

Bay Horse Mine Active Again

An old property which is becoming active again is the Bay Horse mine. The property has been inactive for about ten years principally due to litigation which is now settled. The mine is located on the Snake river in Baker county about nine miles from Huntington, Oregon, on the O. S. L. railroad, says Northwest Mining.

Ralph V. Magney is managing it in trust for the benefit of old stockholders who may exchange their old certificates and participate in the new corporation to be founded which will be called the U. S. Metals Company, Inc. Present offices are at 420 Realty Building, Spokane, Washington.

The property consists of one patented and three unpatented claims. Past production, according to Mr. Magney, totaled \$218,000.

The No. 1 tunnel is in about 850 feet and the No. 2 tunnel is in 500 feet. A raise from the No. 2 tunnel of approximately 150 feet joins a winze from the No. 1 tunnel which was down approximately 65 feet.

The vein in the open cut on Bay Horse No. 2 dips toward the vein on the patented claim. A recent sample taken from this cut assayed by W. H. Stowell & Co., ran 4% copper and 155.4 ounces of silver or \$118.33 per ton based on the present price of silver at 71.11 cents per ounce.

Mr. Magney states that plans are to put up a 60-ton mill on the property.

Bayhorse Mine Settles IPCO Case

**\$25,000 Offer Accepted
In \$692,000 Lawsuit**

The last of the Brownlee reservoir condemnation cases was settled here Tuesday, climaxing the preliminaries of a jury trial in circuit court which opened Monday and which was expected to have lasted a week or 10 days and involving the Bayhorse silver and gypsum mine below Huntington on Snake river.

In the trial the defendants—U. S. Metals company, Sylvanite Corp., Harold Franz and Henry Franz, B. A. Purchase, Harvey Stone and R. K. Magney, company officials—asked for \$692,000 by reason of taking the right-of-way for a relocation of the county road by Idaho Power Company, together with \$75,000 attorney fees.

In the settlement the company paid the mining interests \$25,000 for the settlement of both the local court condemnation action for the road right-of-way and in settlement of a pending U. S. district court action on the flowage damage to certain of the mining properties by Brownlee reservoir.

In a stipulated allocation the attorneys agreed to take \$20,000 for the right-of-way and \$5000 for the floodage.

A jury was picked by about 1:15 Monday afternoon and included Jack Stellman, Ralph McNeil, Virgil Scrivner, James Shaver, D. E. Bennehoff, Sidney Johnson, Jyme Stoner, Clifford Gover, Gerald Maxwell, Duane Hutton, Dorothy Gramse and Walt Apple.

Arrangements were made for a school bus to visit the Bayhorse mine area all day Tuesday and in a session in court without the jury the respective counsel spent all Monday afternoon introducing extensive mining exhibits.

The mining property included four patented and four located mining claims. In the settlement the takers stipulated that the unpatented claims, not specifically described in the condemnation claim, were valid, agreed to use of all right-of-way except the roadway for certain of defendant's mining purposes, trams, retaining walls or other works.

Presiding Judge Lyle R. Wolff had the parties put on proof of the unpatented claims prior to allowing the settlement that paved the way for entry of judgment and decree of condemnation of the right-of-way through the property.

Individually, the defendant owners, lessors, and company officers, headed by President Harvey Stone of Spokane, agreed before the court to the terms. Vice-President Magney, Lessors Henry and Harold Franz, and Mr. Purchase took the stand as the agreement was made.

Attorney A. S. Grant, for the IPCO which was under contract for the new road with Baker County agreeing to condemn the new right-of-way indicated the stipulation also held that no part of the unpatented ground lays below the 2085 elevation contour of the reservoir.

With power of condemnation by virtue of its FPC hydroelectric license, the trial indicated IPCO had condemned the old county road and in return had contracted with the county for the new road at IPCO's sole cost, the county

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U. S. Metals Case Settled for \$25,000

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agreeing only to provide condemnation of the new right-of-way.

U. S. Metals Counsel Oglesby H. Young of the Portland firm of Koerner, Young, McColloch and DeZendorf, in his opening statement before the jury said the mine would show the condemnation denied it of level ground for milling the silver ore and of the only available canyon dump for the over-burden in mining the gypsum. Damages were alleged because of damages done to all the remaining property by the taking.

He was associated in the trial with Attorney Wm. E. Cullen of Spokane, an official in one of the mining companies involved.

The plaintiff power company, acting through the Baker county court, under its contract, opposed the claims of the mine and through Counsel A. S. Grant contended the new road was of more benefit than the old road was before. He contended the old mine was shut down and the unpatented claims were lacking description and that if the mine needed more dump area, as it claimed, the cost of removing the dumped rock would thus make the working of the property infeasible. Other counsel included Kenneth Judd of Portland, with Cullen and Young and Jesse R. Himmelsbach sitting for the county and Cleveland Corey of Portland for the power company. Also here was attorney Pat Parry of Twin Falls.

Owners of the mine said after the settlement they were disappointed but that they faced appeal and prolonged court action if they were to sustain their claims.

Next jury trial will be Jan. 21, Flint vs. Skores.

Criminal Session

Judge Wolff today heard the "not guilty" pleas of Jerry Dean Shankle and Wesley Allen Huffman, charged by grand jury of burglarizing Baker Garage. John

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