

Mining News of the Curry-Coos Empire

METAL MARKET

By E. & M. J.
New York, N. Y., June 11, 1927.
Copper, 0.125 pound.
Tin, 0.639 pound.
Lead, 0.064 pound.
Zinc, 0.062 pound.
Silver, 0.5675 ounce.
Antimony, 0.128 pound.
Bismuth, \$2.20 pound.
Iridium, \$107 ounce.
Platinum, \$72 ounce.
Palladium, \$54 ounce.
Quicksilver, \$120 for 75-lb. flask.

Show Rich Gold Samples

Earl F. Randall and R. D. Baldridge, of Seattle, who are interested in several mining claims along the Rogue River above Agness, were in Gold Beach on Tuesday and showed several rich samples of gold bearing rock which they had taken from their property. They claim to have a gold-bearing reef of practically the identical rock found in the rich South African Rand territory and their assays run as high as \$2000 to the ton, the lowest being about \$250, and the ore carries both gold and platinum. Both men are highly elated over the showing of their properties here and went back to Seattle to arrange for the bringing in of machinery with which to work the ore. They are to use the new electrolytic process which they claim is the most economical in operation and which saves greater values in the treatment of ores of that nature.—Reporter.

Black Sand Mine Quit Too Soon

In an interview published in the Oregonian Col. B. K. Lawson, of Wedderburn, reports that the company headed by Charles Hall, which started to mine black sand in that vicinity has quit and is taking out its machinery. "It's a strange thing," he continued, "but while it is easy for a man to take a pan and get day's wages in gold out of the black sand, no large operation has ever been successful. I think that the latest company quit before it made a complete test. Millions of dollars in gold have been taken from the sands, and I don't believe it has all been panned out."

Explain Annual Assessment Work

Numerous questions have been asked by readers as to assessment work requirements. Those that are most pertinent to a clear understanding of the matter have been selected and are answered in the following, with the aid of a competent legal authority. Queries most commonly received deal with the act of Aug. 24, 1921, which changed the period for doing annual assessment

work on unpatented mineral claims from the calendar year to the fiscal year beginning July 1 each year. The text of this amendment is quoted in the following as a preliminary to the discussion:

"Sec. 2. That Section 2324 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 located since May 10, 1872, including such claims in the Territory of Alaska, shall commence at 12 o'clock meridian on the first day of July succeeding the date of location of such claim: Provided further, That on all such valid existing claims the annual period ending Dec. 31, 1921, shall continue to 12 o'clock meridian July 1, 1922.'

The questions, which involve points that appear to puzzle many claim holders, and the corresponding answers, are as follows:

"1. Is it true that the amendment of Aug. 24, 1921 (quoted above), pertains to all claims, whether lode or placer?"

The act of Aug. 24, 1921, applies to all mining claims, including placer claims in Alaska. This enactment merely changed the time for performing assessment work from the calendar year to the fiscal year.

"2. If a claim, whether lode or placer, were located on July 2, 1926, is it not, that the first year's assessment work must be performed by 12 o'clock noon, July 1, 1928?"

The first year's assessment work must be performed by noon, July 1, 1928, as stated.

"3. If placer claims in Alaska are affected by the amendment of Aug. 24, 1921, is it therefore true that the year within which annual assessment work on placer claims in Alaska must be performed is the fiscal year and not the calendar year?"

Placer claims in Alaska are affected by the amendment of Aug. 24, 1921, as stated in the answer to question 1. However, this enactment did not repeal the law of Aug. 1, 1912 (37 Stat., 242), which provides that on every placer claim located in Alaska not less than \$100 worth of labor should be performed or improvements made "during each year, including the year of location, for each and every twenty acres or excess fraction thereof." Examples: (a) If a placer claim in Alaska were located on May 1, 1926, the locator would be required to perform \$100 worth of assessment work on or before July 1, 1926. (b) If a placer claim were located, say, Sept. 1, 1926, the locator would have until July 1, 1927, to perform his assessment work. In other words, the provision of the act of Aug.

1, 1912, to the effect that \$100 worth of work must be performed on placer claims located in Alaska "during each year, including the year of location," is still in force and was not in any way affected by the enactment of Aug. 24, 1921, which merely changed the assessment year from the calendar to the fiscal year.

"4. If the annual assessment work on a claim located several years ago in the United States or Alaska is not completed for the current year by July 1, noon, 1927, but is started before July 1, noon, 1927, and is in progress at noon on that day and is continued to completion after noon on that day, will the claim be open to relocation as soon as July 1, noon, 1927, has passed?"

To answer this question clearly it will be necessary to divide it into two parts; i. e., (a) mining claims in Alaska; and (b) mining claims in the United States. This is necessary because mining claims in Alaska are located under the act of March 2, 1907, and those in the United States are held under Section 2324 of the Revised Statutes.

As to (a) Mining claims in Alaska—Attention is invited to the act of March 2, 1907 (34 Stat., 1243), which amended the laws governing labor or improvements on mining claims in Alaska and especially provided that upon failure of the owner of any claim to comply with the provisions of the act as to the performance of work and improvements "such claim shall become forfeited and open to location by others as if no location of the same had ever been made."

Under this legislation the courts have held that an owner in default cannot save his claim by the resumption of work prior to a relocation, the statute being in effect self-executing with respect to the forfeiture. The forfeiture provision of this act applies to all mining claims in Alaska, including placer claims. The act of Aug. 1, 1912, simply prescribed more stringent requirements with respect to annual work on placer claims. Answering the first part of the question specifically, I would say that the claim was open for relocation as soon as 12 o'clock noon, July 1, had passed.

As to (b) Mining claims in the United States—Such claims are located under Section 2324, Revised Statutes, and in general it may be said that the question with respect to the due performance of assessment work required thereunder is one which involves the right of possession between litigating claimants and the courts having jurisdiction. This statute, among other things, provides as follows:

"Upon a failure to comply with these conditions, the claim or mine upon which such failure occurs 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."

Under this provision a forfeiture does not ensue from the mere failure to comply with the law. It requires the intervention of a third party and a relocation on the ground before any forfeiture can arise. What constitutes a forfeiture is for the determination of the courts having jurisdiction and is not for the determination of the General Land Office. While there is a difference of opinion in the court decisions in the construction of the latter part of the above quoted paragraph, yet the weight of authoritative opinion seems to be that resumption of work at any time prior to the lawful inception of an intervening right prevents forfeiture. (See Lindley on Mines, third edition, Vol. 2, secs. 651-654). Under this situation, therefore, if the locator or were in actual progress of performing assessment work in good faith before noon July 1, it would seem that his claim would be protected from relocation.—Engineering & Mining Journal.

Protection and Prosperity, and a vote against incorporation is a vote against Law, Order, Protection and Prosperity. There is no middle ground and the issue will be decided on that basis.

Marshfielders Visit Curry

Jack Mullens spent Sunday fishing in Garrison lake at Port Orford.

Mr. and Mrs. I. R. Tower, Mr. and Mrs. W. J. Conrad and children, Virginia, Roger and Dorothy, accompanied by Mary Polonski and Ben Clabaugh, picnicked at the Sixes river in Curry county on Sunday.

Mrs. F. M. Wilbur is spending a few days in Port Orford on business. She drove south with Mrs. M. C. Maloney, Mrs. J. T. McCormac, Louise, Betty and Joe Maloney.

Mr. and Mrs. Landes Rohrer and three sons, Mr. and Mrs. S. C. Ball and baby, and Mr. and Mrs. James Zimmerman and daughter, Eva, spent Sunday at Floras lake picnicking.

Louis Gitschlag left this morning to accept a position as forest ranger in Curry county.

White Family Returns

Mrs. E. L. White and three children, Carlos, Margaret and Eugene, who have been living in Oakland, Calif., where the children have attended school, returned to Port Orford Saturday to remain during the summer.

Agate Beach Park Visitors

Agate Beach park was the Mecca of many tourists over the week-end, among those enjoying this beautiful place were:

Marshfield—Mr. and Mrs. G. F. Smith and family, Effie Hazen and Clarence Ingle.

Myrtle Point—W. A. Roberts and family, C. E. Schmitt and wife, H. L. Borgelt and family, L. A. Neidiegh.

Tichenors in Reunion

A reunion of six members of the Tichenor family and their mother, Mrs. S. H. Holt, Myrtle Point, one of the oldest living pioneers in Coos county, will be held this summer at Agate beach, near Port Orford, this summer, if present plans work out.

Mrs. Holt came to Coos county in 1853.

G. C. Tichenor, who has been

born, Sunday, June 12, 1927 to Mr. and Mrs. Earl Roberts of Sixes, a baby girl, their seventh child. Dr. Gale was in attendance.

Mrs. Maria Hayward, Mrs. Edith Pollard, Roy Corson and Guy Stutsman of the Inman mines spent Sunday in Port Orford.

Mrs. H. Lyma of Sheridan, Wyo., who is the guest of her mother, Mrs. Sarah McPhillamey, was attending to business in Bandon Tuesday.

Bert Lynch returned to his mine on Elk river Sunday.

Francis Curry spent a few hours in Bandon Tuesday afternoon.

Chas. Wilson and family of Brushes creek were in town Wednesday night.

Mrs. E. J. Baker of Chinquapin range has been spending the past week in Bandon.

Mrs. Phil Wilbur, formerly a resident of Port Orford, and since a teacher in the Marshfield schools, has been spending the week at Knapp's hotel.

Mr. and Mrs. Robt. Forty and children were visitors in Gold Beach recently.

Paul and Clyde Wagner were in Gold Beach last Monday attending to court business.

J. H. Heath of the Associated Oil company, accompanied by T. W. Panter of the B. S. Tank company, motored as far south as far as Pistol river Wednesday.

Sunday visitors included Mr. and Mrs. Ray Dement, Mr. and Mrs. Harry Dement, and Charles Harlocker, all of Myrtle Point.

Howard Miller of the Rogue river section passed through Port Orford Saturday en route to Langlois where his wife is ill.

FOR SALE—One store building and land. Call or write Mrs. M. A. Nielson, Port Orford, Oregon. Jn21

Protection and Prosperity Through Incorporation

The fundamental factors of all government are Law, Order and Protection, and in the case of Port Orford, with its immense natural resources tributary to its natural deep water harbor, these three essentials necessarily spell Prosperity, as the scenic Roosevelt highway will be open for through north and south travel during July thus forcing the development of these resources.

On account of its scenic beauty, the Roosevelt highway is destined, in the opinion of students of tourist traffic, to become the great north and south artery of travel, and the mild all-year-round climate of the Curry country, coupled with the fact that it traverses the great potential recreational region of the whole Pacific coast, assures its popularity.

Port Orford, to secure the benefits provided by the Roosevelt highway, must provide a local form of government—a government which will in turn provide the necessary laws to maintain an orderly town and protect the citizens of the town in carrying on their lawful occupation—the protection of the lives of its inhabitants through the control of the large volume of traffic that will follow the opening of the highway and the protection of the property of citizens from theft, burglary and fire.

The only agency that can provide these essentials is the incorporation of the town, and as the matter will be voted on at the special election June 28 the issue is squarely raised between those in favor of law, order and protection, and those opposed thereto, as a vote for incorporation is a vote for Law, Order,

Protection and Prosperity, and a vote against incorporation is a vote against Law, Order, Protection and Prosperity. There is no middle ground and the issue will be decided on that basis.

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