UNITED STATES
DEPARTMENT OF THE INTERIOR
DEFENSE MINERALS ADMINISTRATION
WASHINGTON 25, D. C.

224 New Customhouse
Denver 2, Colorado

September 11, 1951

Memorandum

To: Executive Secretary, Defense Minerals Administration

From: DMA Field Team, Region IV

Subject: DMA Docket 1147, Mrs. Ethel Ferguson, Last Chance and Ebeling Copper Claims, Owl Head District, Pinal County, Arizona

Enclosed herewith are original and two copies of the report on the above docket, DMA 1147.

We concur with the recommendation of the field men that the application be denied.

J. H. East, Jr.

J. H. East, Jr.

A. H. Koschmann

A. H. Koschmann

Enclosures

JHE:ld

cc: DMA

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF MINES

Mining Division
Region IV

224 NEW CUSTOMHOUSE
DENVER 2, COLORADO

September 10, 1951

Memorandum

To: DMA Field Team, Region IV

From: Chief, Mining Division, Region IV

Subject: Memorandum Report, DMA Docket 1147, Mrs. Ethel Ferguson, Last Chance and Ebeling Copper Claims, Owl Head District, Pinal County, Arizona

The application of the subject docket was for a development loan of $50,000.

The property in question has been subject to litigation for a number of years and recent rulings of the Superior Court are that Mrs. Ferguson has no right title or interest in the claims.

The examining engineer recommends denial of the application, with which we concur.

Paul T. Allsman

P. T. Allsman

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF MINES

Arizona-New Mexico Branch
Box 4097
University Station

MINING DIVISION
REGION IV

Tucson, Arizona

September 5, 1951

Memorandum

To : Paul T. Allsmam, Chief, Mining Division, Region IV, U. S. Bureau of Mines, Denver, Colo.

From : Chief, Arizona-New Mexico Br., Mining Div., Region IV, Tucson, Arizona

Subject : Memorandum report, DMA Docket 1147, Mrs. Ethel Ferguson's Copper Property, Owl Head District, Pinal County, Ariz.

Enclosed are original and 7 copies of the above memorandum report by Lincoln A. Stewart of the Bureau of Mines. Because of Stewart's findings we recommend that this application be denied and the brochure be returned to DMA in Washington

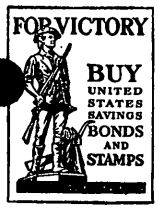
Brochure is enclosed.

Walter R. Storms

Walter R. Storms

CC P. T. Allsman (7)
C. A. Anderson
DMA 1147
DF

Mining Division
Date Rec'd.
SEP 7 1951
BUREAU OF MINES
Denver, Colorado



MINING DIVISION
REGION IV

September 5, 1951

Memorandum

To : Walter R. Storms, Chief, Arizona-New Mexico Br., Mining Division, Region IV, Tucson, Arizona

From : Lincoln A. Stewart, Mining Engineer, Tucson, Arizona

Subject : DMA Docket 1147, Mrs. Ethel Ferguson's copper properties, Pinal County, Arizona.

Mrs. Ethel Ferguson made application to the DMA for a production loan of $50,000 on April 28, 1951. This was docketed as DMA-1147. The questions of proposed detailed expenditures were passed over by the statements "Cannot be estimated at this time" and "The size of the operation and the people to be employed all depends on what further ore we uncover".

The Tucson office was cognizant of the fact that Mrs. Ferguson's property had been subject to litigation for a number of years and that court action was in progress during the latter part of 1950. The writer had previously visited the property on October 20 and December 7, 1950 and had gathered some second-hand information relative to the court findings. Last week, on August 30, 1951, the writer went to the Pinal County Courthouse at Florence, where the records of the court proceedings were examined. The following day was spent field-checking the locations of the principal prospect areas.

Court records are under Superior Court Case No. 8825, Ethel Ferguson, plaintiff, vs. Seldon B. and Flora B. Goff and Harry E. Ebling and Mrs, Harry E. Ebeling, defendents. In judgement, dated December 23, 1950, Ferguson vs Goff, Judge Frank E. Thomas ruled that the United States Government issued a patent on Nov. 12, 1926 on the SW¼ of NW¼ and the NE¼ of SE¼ of sec. 35, T. 8 S., R. 12 E.: that the patent was in fee simple without reservation of mineral lands; that Goff and his wife acquired legal title to this land and that "Ethel Ferguson has no estate, right, title, or interest whatever in or to the land and premises above described". The greater part of the Last Chance No. 2 claim is on this property (fig. 1).

Relative to the Ebeling property, the case came up Nov. 2, 1950, and was filed for record March 5, 1951. Judge Thomas ruled that "Ethel Ferguson has not - - - any estate, right, title --- of any nature or description, including mines or mining claims, in or upon - - - the W½ of SE¼, the SW¼, or the SE¼ of the SE¼ of sec. 35, T. 8 S., R. 12 E. - - - containing a total of 280 acres"; that defendents Ebeling and wife are entitled to possession of the above described property (fig. 1). Previous to this decision, the judge and attorneys went to the property to look at the physical condition of the purported assessment work claimed by Mrs. Ferguson.

In an attempt to clarify the reason back of this decision the writer talked to Mr. R. E. Walker who was attorney for Ebeling, but is now Assistant County Attorney for Pinal County. Walker stated that Ebeling held his property by virtue of a stock raising homestead, whereby the mineral rights are reserved to the Government; that notwithstanding this fact, as of the date of judgement, Ethel Ferguson had no mineral rights or claim to mineral rights on Ebeling's property; and that to the present date she has not made any entry. Walker also stated that Ebeling immediately laid out mineral claims over his 280 acres and had done the required location work.

Ebeling was not available, but his daughter verified the fact that her father had located some 14 claims over his homestead. The writer saw notice of location on one of these claims, dated Feb. 7, recorded March 16, 1951 by the side of a new location pit.

Owing to the fact that Mrs. Ferguson had no mineral rights to claimson the Ebeling property, it is probable that if contested, the same would be true of the rest of her claims that lie outside of Goff's and Ebeling's properties.

In any case, it has been shown that Mrs, Ferguson has no title to the best part of her holdings. The Last Chance No. 2 claim, the most intensely prospected area containing the best copper mineralization, was shown in court to be seven-eighths within Goff's NE¼ of SE¼ of sec. 35 as were parts of two other claims. Another area that shows copper oxide minerals lying about 2,000 feet to the southwest, near U. S. Highway 80, is on Ebeling's SE¼ of SE¼ of sec. 35. These areas have been sampled and described by a Bureau engineer. 1/

1/ Chapman, Thomas L. Last Chance Mine, Pinal County, Ariz., War Minerals Report, Feb. 1943.

It is recommended that the application for a development loan of $50,000 to Mrs. Ethel Ferguson for her copper properties be denied for the following reasons: (1) It has been shown by Superior Court proceedings that Mrs. Ferguson does not have title to the best part of her holdings; and (2) the mineral showings have been prospected to a maximum depth of not more than 20 feet.

Lincoln A. Stewart, Mining Engineer
Mining Division, Region IV
U. S. Bureau of Mines
Tucson, Arizona