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Arizona Department of Mines and Mineral Resources Mining Collection

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PRINTED: 01/31/2002

ARIZONA DEPARTMENT OF MINES AND MINERAL RESOURCES AZMILS DATA

PRIMARY NAME: MAGMA CHIEF GROUP

ALTERNATE NAMES:
- PATENTED CLAIMS MS 3482
- PATENTED CLAIMS MS 3483
- MAGMA CHIEF MINE

PINAL COUNTY MILS NUMBER: 95

LOCATION: TOWNSHIP 1 S RANGE 12 E SECTION 26 QUARTER N2
LATITUDE: N 33DEG 19MIN 04SEC LONGITUDE: W 111DEG 05MIN 46SEC
TOPO MAP NAME: SUPERIOR - 7.5 MIN

CURRENT STATUS: PAST PRODUCER

COMMODITY:
- SILVER
- ZINC
- LEAD
- MANGANESE
- GOLD
- COPPER

BIBLIOGRAPHY:

- ADMMR MAGMA CHIEF GROUP FILE
- JONES, E.L. JR & RANSOME, F. L. 1919, CONTRIBUTIONS TO ECON. GEOL., US GEOLOGICAL SURVEY BULL. 710-D, P. 162
- FARNHAM, L.L. ET.AL., USBM IC 7990, 1961, P. 124, 126-129
- WILSON, E.D., & G.M. BUTLER, AZBM 127, P. 84
- CLAIMS EXTEND INTO SEC. 25
- ADMMR IBERRIAN & CAMEROON CLAIMS FILE
- ADMMR MAGMA COPPER CO. FILES
- ELSING, M.H., & E.S. HEINEMAN, USGS BULL. 140, 1939, P. 99
- ADMMR U FILE PINAL MN2 (USBM NO. 463.2/3013)
- USGS PP 610, P 44
- BLM MINING DISTRICT SHEET 608

05/12/1999

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P. 124, 126-129
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140, 1939, P. 99
ADMMR U FILE PINAL MN2 (USBM NO. 463.2/3013)
USGS PP 610, P 44
BLM MINING DISTRICT SHEET 608

04/30/87

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ADMMR MAGMA CHIEF MINE FILE
FARNHAM, L.L. ET.AL., USBM IC 7990, 1961, P. 124, 126-129
WILSON, E.D., & G.M. BUTLER, AZBM 127, P. 84
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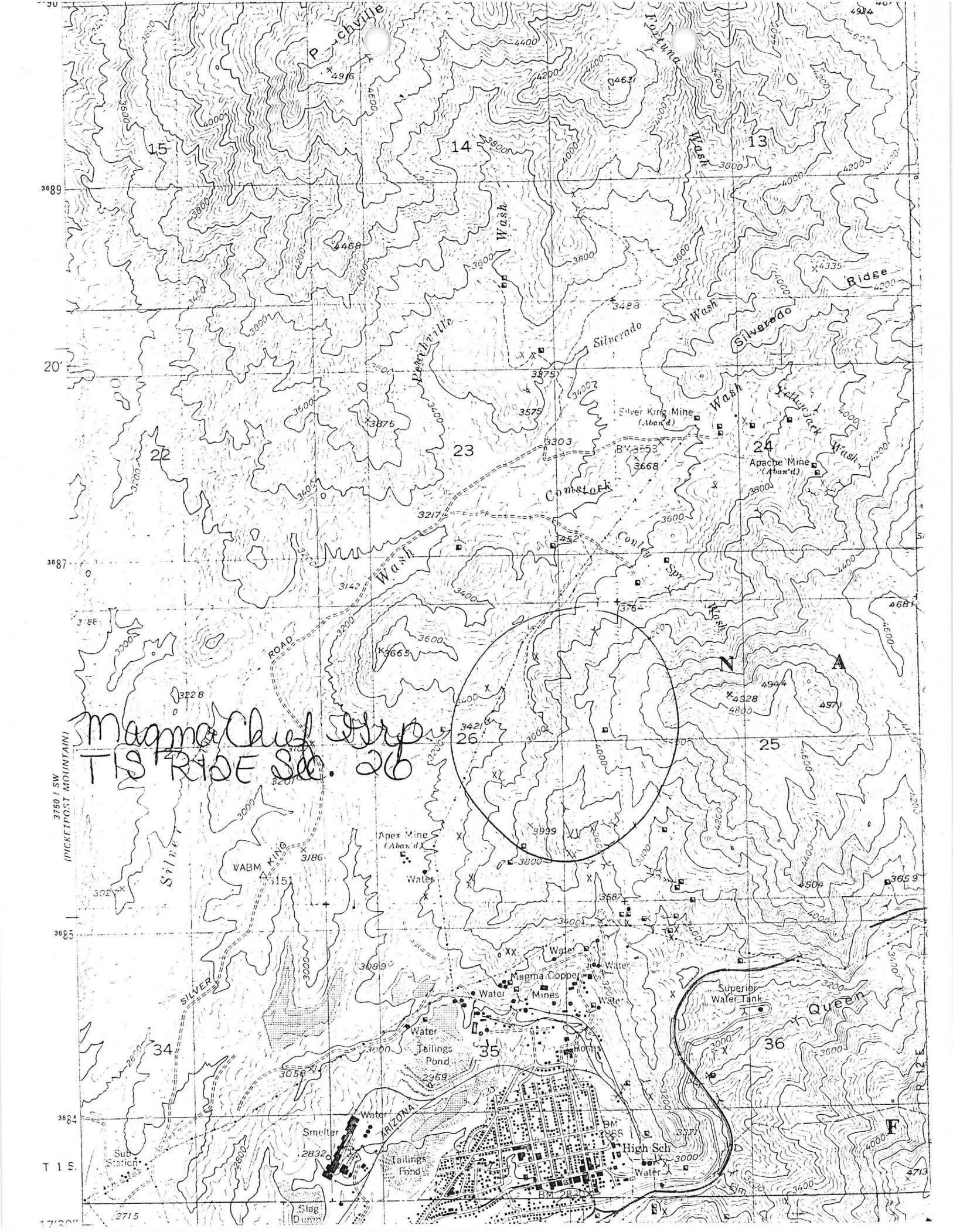
ADMMR U FILE MN2, USBM FILE NO. 463.2/3013
~~ADMMR FILES~~ USGS PP 610, p. 44


Magma Chief Grp
T1S R12E Sec. 26
Silverado Wash
Silverado Ridge
Silver King Mine (Aban'd)
Apache Mine (Aban'd)
Comstock Wash
Conley Spr
Apex Mine (Aban'd)
Water
Magma Copper Mines
Tailings Pond
Smelter
Sub Station
Slag Dump
High Sch
Superior Water Tank
Queen
Silver King Road
Silver
Fortuna Wash
Yellowjack Wash
Pearchville
3750 I SW (PICKETPOST MOUNTAIN)
T 1 S.
R 12 E
13
14
15
22
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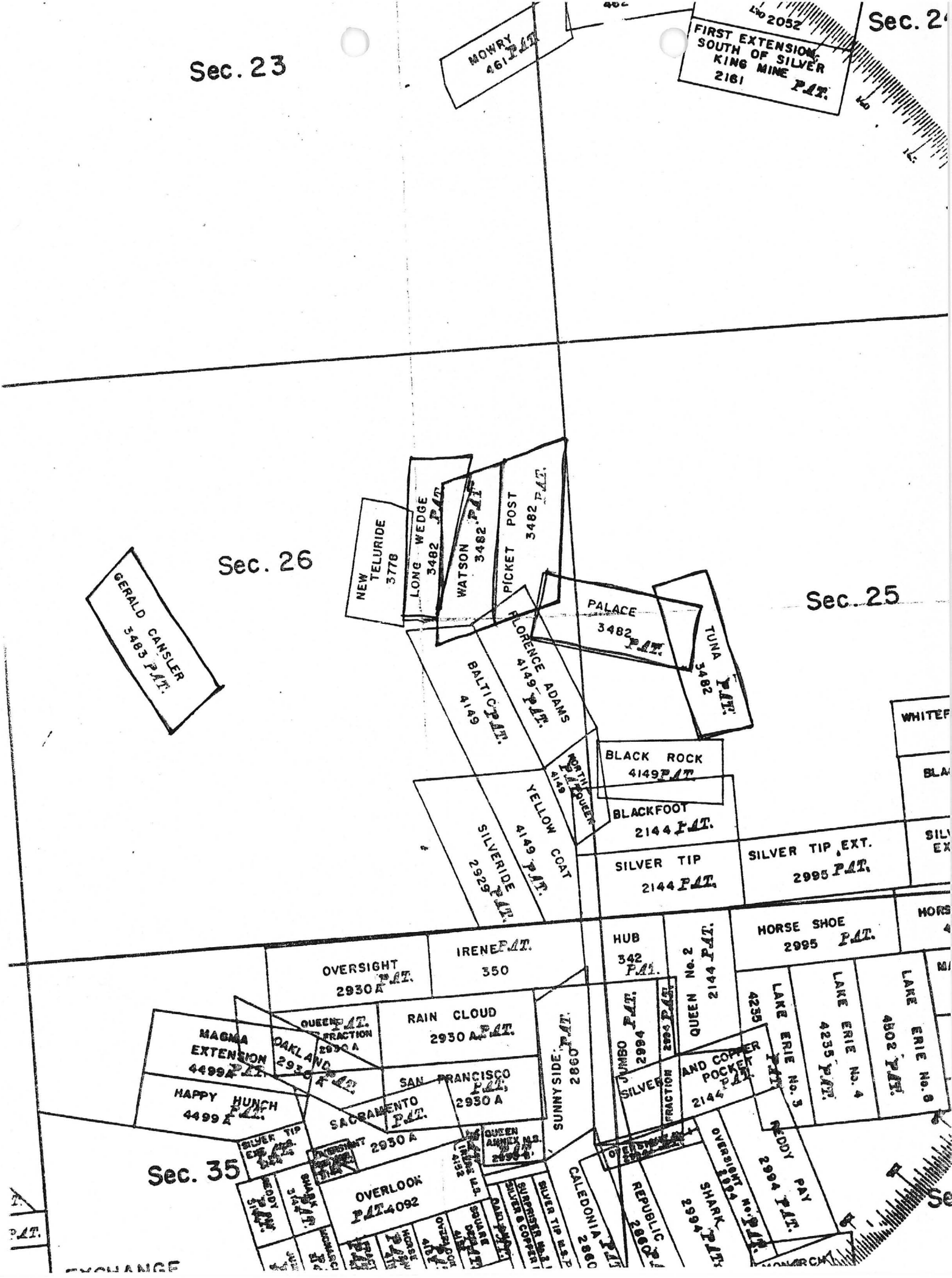
36
N
A
F



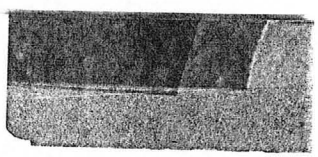
Sec. 23
Sec. 24
Sec. 25
Sec. 26
Sec. 35
MOWRY 461 PAT.
FIRST EXTENSION SOUTH OF SILVER KING MINE 2161 PAT.
2052
GERALD CANSLER 3483 PAT.
NEW TELURIDE 3778
LONG WEDGE 3482 PAT.
WATSON 3482 PAT.
PICKET POST 3482 PAT.
PALACE 3482 PAT.
TUNA 3482 PAT.
FLORENCE ADAMS 4149 PAT.
BALTIC 4149 PAT.
NORTH QUEEN 4149 PAT.
BLACK ROCK 4149 PAT.
BLACKFOOT 2144 PAT.
YELLOW COAT 4149 PAT.
SILVERIDE 2929 PAT.
SILVER TIP 2144 PAT.
SILVER TIP EXT. 2995 PAT.
WHITEF
HORSE SHOE 2995 PAT.
HUB 342 PAT.
QUEEN No. 2 2144 PAT.
IRENE PAT. 350
OVERSIGHT 2930 A PAT.
RAIN CLOUD 2930 A PAT.
QUEEN FRACTION 2930 A PAT.
MAGMA EXTENSION 4499 A PAT.
OAKLAND 2930 A PAT.
HAPPY HUNCH 4499 A PAT.
SAN FRANCISCO 2930 A PAT.
SACRAMENTO 2930 A PAT.
SUNNYSIDE 2860 PAT.
JUMBO 2994 PAT.
SILVER AND COPPER POCKET 2144 PAT.
LAKE ERIE No. 3 4235 PAT.
LAKE ERIE No. 4 4235 PAT.
LAKE ERIE No. 8 4802 PAT.
SILVER TIP EXT. PAT.
OVERSIGHT 2930 A
QUEEN ANNEX M.S. 2930 A
OVERLOOK PAT. 4092
CALEDONIA 2860 PAT.
REPUBLIC 2860 PAT.
SHARK 2994 PAT.
OVERSIGHT No. 2994 PAT.
REDDY PAY 2994 PAT.
SILVER TIP M.S. PAT.
SURPRISER M.S. PAT.
SILVER & COPPER
SQUARE DEAL
EXCHANGE

See: ABM Bull. 127, p. 84
See: IC 7990, p. 124, 125, 126, 127.

Kimball
Pomeroy, K./ 127 N. Hibbert
Mesa, Arizona

12-11-39

See MAGMA CHIEF MINE - Re - Case in the Superior Court
See Ariz.B. of Mines - re sample for identification 8-29-46



MAGMA CHIEF

Au, Ag, Cu

Pinal 11 - 1 T 1 S, R 12 E

K. Pomeroy, 127 N. Hibbert, Mesa '40

* GENERAL REFERENCES Magma Chief

REFERENCE 1 F1 <ABGMT CLIPP[illegible]S [illegible]LES

REFERENCE 2 F2 <ABGMT - USBM FILE DATA

REFERENCE 3 F3 <AZ DEPT MIN RESOURCES FILE DATA

REFERENCE 4 F4 <FARNHAM, L.L., . . . , MANGANESE DEPOSITS OF EASTERN ARIZONA, 1961, USBM IC. 7990, P. 124-129

F5 < WILSON, E.D., MANGANESE ORE DEPOSITS IN ARIZONA, 1930, ABM BULLETIN 127 P 84

F6 < SHORT, M.N., GEOLOGY AND ORE DEPOSITS OF THE SUPERIOR MINING AREA, ARIZONA, 1943, ABM BULLETIN 151, PLATE I >

L10 < MAGMA CHIEF COPPER COMPANY ALSO OWNED THE MAGMA CHIEF MINE IN BUNKER HILL DISTRICT >

N5 < FAULT IS 1/4 MILE N OF MINE >

mlp 95

U.S. CRIB-SITE FORM

RECORD IDENTIFICATION

RECORD NUMBER B10 <[ ]> *RECORD TYPE B20 <X,1,M> DEPOSIT NUMBER B40 <[ ]>

REPORT DATE G1 <8,2,V,0,3> (YR. MO.) *INFORMATION SOURCE B30 <1,2> *FILE LINK IDENT. B50 <USBM-004 029>

REPORTER(SUPERVISOR) G2 <ROTH, FRANCES A. (last, first, middle initial) (GEST, DON (last, first, middle initial))>

REPORTER AFFILIATION G5 <ABGMT> *SITE NAME A10 <MAGMA CHIEF COPPER MINE>

SYNONYMS A11 <MAGMA CHIEF MINE>

LOCATION

MINING DISTRICT/AREA A30 <PIONEER DISTRICT>

COUNTY A60 <PINAL> *STATE A50 <AZ> *COUNTRY A40 <U.S.>

PHYSIOGRAPHIC PROV A63 <1,2,V,>

DRAINAGE AREA A62 <1,5,0,5,0,1,0,0,V,> *LAND STATUS A64 <0,1,V,4,1,V,(1,9,7,9,)>

QUADRANGLE NAME A90 <SUPERIOR (1,9,4,9,)> *QUADRANGLE SCALE A100 <2,4,0,0,0>

SECOND QUAD NAME A92 <( )> SECOND QUAD SCALE A91 <[ ]>

ELEVATION A107 <3,6,0,0,V,F,T,>

UTM

NORTHING A120 <3,6,8,6,0,6,0,>

EASTING A130 <4,9,0,9,2,0,>

ZONE NUMBER A110 <+,1,2>

*ACCURACY

ACCURATE ACC (circle)

ESTIMATED (EST) <LOCATION MEASURED TO ADIT SYMBOL ON MAP IN AREA OF WATSON CLAIM>

GEODETIC

*LATITUDE A70 <[ ] - [ ] - [ ] N>

*LONGITUDE A80 <[ ] - [ ] - [ ] W>

CADASTRAL

TOWNSHIP(S) A77 <0,0,1,S,V,[ ],V,[ ],V,[ ],V,[ ],>

*RANGE(S) A78 <0,1,2,E,V,[ ],V,[ ],V,[ ],V,[ ],>

SECTION(S) A79 <26 [ ],V,[ ],V,[ ],V,[ ],>

SECTION FRACTION(S) A76 <NE>

MERIDIAN(S) A81 <GILA AND SALT RIVER>

POSITION FROM NEAREST PROMINENT LOCALITY A82 <ABOUT 2 MILES SOUTH WEST OF KINGS CROWN PEAK>

LOCATION COMMENTS A83 <THE ORIGINAL BALTIMORE SHAFT OF THE MAGMA CHIEF WAS LOCATED IN SECTION 24 SW.>

ESSENTIAL INFORMATION

ESSENTIAL SOMETIMES OR HIGHLY RECOMMENDED

COMMODITY INFORMATION

*COMMODITIES PRESENT C10 <AG, CU, N, ZN, PB>
*ORE MINERALS C30 < PYROLUSITE, WAD, MANGANIFEROUS SILVER
COMMODITY SUBTYPES C41 <
*GEN. ANALYTICAL DATA C43 <
COM. INFO. COMMENTS C50 <

* SIGNIFICANCE

		PRODUCER	NON-PRODUCER	
MAJOR PRODUCTS	MAJOR	AG	MAIN COMMODITIES PRESENT C11	
MINOR PRODUCTS	MINOR	CU, AU	MINOR COMMODITIES PRESENT C12	
POTENTIAL PRODUCTS	POTEN	MN, ZN, PB		
OCCURRENCES	OCCUR		OCCURRENCES OCCUR	

*PRODUCTION

PRODUCER	NON-PRODUCER
PRODUCTION (YES) (circle) PRODUCTION SIZE (SML) MED LGE (circle one)	PRODUCTION UND NO (circle one)

EXPLORATION OR DEVELOPMENT

*STATUS

PRODUCER	NON-PRODUCER
-- STATUS AND ACTIVITY A20 <4>	STATUS AND ACTIVITY A20 < >

*DISCOVERER L20 <
*YEAR OF DISCOVERY L10 < > *NATURE OF DISCOVERY L30 < > *YEAR OF FIRST PRODUCTION L40 <1940> *YEAR OF LAST PRODUCTION L45 <1947
*PRESENT/LAST OWNER A12 < MAGMA COPPER CO.
*PRESENT/LAST OPERATOR A13 <POMEROY (1940'S)
EXPL./DEV.COMMENTS L110 < CLAIMS INCLUDED BALTIMORE, WATSON, PICKETPOST, LONEWEDGE, PALACE, TUNA, GERALD CANSLER; MAGMA CHIEF COPPER CO. DUG WATSON AND BALTIMORE TUNNEL AROUND 1917. SAME

DESCRIPTION OF DEPOSIT

*DEPOSIT TYPE(S) C40 < REPLACEMENT
DEPOSIT FORM/SHAPE M10 < LENSES
*DEPTH TO TOP M20 < > *UNITS M21 < > *MAXIMUM LENGTH M40 < > *UNITS M41 <
*DEPTH TO BOTTOM M30 < > *UNITS M31 < > *MAXIMUM WIDTH M50 < > *UNITS M51 <
*DEPOSIT SIZE M15 (SMALL) M15 (MEDIUM) M15 (LARGE) (circle one) *MAXIMUM THICKNESS M60 <12> *UNITS M61 <FT
*STRIKE M70 < N10W > *DIP M80 < 20 to 30 NE
*DIRECTION OF PLUNGE M100 < > *PLUNGE M90 <
*DEP. DESC. COMMENTS M110 <

DESCRIPTION OF WORKINGS

*Workings are: SURFACE M120 UNDERGROUND (M130) BOTH M140 (circle one)
*DEPTH BELOW SURFACE M160 <2020> *UNITS M161 <FT>
*LENGTH OF WORKINGS M170 <2,250> *UNITS M171 <FT>
*OVERALL LENGTH M190 < > *UNITS M191 <
*OVERALL WIDTH M200 < > *UNITS M201 <
*OVERALL AREA M210 < > *UNITS M211 <
DESC. OF WORK. COM. M220 < OLDEST WORKINGS IS BALTIMORE TUNNEL; LARGEST WORKINGS IS WATSON TUNNEL, RUNNING EAST-WEST; THERE ARE TWO SHORTER TUNNELS ON PICKET POST CLAIM

GEOLOGY

*AGE OF HOST ROCK(S) K1 <PAL,
*HOST ROCK TYPE(S) K1A < LIMESTONE
*AGE OF IGNEOUS ROCK(S) K2 <CRET-PALEO,
*IGNEOUS ROCK TYPE(S) K2A < DACITE,
*AGE OF MINERALIZATION K3 <CRET-PALEO,
*PERT. MINERALS (NOT ORE) K4 < CALCITE, QUARTZ, IRON OXIDES
*ORE CONTROL/LOCUS K5 < CONTACT OF MARTIN LIMESTONE AND ESCABROSA LIMESTONE
*MAJ. REG. TRENDS/STRUCT. N5 < EW TRENDING FAULTS CUTTING N-S TRENDING FAULT SYSTEMS, EW CONLEY SPRINGS
*TECTONIC SETTING N15 <
*SIGNIFICANT LOCAL STRUCT. N70 <
*SIGNIFICANT ALTERATION N75 <
*PROCESS OF CONC./ENRICH. N80 <
*FORMATION AGE N30 <M.I.S.S.,
*FORMATION NAME N30A < Escabrosa Limestone
SECOND FM AGE N35 <D.E.V.,
SECOND FM NAME N35A < MARTIN LIMESTONE
*IGNEOUS UNIT AGE N50 <,
*IGNEOUS UNIT NAME N50A <
SECOND IG. UNIT AGE N55 <,
SECOND IG. UNIT NAME N55A <
GEOLOGY COMMENTS N85 < FAULTING AND INTRUSIONS AT SILVER KING 1 MILE NE ARE CRET-PALEO IN AGE.

GENERAL COMMENTS

GENERAL COMMENTS GEN <

August 6, 1940.

Benson Council, A.S.M.C.A.
Benson, Arizona.

Gentlemen:

May we call your attention to a very serious situation in our County, which if allowed to continue unchecked, will jeopardize every dollar invested in mining, every mining job, and every mining home, not only in our County, but throughout the State.

Two of our County Supervisors, (a majority) both elected from mining districts, have recently adopted an undefendable "Swat the Mines" policy, which they claim is mandatory uner present tax laws. If our County officials can get away with such discriminatory tactics, any County officials can.

May we ask your cooperation, and that of all Councils who attend your district meeting, by presenting our problem, which is, or will be, some time, a problem to be solved by all of you, unless we take united action now.

It has been suggested that the present antiquated, unfair, discriminatory tax law be either repealed, or amended, so as to compel all County officials in the State to give mining properties and the mining industry equal consideration and rights with all others.

Perhaps a simple amendment to the effect that when any property is sold for back taxes, that all properties, equally in arrears, be sold also under the same identical terms and conditions would stop such lamentable practices as our Board indulges in.

One member of our Board, a member in good standing, of our Casa Grande Council, has courageously and consistantly fought the Board on this issue, for the past six or eight months, with no tangible results, except to prod the other members of the Board, into inducing a friend of theirs, and presumably another enemy of our industry, to contest his place on the Board.

This unsavory situation emphasizes two vitally important questions to be considered and acted on at once.

1. The need of a new or amended tax law which will make mandatory County officials treating all properties fairly and equally.

2 The vital necessity of carefully scrutinizing the record and qualifications of all candidates for office, and perhaps adopting a policy of supporting only those candidates known to be honestly and completely interested in the welfare of our Nation, State, County, the mining industry, and members of our Association.

May we suggest that you come to the state Meeting at Globe, with a draft of the proposed new code or amendment to our present

tax law, to be enacted at our next Legislature, which can be adopted by our State meeting? Our Superior or Ray Councils who naturally should take the lead in this matter, may possibly be embarrassed by business, social, or other connections with the men whose official acts make a change in the law compellingly urgent.

A copy of our Council's statement dated August 3rd is attached and we presume you have already received copies of Superior's statement of July 20, and Mr. Pomeroy's of July 30th, covering the main aspects of the matter.

United, energetic action will enable us to strike a telling blow not only for the rights of our own industry and workers, but for the rights of all industries, and all workers in the State.

Respectfully submitted,
Oracle Council, A.S.M.O.A.

P. K. Dayton

P.K.Dayton, Chairman.

PKD:dd

ORACLE COUNCIL
ARIZONA SMALL MINE OPERATORS
P. O. BOX 77
ORACLE, ARIZONA

August 3, 1940.

At a special meeting of the Oracle Council held at Bear Cat Headquarters, 2:00 P.M. on August 3rd, 1940, it was moved, seconded, and unanimously carried, that the attached letter be sent to all Pinal County Councils, and others interested.

Klondike, Superior, Ray, Florence, Casa Grande, Mesa, Winkleman, Globe, Miami, and Benson Councils, and C.F.Willis, State Secretary;

Gentlemen:

We certainly wish to compliment our Superior Council's fine research work at Florence, regarding the almost unbelievable and wholly uncreditable situation, regarding the Magma Chief mess. It is very evident however, that some of our officials or others, for reasons best known to themselves, gave out some very misleading, inaccurate, and even false information.

For instance, we know of no one's asking the Board to accept responsibility for all indebtedness incurred during operation and development of the property. Certainly the Oracle Council made no such request, as Superior Council's letter of July 20th seems to infer.

This statement we believe to be wholly false and if made by any County official, was simply to discredit our attempt to obtain justice, fair equitable treatment for our industry, economical administration of County affairs, the savings thus made to be invested in vitally needed public improvements.

Official records show that a Certificate of Purchase issued to the State of Arizona for delinquent taxes, was assigned to K. Pomercy on January 6, 1940, when delinquent taxes were paid. Treasurer's Deed to Arizona was filed and recorded January 18, 1940, six days after all delinquent taxes, interest and penalties were paid in full. This latter action, Mr. Billings of Ray, a gentleman with a legal mind and considerable knowledge of law, stated at the last meeting of the Ray Council, was clearly unethical, if not illegal, and beyond and outside of our County officials' authority, since the delinquent taxes had previously been paid in full.

We believe the District Attorney's offer to explain why no other proceeding than that taken by the Board of Supervisors would be permitted by law is ridiculous and absurd, and made solely in an attempt to divert our attention from the main issue--that of discrimination against the mining industry.

We feel sure there is no law which obligates our Supervisors to advertise and sell for taxes a mining claim, while at the same time relieving all other types of property from the same or equal liabilities. Many of us know, that at the time this mining property was siezed for back taxes, that there were many business properties, homes, cattle ranches, farms, and other properties in arrears for back taxes, as long or longer than this mining property was, yet not a single property of any other type was siezed or advertised for sale.

If the District Attorney can prove his assertion that no other action could have been taken than to sieze a mining property for back taxes while excluding all other types of property, which were equally or even worse in arrears, then it is high time that such an unjust discrimination, and unreasonable law be repealed, and a fair, just, and equitable law be enacted, which will compel our Supervisors to give mining properties equal rights with any and all others.

The District Attorney's suggestions of throwing this matter into the Courts, bringing up the question of the alleged or disputed ownership of the property and etc., are obviously based on some of our County officials' anxiety to becloud the real issues, or to cause the operators of the property unnecessary expense, trouble, and delay.

Don't forget that we tax payers will all of us help pay the County's cost of a totally useless Court trial. We can see no logical reason, why we taxpayers should permit our employees to indulge in an expensive Court trial, simply to gratify some one's personal ambition, or to satisfy some one else's grudge.

The cost of carrying out this preposterous, unwanted scheme, would more than pay for the much needed 5 or 6 miles of road to open up the Klondike district and improve the terrible roads in south Pinal County.

Why not demand that our public servants learn to deny themselves all unnecessary luxuries, frills such as this, and spend our money only for much needed, practical improvements?

Why not educate our officials to use common sense in spending our taxpayers' dollars, by economical administration of our County affairs and spend our money only on basic necessities and useful improvements?

Why do our Supervisors, or two of them, (both of whom, oddly enough, are elected by mining districts) single out a mining property for such action, when many other properties are even more liable?

Why do they thus discriminate against the mining industry?

Why do they sieze a mining property just when they know it is getting into paying production so that it could pay taxes, employ labor, and purchase Arizona products, services, and supplies?

Why did they refuse to call in the County Treasurer or the tax collector in order to prove from official County records whether or not they were deliberately ham-stringing and oppressing the mining industry of our County? Why do they not put this $1811.05 of taxes, which they have held untouched for six monthis and more, into much needed improvements, such as the six-mile road to open upthe Klondike mining district. Just a few such sums would do the job, if placed in the hands of the right man.

These questions were all put to our Board of Supervisors at their last official meeting July 18. The Chairman stated there was a reason, but he refused to divulge it, until their next meeting. We hope you will all be there to hear it.

None of us would like to have our property treated in this manner. If they get away with it in this case, they will undoubtedly continue their short sighted, unwise policy, until no man's investment in mining properties in this County will be safe. When our mining investment disappears, thousands of our taxpayers' jobs and homes will disappear also.

Do you think we should stand for it?

Producing mines and their many employees and friends pay a very large share of Pinal County taxes. We surely have the votes, if we unite and really go to work on it, to elect men interested in the welfare of mining, of proven ability, vision, and integrity to represent us at Florence. Men like Senator Coxon of our Casa Grande Council, Senator Ed Bolinger of our Patagonia Council, Representative W.G.Rosenbaum of our Winkleman Council, Mr. Whitehead of our Ray Council, and Mr. Lee Boyer of our Superior Council. Such men would command the support not only of all mining men but of all tax payers in the County, for they could be depended upon to administer County affairs widely, efficiently, and economically, with favors to none and justice to all. Think it over, discuss it in your meetings, and if such action is deemed necessary to protect our industry, be assured it will get wholehearted support.

Perhaps if we were to look behind the scenes, so to speak, and outside and beyond our Supervisors' official acts we might discover what is really the cause of their "Soak the Mines" policy. In discussing their attitude and official actions in this case with a well-known mining man in Superior, we were advised that he and some of his friends were asked to help form a syndicate to buy in this particular property when it was put up for sale, but as he did not care to be mixed up in any such deal, he refused to have anything to do with it. However he could not vouch for others being equally ethical, and considered it possible that one or more of our Supervisors might be directly or indirectly connected with such a syndicate. If this were the case, it would certainly account for the official action of the Board, and would certainly eliminate the District Attorney's absurd contention that the Board was obligated by law to clamp down on this particular mining property.

We hope our Superior Council will continue its fine work on this amazing case and send a strong delegation to Globe on August 22nd, with a draft of a new code to be added to our laws, compelling our Supervisors to give mining properties equal consideration and rights with all others, if a recheck with the District Attorney proves it actually is necessary, instead of smoke in our eyes, as we suspect.

We heartily endorse our Superior Council's suggestion that all our Councils investigate this situation and acquaint themselves with the facts. Their painstaking investigation through the District Attorney and Recorder's office has certainly uncovered all the facts they can produce, so that further investigation can be confined to the Treasurer's or tax collector's office, to secure a list of all properties in arrears for taxes, for comparison with the Magma Chief tax situation.

If this information, which the Board of Supervisors refused to produce at its last regular meeting, can be secured, then the Supervisors should be questioned on their attitude and acts.

May we also suggest that you question both the Supervisors, and Mr. Fiscel, the County Engineer, or Mr. Schultz as to why they take no action on the Klondike and other badly needed roads.

We ask for justice, for economies which will produce roads and other public improvements, and what are we offered? A law suit which no single taxpayer in the County wants or desires! A law suit which the County cannot afford, so long as it cannot afford needed public improvements!

With the active cooperation of all our Councils, we are sure to accomplish worth while results.

Respectfully submitted,
Oracle Council, A.S.M.O.A.
P.K. Dayton
P.K.Dayton, Chairman.

PKD:dd

COPY

COPY

Mr. Willis or Mr. Coupal:

This letter is in answer to a circular letter sent out by Mr. Boyer, from whom I presume you received one. I would have appreciated a letter from him direct so that I wouldn't have to resort to his ways. However I was handed the circular letter to the Mesa Council and take the liberty in sending you this copy in ans.

K. Promeroy

Mesa, Arizona
July 30, 1940

Mr. L. L. Boyer, Chairman,
Arizona Small Mine Operators Asso.,
Superior, Arizona.

Dear Mr. Boyer:

It was with interest and considerable surprise that I read the copy of your circular letter addressed to different Councils of the Arizona Small Mine Operators concerning my problem involving the Tuna, Palace, Picket Post, Watson, Long Wedge and Gerald Cancler patented lode in the Pioneer Mining District, Pinal County, Arizona.

While a good many of the facts stated in your letter are true, the information given you was not complete and, in some instances, entirely erroneous as I will point out to you.

It would have been much better for you, or someone representing your Council, to have appeared in Florence on July 18, 1940, as you had agreed to do, while we were all there and all of the facts could have been brought out, instead of appearing later when you received a somewhat one sided version. Also, I would have greatly appreciated your advising me of what you had found and your conclusions rather than, or before, you circulated the information given in your letter.

A resolution such as mentioned in your letter was requested from your Council of the Small Miner Operators but, contrary to your statement, there was not even an intimation, much less a request, that the Board of Supervisors accept all blame for the indebtedness incurred during the operation and development of the property.

The search of the records of Pinal County made for you shows correctly the status of this mining property since patent issued to the Magma Chief Copper Company of the United States. However, had you or your informant gone back further you would have found that prior to the incorporation of the Magma Chief Company these claims were owned by Pomeroy through purchase and receipt of proper mining deeds, such acquisition of these claims having occurred more than thirty-five years ago. Such further search would have shown that these claims were deed to the Magma Chief Company by Pomeroy for stock and the old records of this company show that that stock was pooled and that the other directors of that company sold their interest and got out leaving the undersigned holding the sack; that thereafter the Magma Chief Consolidated Company was organized and issued in lieu of its stock of the Magma Chief Company, the new stock being assessable. This stock was also pooled and the undersigned never received his portion of it. He did, however, pay assessments on it and probably

was the only stockholder who ever paid the assessments levied against the stock. The money of the company was wasted and it went broke and I was left without anything to show for my original ownership of the claims. After the failure of this company I took care of the property for it for years. I had the delinquent taxes put on the twenty-payment plan and made the first payment myself, informing the officers of the company to that effect and asking them to make the ensuing payment but they did not make any of the payments and I was told by them that they were through and that if there was anything I could get out of the property to, in some extent, reimburse me I should go ahead. In fact, as admitted by Chairman Thurman of the Board of Supervisors, I am, unquestionably, the equitable owner of these claims.

Some year or so ago I began to attempt to get the matter of the delinquent taxes on this property settled up and to get such a title that something could be done with it. As you state, the claims had been sold for taxes and certificate issued to the State of Arizona in 1932 and for nearly eight years no one else had shown any interest in the matter or attempted to buy either the certificate of tax sale or the claims. I took the matter up with the Board of Supervisors in an effort to compromise the taxes and both prior to November, 1939 and in November, 1939 I conferred with the Treasurer of Pinal County and others as to the cost and advisability of buying the tax certificate. On November 25, 1939, while the Act of the Legislature waiving penalties and interest on taxes was in effect, I tendered to the County Treasurer of Pinal County the sum which I am advised by competent legal authorities should have been sufficient to have purchased the certificate but the Treasurer, after consulting with Mr. Truman, the County Attorney, refused to sell the certificate to me for the sum tendered, but, contrary to the law as it then existed, demanded that I pay for the certificate all of the taxes for which the property was sold and all subsequent taxes with full penalties and interest. Rather than enter into a controversy with the County Officials I attempted to raise more money to buy the certificate because I wanted to proceed with prospecting and possible development immediately. However, on December 1st I did telephone the County Attorney offering a compromise and later, and particularly on December 31, 1939, I telephoned the County Treasurer asking whether or not the tax certificate was still available for purchase. On January 6, 1940, I went to the Treasurer's Office and paid to her the sum of $1811.00 and she, property and in accordance with law, assigned me the tax certificate, such assignment being recorded on that date. At neither that time nor at any other time, until the 11th of January, was I ever informed that any steps had been taken by the State to take a deed to this property or that anyone else was interested in it but, on the contrary, I was definitely told that I could legally and properly purchase it. Absolutely contrary to the statement made to you, I was not informed the next day that the certificate had been erroneously assigned to me. On January 11, 1940, the County Treasurer telephoned my attorney saying that because her records were not kept up to date she overlooked the fact that a deed had issued to the State of Arizona on December 21, 1939. The treasurer was informed that I had no knowledge of any such deed and, through my attorney, I immediately attempted to locate such deed but there was none of record and none in evidence until January 12, 1940 when the deed mentioned in your letter was produced and recorded.

The statement that the assignment was made to me erroneously, as repeated in your letter, is a stock expression of the Pinal County Attorney but I must stated to you that it could hardly be that there was an error and the procedure was exactly

what had been the practice in Pinal County prior to that time.

Finding then that the Board of Supervisors intended to sell the property to the highest bidder regardless of my having, in good faith, purchased the tax certificate and believing that because there was nothing of record which would give me any notice that my purchase of the certificate was not perfectly valid, I instituted the injunction suit mentioned in your letter. Immediately the County Attorney instituted a suit enjoining me and any one else claiming under me from taking any ore from the property or interfering with it and thus effectively stopped all work thereon and made it impossible for those who were developing the property to furnish further employment to residents of your neighborhood or to pay their indebtedness.

However, there being nothing of record showing that, as is customary, anyone had made any bid or guaranteed that they would pay a reasonable price for the property if deed was obtained by the State, I appeared before the Board of Supervisors and stated to them that they might consider the payment already made, which covered all taxes and interest, as a bid, and if no better bid was made I would dismiss my injunction suit and they could sell me the property. This the Board refused to do, although it is perfectly plain that whoever caused the State to take title to the claims intended to buy it for less than the taxes against it, because they had every opportunity to do as I did and buy the certificate, if they had been desirous of paying the taxes in full. No other offer than mine has ever been made for the property and no one has ever stated that they were interested in paying any more for the property than I am paying. The sole reason given by the Board of Supervisors for not accepting my bid was that the Supervisor from your district was desirous of giving some of his constitutents the opportunity to bid for the claims. You apparently were not informed, but it is a fact, that I have, time and again, offered and suggested that these parties come in and make an offer, or at least show some good faith, but that has never been done.

I, too, have always been met with courtesy from the County Attorney of Pinal County, who, by the way, was present at the Board meeting of July 18, 1949, and who, in no way, differed with the facts and law referred to at that meeting, and County Board of Supervisors, but have simply been refused the proper clearing up of this matter without the delay and expense of extensive litigation.

You must have misunderstood the County Attorney and have obtained an erroneous idea of the law in your stating that he would be very glad to appear and explain why no other proceedings than that heretofore taken by the Board of Supervisors would be permissible by law. The County Attorney has stated in open meeting of the Board of Supervisors more than once that it would be perfectly legal for the Board to take the action I have requested and sell me the claims, at any time. I have never asked, and am not now asking, that any official in any way act improperly or violate any law and have no desire to and have not, in any way, slandered your Board of Supervisors or any other county official nor attempted in any way to get your Association on the wrong side of the fence. In fact, this is not a matter of sides of the fence, but a matter of common equity and justice wherein my stand and request are for the best interests of everyone concerned.

In conclusion, I only want to reiterate that not only am I the one most equitably entitled to the property but have paid all of the taxes collectible with

full penalties and interest which is the only interest the County and State have in the matter and which is the only object of the tax sale law and which taxes are needed for County purposes, have also endeavored to cause work to be furnished for some of the unemployed but, in addition, without any notice, either actual of constructive, of any obstacle, have, in good faith, actually bought the property from the proper official in the exact manner provided by law.

It is assumed that the opinion expressed by you is also that of your membership. Therefore, I respectfully request that this letter be made a part of the records of your Council and am confident that these additional facts and information will cause a reconsideration of your position and the passing of a resolution which will assist in clearing up this entire matter, which resolution I again, hereby, request.

I fully appreciate your express desire for your Association to keep its "nose clean" and do not believe that you intended to be mislead in writing a blanket recommendation for those interested in the political aspects of the matter, which political aspects I, and I trust you, are in no way interested.

As is the County Attorney, I am perfectly willing, at any time and at any place, before a delegation appointed by all Councils in Pinal County, or before anyone else, to go fully into the facts and law involved in this matter.

Respectfully yours,

K. Pomeroy

BOARD OF GOVERNORS:
CHARLES F. WILLIS, PHOENIX
CHAIRMAN
DR. N. H. MORRISON, PHOENIX
VICE-CHAIRMAN
[redacted]
SHELTON G. DOWELL, DOUGLAS
J. HUBERT SMITH, KINGMAN
LLOYD C. EDMONSON, GLOBE

DEPARTMENT OF MINERAL RESOURCES
STATE OF ARIZONA
CAPITOL BUILDING
PHOENIX, ARIZONA

J. S. COUPAL, PHOENIX
DIRECTOR
W. J. GRAHAM, PHOENIX
ASSISTANT TO THE DIRECTOR
AND SECRETARY TO THE
BOARD OF GOVERNORS
FIELD OFFICES AT
GLOBE - KINGMAN
PRESCOTT - TUCSON

26 July 1940

REPLY TO

Mr. Charles F. Willis,
Title & Trust Building,
Phoenix, Arizona.

Dear Charlie:

Your letter of July 24 with a copy of your letter to Mr. Lee Boyer and his correspondence on the Pomeroy matter has been received.

Newt Wolcott and I attended the meeting of the Board of Supervisors of Pinal County on July 18, at which meeting a discussion of this case was rather heatedly presented by the representatives of the Oracle Council. The arguments I heard were all presented on the assumption that Mr. Pomeroy was the former owner of the property, or had sufficient active interest in the property to warrant the payment of back taxes, interest and penalties. The Oracle group argued that the majority of the Board of Supervisors were discriminating against mining, and pointedly asked the question of Mr. Thurman as to why this clearing of titles was being held up.

At the meeting only two of the members of the Board of Supervisors were present - Mr. Smith and Mr. Thurman. The Oracle group asked for a decision on this matter, but Mr. Thurman would make no decision until after he had consulted with the third member of the board - Mr. Spray, who was unable to attend that particular meeting.

Mr. Wolcott and I were at that meeting in order to present to the board certain facts regarding the proposed road from Aravaipa to Mammoth-Winkelman, and for that reason, and because of the lack of information we had on Mr. Pomeroy's case, we took no part in the dicussion. At the time of the discussion my thought was, and still is, that this is a matter which should be taken to the courts for settlement. Mr. Pomeroy was in position to pay the back taxes, amounting to some $1,800.00, and from that I judged that he could readily get legal counsel and have the whole question properly settled and not trying to force this issue through by pressure from the Arizona Small Mine Operators Association.

I am forwarding a copy of this letter to Newton Wolcott with the request that he make such other commens as he may wish to make. He was present during the major part of the discussion, and I was present only at the last half hour of it.

Yours very truly,

J. S. Coupal
Director

JSC-jrf

cc-Newton Wolcott

July 24, 1940.

Mr. L. Lee Boyer, Chairman,
Superior Council, ASMOA,
Superior, Arizona.

Dear Lee:

I have your letter of the 20th enclosing a copy of the letter which you sent each Pinal County council. I have read the letter but do not fully understand the sitdation. Inasmuch as Sam was at Florence at the time this came up at the Board of Supervisors, I am asking him to read your letter and give me a report on the whole situation and if necessary we will have Wolcott look into it farther.

I greatly appreciate the careful work which you did in getting at the facts of this subject and presenting them to the Pinal County councils, and it is very helpful to the organization to have the facts gathered and presented. The Oracle group particularly are inclined to go to bat in a militant way for someone who can convince them that they have been the under dog and in doing so they are likely to get off on the wrong foot.

Many thanks for your interest in protecting the organization and we will look into the matter further right away and see what we can do to straighten it out.

With kindest personal regards, I am

Yours very truly,

State Secretary
ASMOA.

CFW-M

AN ORGANIZATION INTERESTED IN [illegible]E [illegible]BLEMS OF THOSE WHO OPERATE SMALL [illegible]N [illegible]PROPERTIES IN ARIZONA

ARIZONA SMALL MINE OPERATORS ASSOCIATION

W. J. GRAHAM, STATE PRESIDENT
CHARLES F. WILLIS, STATE SECRETARY

OFFICE OF STATE SECRETARY,
528 TITLE AND TRUST BLDG.,
PHOENIX, ARIZONA

July 24, 1940.

COUNCILS

AGUILA
AJO
ALAMO
ARIVACA
BENSON
BISBEE
BOUSE
CASA GRANDE
CAVE CREEK
CHERRY
CHLORIDE
CLEATOR
CLIFTON-MORENCI
CONGRESS JCT.
CROWN KING
DOUGLAS
DUNCAN
ELLSWORTH
FLORENCE
GLOBE
HUACHUCA
KINGMAN
KIRKLAND
KLONDYKE
MARICOPA
MAYER
MESA
MIAMI
MOHAVE
MORRISTOWN
NOGALES
NO. COCHISE
OATMAN
ORACLE
PARKER
PATAGONIA
PAYSON
PHOENIX
QUARTZSITE
QUIJOTOA
RAY
SAFFORD
SELLS
SO. COCHISE
SUNFLOWER
SUPERIOR
TOMBSTONE
TUCSON
TURQUOISE
VERDE
WICKENBURG
WINKELMAN
YAVAPAI
YUMA

Mr. J. S. Coupal,
Department of Mineral Resources,
Capitol Bldg.,
Phoenix, Arizona.

Dear Sam:

Enclosed please find communications from Lee Boyer. Will you kindly read and then give me your analysis of the whole situation on this Pomeroy case as you get it from listening in on the hearing at Florence and from the study made by Boyer.

There is one thing that we must be very careful in doing, and that is that before we take up the case of a seemingly oppressed individual, we should feel that he has a legally sound case. In other words we cannot fight the battle of the individual who wants to put something over on someone else and has ulterior motives.

I would appreciate this being done as early as you can conveniently get at it.

With kindest personal regards, I am

Yours very truly,

Charles F. Willis

State Secretary
ASMOA.

CFW-M

July 30, 1940.

Mr. Newton Wolcott,
Box 368,
Globe, Arizona.

Dear Newt:

Many thanks for your letter of the 27th and it seems that Sam failed to send you the copy of the four-page single spaced letter from Lee Boyer. Boyer stated that he investigated the whole situation thoroughly and was opposing the Oracle idea. Some time when you are in Superior ask to see a copy of it, or I think that you will find that copies were sent to all of the secretaries of Pinal County councils.

It would appear that it is a Pinal County political fight in which we should not participate.

Thanking you again and with kindest personal regards, I am

Yours very truly,

State Secretary
ASMOA.

CFW-M

26 July 1940

Mr. Charles F. Willis,
Title & Trust Building,
Phoenix, Arizona.

Dear Charlie:

Your letter of July 24 with a copy of your letter to Mr. Lee Boyer and his correspondence on the Pomeroy matter has been received.

Newt Wolcott and I attended the meeting of the Board of Supervisors of Pinal County on July 18, at which meeting a discussion of this case was rather heatedly presented by the representatives of the Oracle Council. The arguments I heard were all presented on the assumption that Mr. Pomeroy was the former owner of the property, or had sufficient active interest in the property to warrant the payment of back taxes, interest and penalties. The Oracle group argued that the majority of the Board of Supervisors were discriminating against mining, and pointedly asked the question of Mr. Thurman as to why this clearing of titles was being held up.

At the meeting only two of the members of the Board of Supervisors were present - Mr. Smith and Mr. Thurman. The Oracle group asked for a decision on this matter, but Mr. Thurman would make no decision until after he had consulted with the third member of the board - Mr. Spray, who was unable to attend that particular meeting.

Mr. Wolcott and I were at that meeting in order to present to the board certain facts regarding the proposed road from Aravaipa to Mammoth-Winkelman, and for that reason, and because of the lack of information we had on Mr. Pomeroy's case, we took no part in the dicussion. At the time of the discussion my thought was, and still is, that this is a matter which should be taken to the courts for settlement. Mr. Pomeroy was in position to pay the back taxes, amounting to some $1,800.00, and from that I judged that he could readily get legal counsel and have the whole question properly settled and not trying to force this issue through by pressure from the Arizona Small Mine Operators Association.

Charles F. Willis -2-

Superior, Arizona
July 20, 1940

Arizona Small Mine Operators
Pinal County, Arizona

Gentlemen:

It has been brought to my attention the case pending regarding one K. Pomeroy re Magma Chief Consolidated Copper Company. It has been requested by a delegation of the Oracle Council of the Small Mine Operators Association of Arizona that the Superior Council draft a resolution and deliver to the Board of Supervisors of Pinal County, fully and properly executed, requesting said Board without further delay furnish a deed to the group of patented mining claims situated in the Pioneer Mining District, better known and described as Tuna, Palace, Picket Post, Watson, Long Wedge, and Gerald Cansler. To K. Pomeroy on the grounds that Mr. Pomeroy had paid to the County Treasurer the sum of $1811.05, covering taxes, penalties, and interest thereon. Said resolution requested implies that the Board of County Supervisors is directly responsible for the discontinuance of operations of said mining claims and that said money paid and now in the hands of the County Treasury be considered a bid for said property, and that there never have, and there is not at this time, another bid for said property. Further, that the Board of Supervisors accept all blame for all indebtedness incurred during the operation and development of the property. Said resolution requests, "Board of Supervisors of said Pinal County terminate the unnecessary and undesirable interferences with the operations and developments of said claims.

Gentlemen, may I say that I refused, as one of the officers of our Council, to sign a resolution making such accusations and requests until I had obtained the facts pertaining to the case. Please be advised on Friday, July 19, 1940, I spent the day at the County Seat making search of all records through the District Attorney's office, the County Treasurer's office, the County Recorder's office, and the office of the Board of Supervisors. The results of my search are hereby submitted. Search of records made by the Pinal Title and Trust Company show Survey

Number3483 and Survey Number 3482 since the sixth day of April, 1922, patent issued by the United States to Magma Chief Copper Company dated April 6, 1922, filed and recorded March 3, 1927, in Book Five of Mining Deeds at page 36 thereof, covering the Gerald Cansler Mining Claim, patented from the United States of America to the Magma Chief Copper Company dated August 14, 1922, filed and recorded March 3, in the same book, page 33 covering Long Wedge, Watson, Picket Post, Palace, and Tuna, lode mining claims, all embracing a portion of Section 25 and 26, Township 1 South, Range 12 East. Civil case Number 3447 shows judgment assigned by Charles J. Blackburn to E. H. Mead, April 5, 1922, in the office of the clerk of the Superior Court for total sum of $2419.79. Judgment endorsed; fully satisfied. Execution, Charles J. Blackburn, Assignor of E. H. Mead, Plaintiff, vs. The Magma Chief Copper Company, a corporation, Defendant, dated June 14, 1922, filed June 14, 1922, File $124 of Executions. Return shows levy by Sheriff on the above described mining claims. Sheriff's Deed, Dated February 15, 1923, filed May 24, 19 3, in Book Four of Mining Deeds at page 149, Enis Thurman, Sheriff of the County of Pinal, State of Arizona, to E. H. Mead. Mining Deed, E. H. Mead, unmarried, to the Magma Chief Consolidated Copper Company, a corporation, dated April 4, 1925, filed and recorded April 20, 1925, in Book Four of Mining Deeds at page 346 thereof. Articles of Incorporation, Magma Chief Consolidated Copper Company, by Geo. B. Thatcher, Wm. Woodburn, and M. H. Murphy, Incorporators, Dated March 18, 1922, Filed June 21, 1924, in Book Three of Articles of Incorporation, at page 445 thereof. Assignment of Certificate of Purchase, Pinal County Treasurer to K. Pomeroy, filed January 6, 1940, Tax Ledger #1, Cert. #115. Certificate had been issued to State of Arizona for delinquent taxes. Assigned to K. Pomeroy on January 6, 1940. Realty Mortgage, K. Pomeroy, and Cassie J. Pomeroy, his wife, to K. B. Pomeroy, F. K. Pomeroy, A. T. Millett, and L. A. Stapley, dated January 6, 1940, filed January 8, 1940, in Book 30 of Mortgages at page 389 thereof. Given to secure the payment of the sum of $811.05, with 6% interest per annum, $300 due Feb. 7, 1940; and balance July 7, 1940. NOTICE: Treasurer's Deed, Ruth J. Branaman, Treasurer of the Count of Pinal, State of Arizona, to State of Arizona, dated December 21, 1939, filed and recorded January 12, 1940, in Book Six of Mining Deeds at page 340 thereof.

In 1932 the tax certificate had been issued to the state and I have also found that proper notices were published of public sale on November 10 and November 17, 1939. Notice was also given

January 3, 1940, and published Jan. 5, 12, 19, and 26, 1940. Sale was enjoined Feb. 5, 1940, by K. Pomeroy. As far as I can find there is nothing whatsoever holding up the sale of this property other than the injunction by K. Pomeroy, and as long as said injunction remains it would be unlawful for the Board of Supervisors to issue a deed or to attempt sale until said injunction be withdrawn or settled by the court. The Board of Supervisors is compelled to comply with the laws set forth in paragraph 3065z8, 1936 Supplement to 1928 Revised code of Arizona: The delinquent taxes for which real property shall be sold pursuant to the provisions of this act shall not be confined to the unpaid taxes for any certain year or years, but it shall be the duty of the county treasurer to advertise and sell any such real estate for the aggregate amount of all unpaid taxes becoming delinquent during each and every preceding year, including any year prior to the passage of this act, together with all penalties, inter st and charges respectively due thereon under this or any prior law, whether or not said aggregate amount, or any part thereof, has, or shall have been, reduced to judgment; provided, that failure to include the unpaid taxes becoming delinquent during any year shall not invalidate a sale for unpaid taxes becoming delinquent during any other year or years, and provided further, that no sale for unpaid tax shall be commenced at a date later than five years after delinquency, unless advertised, as herein provided, within said five year period.

I would also like to advise that the District Attorney volunteered to, at any time, come before the delegation appointed by all Councils in the County and explain fully the reason why no other proceedings would be permissible by law than that taken by the Board of Supervisors.

In conclusion, I wish to say that since the beginning of the Small Mine Operators Association we have been trying to keep our noses clean and I do not wish to see any council or group of councils get on the wrong side of the fence, and I am sure that if all officers and members would care to examine the proofs of the findings that I have in my files (which will be available at any time to anyone interested), they would not wish to slander our Board of Supervisors. I believe our courts are based on justice and a question of this kind should be settled in the regular channels and not be interfered with by our organization, at least not until

all essential facts have been made clear from both sides. I am informed that it is the custom and a general practice of the Supervisors that problems arising in one Supervisor's district are left more or less up to him, as he is in best position to decide problems in his own district; therefore, the Supervisors who were approached by the delegation of the Small Mine Operators were rather at a loss to know what to say. Mr. Spray was attending a utilities meeting in Phoenix and was not at the Supervisor's office to explain the situation.

I talked with the chairman of the Florence council, Mr. Hill, and found him to be very open minded. He advised me that no one seemed to be willing to clarify the situation, and that it looked to him as though the Supervisors were trying to cover up something in this particular case. However, the delegation did not ask the District Attorney in to the conference or meeting to explain the sections of the case. But I spent more than two hours in the District Attorney's office obtaining the facts regarding the case, and I would like to say that I was met with every courtesy. I have been furnished said facts in legal form which I now hold in my files.

A summons, issued Feb. 7, 1940, to Skousen and Pomeroy, a partnership, and K. Pomeroy individually, and a letter dated Jan.31, 1940, signed by A. T. Millett to the County Treasurer to the effect that under no circumstances should the proceedings of the check in the amount of $511.05, dated Jan. 3, 1940, be remitted to any other person or any other disposition whatever, except by a refund to said A. T. Millett without his written consent were found in my search.

The delegation states that Pomeroy has owned these claims for 35 years, but according to the records he has not owned them for the past 18 years, and in my opinion has no more legal claim on said property than any other citizen who would wish to purchase this property. It must be remembered, however, that Mr. Pomeroy, on the sixth day of January, 1940, was issued a tax certificate erroniously by our County Treasurer. However, Mr. Pomeroy was notified the following day of this error and was asked to return such certificate in exchange for said money paid, as the deed had been issued prior to the payment of said money and that the property should be open to bid. I would suggest that all executive committees of all Councils interested acquaint themselves with the facts through the District Attorney's office and the Recorder's office before proceeding further in the matter. A copy of this letter is being mailed to Charles F. Willis, Secretary, for his inspection.

Respectfully submitted

L. Lee Boyer

by L. L. Boyer, Chairman

Arizona Small Mine
Operators Association

CHEMICAL ANALYSIS
ASSAYING
GEOLOGICAL SURVEY
AND
PHYSICAL EXAMINATIONS

Superior Assay Office
AND
ORE TESTING LABORATORY
MAIN ST. - SUPERIOR, ARIZONA
L. LEE BOYER, PROP.

OUR MOTTO IS
NO MORE, NO LESS

July 20, 1940

Mr. C. F. Willis
528 Title and Trust Building
Phoenix, Arizona

Dear Mr. Willis:

You will please find enclosed a copy of a letter I am sending to each Council in the county of Pinal.

I am of the opinion that a thing of this kind may hurt us as an organization.

I would like for you to read this letter and have Sam read it and if you are of the opinion that I have taken the proper stand advise these Councils that you have received a copy of my letter and give them your views of the matter.

It seems that Pomeroy has been soliciting our Councils to aid in his behalf, and it appears to me that these Councils are taking the illegal side.

I understand both Walcot and Sam were in Florence the other day and they know a little regarding this matter. May I assure you that my entire interest in this matter is of a protective interest for the organization.

With kindest personal regards, I am,

Very truly yours,

L. Lee Boyer

LLB:rr

PINAL TITLE AND TRUST COMPANY letterhead.

Florence, Arizona
February 6, 1940.

Mr. Ronald J. Ellis,
Florence, Arizona.

Dear Sir:

In accordance with your request we have searched the records in the offices of the County Recorder and of the Clerk of the Superior Court in and for the County of Pinal, State of Arizona, insofar as those records pertain to the following described patented mining claims:

> Gerald Cansler, Survey No. 3483; Long Wedge, Watson, Picket Post, Palace and Tuna Mining Claims, Survey No. 3482, all in the Pioneer Mining District, Pinal County, Arizona,

SINCE the 6th day of April, 1922, and find the following instruments of matters to have been filed or recorded since said date:

1. Patent from the United States of America to the Magma Chief Copper Company, dated April 6, 1922, filed and recorded March 3, 1927, in Book 5 of Mining Deeds at page 36 thereof, conveying the Gerald Cansler lode mining claim, Survey No. 3483, embracing a part of Sec. 26, Township 1 South, Range 12 East.

2. Patent from the United States of America to the Magma Chief Copper Company, dated August 14, 1922, filed and recorded March 3, 1927, in Book 5 of Mining Deeds at page 33 thereof, conveying the Long Wedge, Watson, Picket Post, Palace and Tuna Lode mining claims, Survey No. 3482, embracing a portion of Sec. 25 and 26, Township 1 South, Range 12 East.

3. Civil Case #3447, Charles J. Blackburn, Plaintiff, vs. the Magma Chief Copper Co., a corporation, defendant; cause of Action: To collect debt and foreclosure of lien. Complaint filed December 30, 1921. Judgment assigned by Charles J. Blackburn to E. H. Mead, on April 5th, 1922.

4. Judgment, Case No. 3447, Charles J. Blackburn, Assigned to E. H. Mead, April 5, 1922, vs. Magma Chief Copper Company, entered April 1, 1922, Docketed April 6, 1922, in the office of the Clerk of the Superior Court; for total sum of $2419.79. Judgment endorsed; "Fully satisfied this 11th day of July, 1912, by Sheriff's Return of Sale under execution.".

5. Execution, Charles J. Blackburn, Assignor of E. H. Mead, Plaintiff, vs. the Magma Chief Copper Company, a corporation, Defendant, dated June 14, 1922, filed June 14, 1922, File $124 of Executions. Return shows levy by Sheriff on the above described mining claims.

RJE/2

6. Sheriff's Certificate of Sale of Real Estate on Execution, Charles J. Blackburn, Assignor of E. H. Mead, Plaintiff, vs. The Magma Chief Copper Company, a corporation, defendant, dated July 11, 1922, filed July 11, 1922, as File No. 305 of Certificates of Sale; said certificate having been issued by the Sheriff of Pinal County to E. H. Mead, covering the above described property.

7. Sheriff's Deed, Dated February 15, 1923, filed May 24, 1923, in Book 4 of Mining Deeds at page 149, Enis Thurman, Sheriff of the County of Pinal, State of Arizona, to E. H. Mead.

8. Mining Deed, E. H. Mead, unmarried, to the Magma Chief Consolidated Copper Company, a corporation, dated April 4, 1925, filed and recorded April 20, 1925, in Book 4 of Mining Deeds at page 346 thereof.

9. Articles of Incorporation, Magma Chief Consolidated Copper Company, by Geo. B. Thatcher, Wm. Woodburn, and M. H. Murphy, Incorporatos, Dated March 18, 1922, Filed June 21, 1924, in Book 3 of Articles of Incorporation, at page 445 thereof.

10. Assignment of Certificate of Purchase, Pinal County Treasurer to K. Pomeroy, filed January 6, 1940, Tax Ledger #1, Cert. #115. Certificate had been issued to State of Arizona for delinquent taxes. Assigned to K. Pomeroy on January 6, 1940.

11. Realty Mortgage, K. Pomeroy and Cassie J. Pomeroy, his wife, to K. B. Pomeroy, F. K. Pomeroy, A. T. Millett, and L. A. Stapley, dated January 6, 1940, filed January 8, 1940, in Book 30 of Mortgages at page 389 thereof. Given to secure the payment of the sum of $811.05, with 6% interest per annum, $300 due Feb. 7, 1940; and balance July 7, 1940.

12. Treasurer's Deed, Ruth J. Branaman, Treasurer of the County of Pinal, State of Arizona, to State of Arizona, dated December 21, 1939, filed and recorded January 12, 1940, in Book 6 of Mining Deeds at page 340 thereof.

CAUTION: Young attention is called to the rights of any and all persons in possession of said property.

LAAbility under this report limited to $10.00.

No search made as to taxes.

Yours very truly,

Secretary.

CWS:mm

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF PINAL

K. POMEROY,

Plaintiff,

vs.

THE COUNTY OF PINAL, STATE OF ARIZONA, and ENIS THURMAN, W. C. SMITH and J. W. SPRAY, constituting the Board of Supervisors of the County of Pinal, State of Arizona.

Defendants.

No. 6439

ANSWER

Comes now the defendants, County of Pinal, State of Arizona, and Enis Thurman, W. C. Smith, and J.W. Spray, constituting the Board of Supervisors of the County of Pinal, State of Arizona, by their attorney, W. C. Truman, and for answer to the plaintiff's complaint, admits, denies, and alleges as follows, to-wit:

I.

Admits the allegations contained in Paragraph I of Plaintiff's Complaint;

II.

Admits the allegations contained in Paragraph II of Plaintiff's Complaint;

III.

Denies each and every, all and singular the allegations contained in Paragraphs III, IV, V, and VI of Plaintiff's Complaint, except as hereinafter admitted; and in connection therewith alleges as follows, to-wit:

That on or about the 7th day of November, 1939, and more than five (5) years after the date of the sale for delinquent taxes, at which sale the Treasurer's Certificate of Purchase mentioned in Paragraph II of Plaintiff's Complaint was issued, the Board of Supervisors of Pinal County, Arizona, pursuant to Chapter 103 of the 1931 Session Laws of the State of Arizona, directed the County Treasurer of Pinal County, Arizona, to take the necessary steps to obtain a Treasurer's Deed to the property covered by said Treasurer's Certificate and described in Plaintiff's Complaint; That pursuant to the direction of the Board of Supervisors,

as set out above, the County Treasurer of Pinal County, Arizona, did publish in two consecutive weekly issues of the Arizona Blade Tribune, the official newspaper of the County of Pinal, State of Arizona, at said time, a notice that the State of Arizona had applied for a Treasurer's Deed, and that unless said property be redeemed before the 12th day of December, 1939, a Treasurer's Deed would be issued to the State of Arizona; which notice was in the form specified in Section 50 of Chapter 103 of the 1931 Session Laws of the State of Arizona; That said notice was published in two consecutive weekly issues of said newspaper; that is, on the 10th day of November, 1939, and on the 17th day of November, 1939; That said property was not redeemed from said tax sale within the time allowed by law or at all, and that on the 21st day of December, 1939, the County Treasurer of Pinal County, Arizona, pursuant to said notice and pursuant to the statutes in such case made and provided, did issue to the State of Arizona a Treasurer's Deed in the manner and form specified in Section 51, Chapter 103 of the 1931 Session Laws of the State of Arizona, conveying the following described patented mining claims, to-wit: The following described property situated in the Pioneer Mining District in Sections 25 and 26, Township 1 South, Range 12 East of the Gila & Salt River Base and Meridian, Pinal County, Arizona, to-wit: Patented Mining Claims known as: "Gerald Cansler", "Lone Wedge", "Palace", "Picket Post", "Tuna", and "Watson", which are the claims covered by the Treasurer's Certificate of Purchase mentioned in Plaintiff's Complaint and which claims were described in the notice published by the County Treasurer as above set out; That said deed was recorded in the Office of the County Recorder of Pinal County, State of Arizona, in Book 6 of Mining Deeds, at Page 340 thereof; that on the 3rd day of January, 1940, the Board of Supervisors of Pinal County, Arizona, pursuant to Section 52 of Chapter 103 of the 1931 Session Laws of the State of Arizona, prepared a list and notice of sale of the property at that time held by the State of Arizona by tax deed. That said list and notice contained the property described in Plaintiff's Complaint and hereinabove described; That said notice and list gave a full description of each tract, together with the name of the former owner thereof and the total amount of taxes, interest,

penalties, and costs, including the unpaid charges of the County Treasurer and Recorder, and was advertised for sale at private sale at the Office of the Board of Supervisors of Pinal County, Arizona; That said list and notice of sale was published in the Arizona Blade Tribune, a newspaper published in the County of Pinal, State of Arizona, for four (4) weeks as directed by the Board of Supervisors of Pinal County, Arizona, the first publication thereof having been made on the 5th day of January, 1940, and the last publication thereof having been made on the 26th day of January, 1940; That said list and notice was posted in two or more public places in each election precinct wherein any of said real estate was situated and by keeping such notice and list as revised from time to time continuously posted in the office of the Board of Supervisors of Pinal County, Arizona; in the Sheriff's Office of Pinal County, Arizona; and at the front door of the Pinal County Court House in the Town of Florence, Arizona; That said list and notice as published and posted provided that said property included in said list and notice would be sold at private sale in the office of the Board of Supervisors of Pinal County, Arizona, in the Court House, in the Town of Florence, Arizona, on the 5th day of February, 1940; That on the 6th day of January, 1940, Ruth J. Branaman, who was at said time the duly elected and qualified Treasurer of the County of Pinal, State of Arizona, through inadvertence and mistake and without authority of law, for and in consideration of the sum of $1811.05, the payment of which was made as follows, to-wit: 1. Check signed by Kent B. Pomeroy--$300.00; 2. Check signed by A. T. Millett--$511.05; 3. Cashier's check, Valley National Bank to K. Pomeroy and endorsed by said K. Pomeroy--$1000.00, which checks were deposited by the said K. Pomeroy with the said Ruth J. Branaman in payment of the whole amount which would have then been due under such Certificate of Purchase, including the interest, penalties, and charges, and the additional payment by said plaintiff of the whole amount of all subsequent taxes assessed upon said property, and the further sum of 50¢ for making such assignment, did purport to sell, assign, and deliver to the plaintiff, K. Pomeroy, Treasurer's Certificate of Purchase No. 115, which was the Treasurer's Certificate of Purchase mentioned in

Plaintiff's Complaint and hereinabove mentioned. That said Certificate of Purchase was delivered to the plaintiff, K. Pomeroy, by the said Ruth J. Branaman, and was recorded in the office of the County Recorder of Pinal County, Arizona, as alleged by plaintiff in plaintiff's complaint. That on or about the 11th day of January, 1940, the said Ruth J. Branaman, Treasurer as aforesaid, discovered that the Certificate which she purported to assign to the plaintiff, K. Pomeroy, had theretofore and on the 21st day of December, 1939, been paid, cancelled, satisfied and redeemed by the issuance of the Treasurer's Deed, as above set out. That at said time the said Ruth J. Branaman, did immediately notify the plaintiff, through his attorney, D. V. Mulhern, of the mistake so made and demanded the return of the Certificate above mentioned and notified said plaintiff, through his attorney, D. V. Mulhern, that she was holding the money paid to her by the said plaintiff for the assignment of said Certificate and would return the same to the plaintiff upon the return of the Certificate of Purchase so erroneously assigned to the said plaintiff; that said plaintiff has failed and refused and still fails and refuses to return the Certificate of Purchase as demanded by the said Ruth J. Branaman; That on the 2nd day of February, 1940, said Ruth J. Branaman, as Treasurer of Pinal County, Arizona, received a letter from one, A. T. Millett, whose check was deposited with her as partial consideration for the assignment of said Certificate as above set out, by which letter said A. T. Millett demanded that the proceeds of said check be returned to him, a copy of which letter is attached hereto and made a part of this answer; That the said Ruth J. Branaman now holds in her hands, subject to the order of plaintiff and this court the money so paid by said plaintiff in consideration of the purported assignment of said Certificate of Purchase as above set out.

WHEREFORE, defendants having fully answered pray that the temporary restraining order heretofore issued herein be dissolved; That the assignment of said Certificate as set out in defendant's answer be set aside as erroneous and issued without authority of law; That

plaintiff be ordered to return to the County Treasurer of Pinal County, Arizona, said Treasurer's Certificate of Purchase; That the court determine the ownership of the money paid to the County Treasurer of Pinal County, Arizona, in consideration of the purported assignment of said Treasurer's Certificate of Purchase; and that the defendants have their costs herein incurred and their damages resulting from the wrongful issuance of the restraining order; and for such other and further relief as to the court may seem just in the premises.

W. C. TRUMAN, Attorney for defendants.
Florence, Arizona.

STATE OF ARIZONA)
) ss.
COUNTY OF PINAL)

W. C. TRUMAN, being first duly sworn, deposes and says:

That he is the County Attorney of Pinal County, State of Arizona, and as such is the attorney for the defendants in the above entitled matter; that he has read the above and foregoing answer and knows the contents thereof; that the matters and things therein alleged are true of his own knowledge, except as to those matters therein stated upon information and belief and as to those things he believes them to be true.

W. C. TRUMAN

Subscribed and sworn to before me this _____day of February, 1940.

Notary Public

My commission expires:

_____

EXHIBIT "A"

Rt. 2, Box 102
Mesa, Arizona
January 31, 1940

Mrs. Ruth J. Branaman
Treasurer, Pinal County
Florence, Arizona

Dear Mrs. Branaman:

You will recall our conversation in your office on January 17 when I requested the return of my check in the amount of $511.05, dated January 3, 1940, which, when given to you, was intended to aid in the satisfaction of tax liens against six patented mining claims near Superior for the consideration of a mortgage on these claims. I am again requesting the return of the proceeds of this check.

Under no circumstances should the proceeds of the check be remitted to any other person than me, or any disposition whatever be made of the proceeds, except being refunded to me, without my written consent.

Very truly yours,

(Signed) A. T. Millett

A. T. Millett

DEPARTMENT OF M[illegible]RAL RESOURCES

News Items

Date December 1[illegible], 1939.

Mine Magma Chief

Location Superior, Arizona.

Owner ?? Pomeroy

Address Mesa, Arizona.

Operating Co.

Address

Pres.

Genl. Mgr.

Mine Supt.

Mill Supt.

Principal Metals Gold, silver, copper

Men Employed About 16

Production Rate 2 Cars per wk. or more

Mill, Type & Capacity

Power, Amt. & Type

Signed [signature]

(Over)

Present Operations Work has only recently been started on this property, but good ore has been opened up and stoping started at a depth of 70 or 80 feet from the surface.

New Work Planned

All mining now being done by hand, but it is planned to install machinery in the near future.

Miscl. Notes

Oct. 31, 1932 – Date of "Treasurers Certificate of Purchase"
(Affidavit Posting & Publication of Record in County Recorders office.)

Nov. 7, 1939 – Direction of Board to County Treasurer to advertise for Deed.
(Letter to Ruth Branaman Treasurer)

Nov. 10, 19, 1939 Publication of notice of application for deed.
(aff. of Blade Tribune as to Pub.)

Dec 21, 1939 Treasurers Deed to ~~State~~ of Ariz.
(Recorded Book C, mining deeds P. 340 Jan 12, 1940 – 11:30 A.M.)

Jan 3, 1940 Prepare list & notice of Sale of property held by tax deed &
(Resolutions of Board – Jan 3, 1940 meeting)

Jan 5, 12, 19, 26, 1940 – Publication of list & notice of Sale.
(aff. of Blade Tribune as to Pub)

Jan (6) 1940 – Purported assignment of treasurers certificate of Purchase from State of Ariz. to K. Pomeroy &
(Purported assignment was made without authority of law, and after certificate was cancelled by issuance of Treasurers deed.)

Jan — 1940 – Telephone call Treasurer to D. V. Mulhern (atty for K. Pomeroy) notice of mistake & demand to return Certificate & tender of money.

Jan. 31, 1940 – Letter from A. T. Willett, demand that check be refunded to him.
(copy letter in file)

Feb. 5, 1940 – at 11 A.M. property to be sold, (as per notice)

Feb. 5 1940 – at 10 A.M. Injunction issued against Pinal County – trying Sale.
(W. Pomeroy v.s. The County of Pinal, et al. #6438.

Title Report – showing ownership of claims –
(Title Feb. 6, 1940)

( )

300 ←
911.05 ←
1000.00 ←

(811.05