to hold an additional lease of any of the classes above enumerated, unless he is paying royalty on actual production on all of the leases of the same class he is then holding.

11. There shall be no limit to the number of producing leases any individual or company may hold, except that the maximum areas shall not exceed those specified in classes A, B, and C of paragraph 8.

12. Each lessee shall file with the officer in charge of the reservation an annual report in duplicate within twenty days after the close of each calendar year, showing the character and value of the development work performed in that year, such report to be verified by affidavit of the lessee or his representative in charge of the work.

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#### REGULATIONS GOVERNING THE LEASING OF INDIAN ALLOTTED LANDS FOR MINING PURPOSES.

A provision in the Act of March 3, 1909 (35 Stat. L., 781-783), reads:

"That all lands allotted to Indians in severalty, except allotments made to members of the Five Civilized Tribes and Osage Indians in Oklahoma,



may by said allottee be leased for mining purposes for any term of years as may be deemed advisable by the Secretary of the Interior; and the Secretary of the Interior is hereby authorized to perform any and all acts and make such rules and regulations as may be necessary for the purpose of carrying the provisions of this paragraph into full force and effect."

1. Allotments of lands are regarded as made when approved by the Secretary of the Interior.

2. Application should be made to the Commissioner of Indian Affairs through the superintendent or other officer in charge of the reservation for authority to negotiate with individual allottees for mining privileges, and no application for mining leases will be considered by the Indian Office unless specific permission has first been granted by it for negotiating for such leases with the individual Indian allottees whose lands are sought to be leased, and a showing made as to character and financial ability of the applicant to carry on the work of mining.

3. Leases must be executed in quadruplicate and signed by the principals thereto, and submitted to the Indian Office for approval of the Secretary of the Interior.

The superintendent or other officer in charge of the reservation may act for minors in all lease matters, and also for allottees who are non compos mentis. Where the lessor is a minor the lease must show his age. No lease of a minor's land shall extend beyond minority, except that when several heirs own the land the lease may run until the majority of the youngest minor heir, not, however, to exceed twenty years.

4. The term of any lease shall not exceed twenty years from the date of the lease.

5. No individual, corporation, company or association shall hold under leases for mining purposes, Indian lands in any one State or Territory in excess of the following areas:

(A) On deposits of the nature of lodes or veins, containing ores of gold, silver, copper, lead, zinc, or other useful metals, not more than 640 acres.

(B) For beds of placer gold, gypsum, asphaltum, phosphate, iron ores, or other useful minerals other than coal, oil and gas, not more than 960 acres.

(C) For coal, oil, or gas not more than 4,800 acres.

#### REGULATIONS APPLYING TO THE LEASING OF TRIBAL OR ALLOTTED LANDS FOR MINING PURPOSES.

1. Each lessee is required to furnish with each lease, to be filed at the time the lease is presented, a bond for \$1,000, with two or more satisfactory securities, or with a surety company duly authorized to execute bonds, and to increase such bond, on thirty days' notice, to a sum double the amount of royalty payable in any half year period, whenever the royalty exceeds \$500.

This bond shall be for the payment of all rents and royalties and for the faithful carrying out of all other conditions of the lease and for the observance of existing regulations and of any regulations that may be hereafter made.

2. Lessees shall not assign their leases or any part therein or thereunder, or any part thereof, and shall not sublet the said premises or any part thereof without the consent in writing first obtained from the Secretary of the Interior, and the lessees shall not permit any person or persons to have possession of said premises or any part thereof, save and except those rightfully entitled thereto, pursuant to the conditions set forth in the law, regulations, and lease.

3. Any lease may be surrendered and canceled with the approval of the Secretary of the Interior, but all royalties, rentals, and other obligations due and accrued up to the date application for cancellation is made, must be paid and discharged before such application will be considered.

4. The rate of royalty shall be subject to re-adjustment at the end of each five years at such equitable rate conforming to the prevailing commercial practice as the conditions at that time shall justify.

5. Lessees shall pay on each lease annually, in advance, a rent of fifteen cents per acre for the first year or fraction thereof, up to December 31; forty cents per acre for the second year, and seventy-five cents for the third and each succeeding year.

Under leases of Class A there shall be expended annually in development work, a sum which, with the annual rental, shall amount to not less than \$5 per acre.

Under leases of Class B there shall be expended annually on development work a sum which, with the annual rental, shall amount to not less than \$100, for each lease of 160 acres or fraction thereof.

All sums paid as rental in any one year shall be credited after production begins on the royalty for that year.

6. For substances other than gold, silver, copper, lead, zinc, tungsten, coal, asphaltum and allied substances, oil and gas, the lessee shall pay quarterly a royalty of not less than 10 per cent. of the value, at the nearest shipping point, of all ores, metals, or minerals marketed.

7. For gold, silver, copper, lead, zinc, and tungsten the lessee shall pay quarterly a royalty of not less than 10 per cent. to be computed on the gross value of the ores as shown by reduction returns after deducting freight and treatment charges. Duplicate reduction returns shall be filed by the lessee with the superintendent or other officer in charge of the reservation from which the ores are taken, within twenty days after the reduction of the ores, and the royalties shall be paid to the superintendent or other officer in charge within ten days after the ending of the quarter within which such returns are made.

8. For coal, the lessee shall pay, quarterly, a royalty of not less than 10 cents per ton of 2,000 pounds, mine run, or coal as taken from the mine, including what is commonly called "slack".

9. For asphaltum and allied substances, the lessee shall pay, quarterly,



a royalty of not less than 10 cents per ton of 2,000 pounds for crude material or 60 cents per ton for refined products.

10. For oil, the lessee shall pay a royalty of not less than 12½ per cent. of the gross proceeds of the oil produced and payment shall be made at the time of sale or removal of oil from the premises where produced.

11. For gas, the lessee shall pay not less than \$100 per year for each well. Where the lessee desires to retain the gas-producing privilege of any well, but not to utilize the well for commercial purposes, he shall pay an annual rental of \$50 in advance, beginning from the date of discovery of gas, and to be paid within thirty days therefrom.

12. The royalties on all products, except gas, coal, oil, gold, silver, lead, zinc, copper, and tungsten, shall be based on sworn quarterly reports, and shall be paid within twenty days after the close of each quarter.

13. The lessee shall keep books of account showing the amount of ore shipped, or oil or other mineral substances sold, or treated, and showing also the amount of money received from the sale of ores, oil, etc. The books of the lessee shall be open to inspection, examination, and verification by any officer of the Interior Department assigned to such duty by the Secretary of the Interior, and it is distinctly understood that the duly authorized agents of the Government shall be permitted freely to make transcripts of all the accounts and other books of the lessee.

14. All royalties or payments due under leases issued under these regulations shall be paid to the superintendent or other officer in charge of the reservation in cash or by certified check, or other suitable form of exchange.

15. A duplicate of all mill and smelter returns shall be furnished the Government by the mill owner or owner of the smelter treating ore from any lease under these regulations, and duplicate returns of all pipe line runs of oil or other shipments shall also be furnished the Government and notice shall be given the superintendent or other officer in charge of the reservation that he may be present when oil is taken by pipe line companies or other purchasers. The lessee or his representative shall actually be present when oil is taken by such companies and the lessee shall be responsible for the correct measurement and report of oil so run and taken.

16. Lessees shall file quarterly reports, accompanied by maps and diagrams when necessary, within twenty days after the close of each quarter, with the officer in charge of the reservation and the Commissioner of Indian Affairs showing the extent, character, and location of all development work and mining operations, such quarterly reports to be in the form of sworn statements by the lessee or superintendent in charge of the work.

17. Lessees shall report discovery of oil and gas within ten days after said discovery.

18. In mining operations the lessees shall keep the mine well and sufficiently timbered at all points where necessary in accordance with good mining practice, and in such manner as may be necessary to the proper preservation of the property leased, and safety of the workmen, compatible with economical mining.

19. On expiration of the term of a lease, or when a lease is surrendered, the lessee shall deliver to the lessor the leased ground with the mine workings in good order and condition and bondsmen will be held for such delivery in good order and condition, unless relieved by the Secretary of the Interior for cause. It shall, however, be stipulated that the machinery necessary to operate the mine is the property of the lessee, but that it may be removed by him only after the condition of the property has been ascertained by inspection by the Secretary of the Interior or his authorized agents.

20. To prevent waste, each lease for oil or gas will contain a covenant that the lessee will, in a practical and workmanlike manner, plug all dry and abandoned wells at a proper depth or depths in a manner satisfactory to the Secretary of the Interior, or his authorized agents, that the lessee will further prevent the waste of oil or gas, and that if he fails to stop such waste or plug such dry or abandoned wells, the Secretary of the Interior may cause these acts to be performed at the expense of the lessee or his bondsmen, with or without cancellation of lease, as he may deem wise, and lessees are not permitted to locate either tanks or wells within less than 200 feet of the boundary line of the land covered by his lease nor of any building used as a dwelling, granary, or shelter for stock, except where actually necessary to offset wells upon adjoining tracts. Lessees may be required to drill and operate wells to offset producing wells on adjoining tracts within 200 feet of the dividing line.

21. It is expressly stipulated that any duly authorized agent of the Government shall be permitted from time to time, and at all times during the life of the lease, freely and without notice to enter upon and in all parts of the leased premises, and, if desired, take with him the local mine inspector and such mining experts as may be necessary for the purpose of inspection and examination thereof, with a view of ascertaining whether or not the terms and conditions of the agreement are being faithfully complied with, and to know that the mine is operated in workmanlike manner as required by the lease, and in compliance with the law of the State or Territory in which the mine is situated.

22. The Secretary of the Interior may, in his discretion, cancel any lease, if the mining operations are conducted wastefully and without regard to good mining practice.

Failure to faithfully observe and perform any obligation arising out of or under the provisions of these regulations, shall subject the lease to cancellation at the discretion of the Secretary of the Interior, and on the violation of any of the conditions, covenants, and agreements made with the Government and allottee by the lessee, the lease at the option of the Secretary of the Interior shall expire, and the Government, its agents, employees and representatives may, without notice or demand, enter upon the leased premises or any part thereof, and dispossess the lessee, his employees, agents, and representatives and all persons occupying the same, with or without force, and with or without process of law, and without prejudice to any other lawful remedy or remedies.



**AN ACT To authorize the President of the United States to make withdrawals of public lands in certain cases.**

**Withdrawal of Public Lands.---**

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President may, at any time in his discretion, temporarily withdraw from settlement, location, sale, or entry any of the public lands of the United States including the District of Alaska and reserve the same for water power sites, irrigation, classification of lands, or other public purposes to be specified in the orders of withdrawals, and such withdrawals or reservations shall remain in force until revoked by him or by an Act of Congress.

**Sec. 2.** That all lands withdrawn under the provisions of this Act shall at all times be open to exploration, discovery, occupation, and purchase, under the mining laws of the United States, so far as the same apply to minerals other than coal, oil, gas, and phosphates: Provided, That the rights of any person who, at the date of any order of withdrawal heretofore or hereafter made, is a bona fide occupant or claimant of oil or gas bearing lands, and who, at such date, is in diligent prosecution of work leading to discovery of oil or gas, shall not be affected or impaired by such order, so long as such occupant or claimant shall continue in diligent prosecution of said work: And provided further, That this Act shall not be construed as a recognition, abridgement, or enlargement of any asserted rights or claims initiated upon any oil or gas bearing lands after any withdrawal of such lands made prior to the passage of this Act: And provided further, That there shall be excepted from the force and effect of any withdrawal made under the provisions of this Act all lands which are, on the date of such withdrawal, embraced in any lawful homestead or desert-land entry heretofore made, or upon which any valid settlement has been made and is at said date being maintained and perfected pursuant to law; but the terms of this proviso shall not continue to apply to any particular tract of land unless the entryman or settler shall continue to comply with the law under which the entry or settlement was made: And provided further, That hereafter no forest reserve shall be created, nor shall any additions be made to one heretofore created within the limits of the States of Oregon, Washington, Idaho, Montana, Colorado, or Wyoming, except by Act of Congress.

**Sec. 3.** That the Secretary of the Interior shall report all such withdrawals to Congress at the beginning of its next regular session after the date of the withdrawals.

Approved, June 25, 1910.

**AN ACT To protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest.**

**Title to Oil Lands.---**

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in no case shall patent be denied to or for any lands heretofore located or claimed under the mining laws of the United States containing petroleum, mineral oil, or gas solely because of any transfer or assignment thereof or of any interest or interests therein by the original locator or locators, or any of them, to any qualified persons or person, or corporation, prior to discovery of oil or gas therein, but if such claim is in all other respects valid and regular, patent therefor not exceeding one hundred and sixty acres in any one claim shall issue to the holder or holders thereof, as in other cases: Provided, however, That such lands were not at the time of inception of development on or under such claim withdrawn from mineral entry.

Approved, March 2, 1911.











