

# A BATTLE FOR MILLIONS

One of the Richest Gold Mines in the World, the Portland of Cripple Creek, in Litigation.

## TWO LUCKY MEN FROM MAINE

Penniless a Few Years Ago, They Are Now Rolling in Wealth—Now in a Legal Fight—Tunnels Versus Antedating Lodes.

DENVER, Col., Feb. 19.—A suit against James F. Burns, W. S. Stratton, John Harnan, and Irving Howbert of Colorado, and Frank G. Peck of Chicago, constituting the officers and Board of Directors of the famous Portland Gold Mining Company of Cripple Creek, filed at Omaha last week by James Doyle, who asks for \$620,000, was the laying of the foundation for what will probably be the longest and most expensive mining litigation ever witnessed on this continent. The men on both sides of the contest are millionaires, fighting for the possession of one of the richest gold mines on the globe, for which the company less than one year ago refused \$10,000,000.

This suit has no doubt been contemplated by Mr. Doyle for some time. Six months ago he was one of the heaviest owners of the Portland stock, and also the sole owner of the Uintah Tunnel, which starts in at the very base of Battle Mountain and is being driven into it at a rapid rate, and in a direction which will eventually cut through the most valuable portion of the Portland's territory. Doyle alleges that the tunnel location was made prior to the location of the Portland, and if this is proved to be true he will become the owner of all veins of mineral cut by his tunnel while crossing the ground now claimed by the Portland—a condition which would work the utter ruin of the great mine.

### The Mines Paid Big Dividends.

A few weeks ago Doyle sold his interest in the Portland to the other members of the company for \$250,000, and at once began preparation for the suit which has just been filed. In the complaint Doyle alleges that when, in 1891, he formed a partnership with several men to engage in prospecting, several valuable mines were discovered, including Bob Tail No. 2, Tidal Wave, and Devil's Own. Doyle alleges that Burns, in the name of the company, sold 150,000 shares of Bob Tail for \$2.04 a share, and that a 44-cent dividend has been since declared. Doyle also alleges that Burns sold 350,000 shares of the Devil's Own stock at the same price—\$2.04 a share—and that dividends amounting to \$77,000 have been paid on this stock. He asks for his share of one-half of this transaction and the same portion of the dividend, amounting to \$434,000, a total of \$620,000 in all.

There have been few as interesting stories in the annals of mining as the rise of James Burns and James Doyle from wage earners into men of wealth. A few years ago, vagrant herds of cattle nipped the succulent mountain grasses on the sides of Battle Mountain, and cowboys raced their ponies over the ground searching for the lost longhorns. Miners and prospectors gave the region a wide berth, firmly believing that gold and silver were only to be found in the wildest, rockiest, and loftiest mountain, where snowbanks of unknown age covered the rock.

### Grubstaked by James O'Haire.

It was at this time these two young men went to Cripple Creek, and, being without means, they were grubstaked by James O'Haire. They lived in a cabin and prospected Battle Mountain. One day, when nearly discouraged, they found a small unstaked fraction and named it Portland, after the city in Maine, from which they had come years before. John Harnan joined them, and after showing them where ore was to be opened in their fraction, they formed a partnership of three. In a few feet they were in a bonanza, but, knowing the value of the unprospected ground surrounding their claim, they held their counsel. Others knew little of the value of Battle Mountain claims; they had evidence of their worth.

Working together, the three young men told no one of their find, but at night, after their hard day's work they climbed the hill from their cabin and packed down the mineral. With the proceeds of the ore so mined and secreted they began to purchase other property, until in time they felt safe, and the Portland was opened as a shipper. From the meagre one-sixth of an acre, the property grew to a group of more than 140 acres, and the three men came to be ranked as millionaires. All this they accomplished in five years, and in the consummation of their plans they dealt with some of the oldest and shrewdest financiers of the country. But after standing together so long and accomplishing so much a change arose between the partners.

### The Partners Begin to Quarrel.

The full details of their separation are not public property, but it has passed along that the first friction occurred when O'Haire started suit to recover from Burns and Doyle an interest in the property by right of his grubstake. Burns had said that O'Haire had failed to keep his agreement, and had forsaken them when they stood most in need of his support; that the Portland had not then been discovered, and that he was entitled to nothing. It was also said that Doyle made a private settlement with O'Haire after the Portland had begun to pay dividends, and that this angered Burns, who thought the action of his old partner had jeopardized his own defense against O'Haire's suit. The one-time steadfast friends and partners fell into open antagonism. Doyle purchased the Uintah Tunnel and tunnel site, located prior to the staking of the Portland, and this was antagonistic to the lode claims in the right of the mineral.

Recently Doyle sold his stock in the Portland, and that left him free to fight the company in whose upbuilding he had been a party, and the Uintah Tunnel has since been making rapid progress toward the Portland vein. Under the decisions governing tunnel locations, on cutting a vein the tunnel would have a right to go into court and claim possession of it. It will be a battle royal between tunnels and antedating lodes, and the stake is in the millions.

### Suits and Cross-Suits Filed.

Ten days ago the Portland company served notice on Doyle that an injunction

would be asked for to stop the encroachment of his tunnel upon Portland territory. The suit filed in Omaha is a cross-fire. Burns is powerful in the councils of the Portland company. Doyle shows his hand in this suit, and in waking up the past and calling for an explanation of details the fact is held out to Burns that O'Haire stands in line to gain a powerful witness in his suit against him. Doyle has laid his cards for other suits than this. A location made a year ago, and known as the Black Jasper, has recently passed into his hands, and the late decisions concerning cross-lodes may arouse a new question over the rights of the Portland vein. This claim was filed by others, but since then Doyle has come into possession. The claim lies from Portland No. 2 to the Granite, and may later appear as a formidable factor in the suit between the two properties. The details of this suit, of which notice was given to the company to-day, are little known by the public. It is a matter which has heretofore been a secret, guarded by the past partnership of Burns and Doyle.

Judge Hallet, in the United States District Court, on Thursday granted a temporary injunction against the Uintah Tunnel Company, restraining them from pushing the breast of the tunnel, as it is now within fifteen feet of the side line of the Portland property.

The value of the Portland Mine can be easily understood. During the year 1897 the gross output amounted to \$1,162,572.83. Out of this amount \$360,000 in dividends was paid, new machinery valued at \$60,000 purchased, and \$303,956 placed in the reserve fund. Since 1894 the stockholders have received in dividends something over \$1,500,000.

## THE BOARD OF CUSTOMS.

Close of the Winter Calendar—Removal into New Quarters Expected Soon.

With the hearing of testimony in a few protested tariff cases under the head of "Sundries," last Friday, the Board of Classification of the General Appraisers completed its Winter calendar of hearings. These hearings have embraced a wide variety of disputed questions, and two or three of the decisions of the board have been of National importance. In a large proportion of the cases decided by the Board of Classification, the Treasury Department has acquiesced in the decisions by not taking the appeals which the law allows to the United States courts.

A new calendar of hearings is in course of preparation, there being a constant accumulation of protests in the General Appraiser's office. As heretofore, these hearings will be conducted by ex-Judge Somerville as Chairman, Charles H. Ham, and Col. George C. Tichenor. It is likely that the board will be able to sit before many weeks in the spacious quarters provided for the General Appraisers in the new Appraiser's stores, at Greenwich and Christopher Streets. The present quarters of the board are contracted, dark, and in many ways inconvenient. The practicability of establishing a thoroughly systematized sample room in the new building is under consideration. Assistant Secretary of the Treasury Howell having recently taken the matter up with President Ham and ex-Judge Somerville. The latter, who has been in the South for the last few days, will resume his work in this city this week.

## EX-SHERIFF TAMSEN SUED.

A Woman Seeks \$10,000 Damages for Alleged Injuries Received in Ludlow Street Jail.

An interesting action which may reveal many of the inner workings of Ludlow Street Jail during the term of Sheriff Edward J. H. Tamsen will be brought to trial in the Supreme Court this week, and will show that Sheriff Tamsen's troubles did not end when he gave up the Shrievalty.

The plaintiff in the case is Mrs. Julia Williams, who lives with her husband and children in Mount Pleasant, N. Y., and her suit is against Mr. Tamsen for \$10,000 damages for injuries she received while an inmate of Ludlow Street Jail. Mrs. Williams was arrested on Jan. 26, 1896, at the instance of Anthony Comstock, the charge against her being a violation of the postal laws. She was brought to this city and was held in \$2,500 bail by United States Commissioner Shields. She denies the charges made against her by Comstock, and her case has not yet been brought to trial.

In her complaint, prepared by her counsel, Civil Justice Roesch and Joseph Steiner, Mrs. Williams sets forth that while she was an inmate of the jail in default of bail, it was the custom of the keepers to play cards with the prisoners after meals and to amuse themselves in various ways. It often happened, she says, that the men would select a mark and throw paper balls, bread, or other missiles at it as a test of their marksmanship.

On Feb. 12, 1896, she swears, while she and other women prisoners were in the corridors assigned to them, Joseph Bennett, one of the keepers, and several prisoners, were throwing things at a clay pipe suspended by a string from the third balcony of the prison. All missed the mark, and finally Bennett, in his anxiety to excel, picked up a heavy iron hammer, which was lying by, and threw it at the pendant pipe. The hammer went wide of the mark, and Mrs. Bennett, looking up, saw that the flying missile was about to fall on her head. She dodged quickly, and the hammer hit her a violent blow in the side. She was badly bruised, but at the request of the prison officials she said nothing about the incident. Several days later her condition grew worse, and became serious. The United States authorities had a physician for her daily, and a trained nurse was in constant attendance. At one time it was thought she was dying, and Coroner Hoeber took her ante-mortem statement. She remained in a precarious condition for four weeks, at the end of which time bail was furnished for her, and she was taken to her home. She says that she has never fully recovered, and that there is a permanent injury in her side where the hammer struck her.

Ex-Sheriff Tamsen will be represented on the trial by Gen. Benjamin F. Tracy.

## NOONAN JURY DISAGREED.

Pidgeon Said to Have Been Indicted—Other Witnesses May Be.

The jury in the Noonan-Simpson bribery case at Jersey City was discharged at 10:30 o'clock A. M. yesterday by Judge Lippincott, having failed to agree after forty-two hours' deliberation. Nothing was said by the Court or counsel on either side in relation to a new trial.

The Jersey City Evening Journal, which prompted the prosecution of Noonan and Simpson, yesterday announced that Edward Pidgeon, one of its witnesses, was indicted by the Grand Jury on Friday for perjury, and that Louis Beck and Elbert Rappleye, other witnesses connected with the paper, probably would be indicted this week on a similar charge. No indictment against Pidgeon has yet been handed up, and nothing could be learned of the matter at the Court House.