

You can locate a claim through an agent; corporations can locate claims, and as we know, corporations do not have two legs and burros to carry themselves out to locate claims; they use agents.

As far as we know, no one claim, no particular claim, let me say, filed by Zweifel was illegal. It is very unlikely that 31 claims could be located in that weather on 1 day, but we cannot challenge Mr. Zweifel and upset whatever rights he may have by simply an assertion that it was too cold on that day to locate a particular claim.

The CHAIRMAN. When the person is filing or reporting the claim does he sign an affidavit that he has done so and so?

Mr. BARRY. No, he files a location notice.

The CHAIRMAN. What does that entail?

Mr. BARRY. Unfortunately I do not have a copy. Perhaps Senator Douglas does.

The CHAIRMAN. But it is not sworn to.

Mr. BARRY. It is not sworn to, but it would involve—if there were any misrepresentations in it it would involve a justification of a charge of fraud.

Now, some location notices that I have seen have alleged that the locator has made a discovery. Well, we find, at least I have found in my experience—and I spent over a year in mining country among miners where I located claims and worked in mines in my youth—I found that miners are among the most optimistic people in the world. They may have spent everything they own, and be living on relief or something like that, but they have almost 100 percent confidence that the next round of shots that they explode in their mine is going to disclose the bonanza they have been seeking. Such people are attracted to this kind of industry, as indeed when you consider the rewards that would be available to someone, if he did hit it rich, you can understand that they are really not insane, just optimistic, that is about it.

Some people have really struck it rich and there are some remarkable cases of men who lived in poverty all their lives and just scraped along and, disregarding the advice of geologists and experts, have gone out and done something and stumbled on great wealth. We know it and we are all from the West, most of us in the Interior Department are.

The CHAIRMAN. Am I to understand that you are not describing Mr. Zweifel?

Mr. BARRY. No, no, I am not. As a matter of fact, I find it a little embarrassing to find the first occasion I ever appeared in public with Senator Douglas, I am opposed to him, and—or not opposed to him, but I am at least debating with him and at the present time that I am aligned on the side of Mr. Zweifel.

The CHAIRMAN. You are speaking legally.

Mr. BARRY. That is right. I think we have got to challenge Mr. Zweifel.

The CHAIRMAN. I am trying to help you out.

Mr. BARRY. Yes. I think we have got to challenge Mr. Zweifel's claims one at a time. We do not know—

The CHAIRMAN. It is going to be a long contest.

Mr. BARRY. I know he might have been able to locate one valid claim on one of those days. Which claim did he locate which is valid? Which is not? We cannot sit here in Washington and write on a slip of paper that it was too cold and it was too snowy for him to locate