

NO VALID CLAIM TO CLIPPERTON GUANO.

STATE DEPARTMENT OPINION

OCEANIC PHOSPHATE COMPANY LOSES

The Island Declared to be French Property — Uncle Sam has No Title.

Washington, January 28- The State Department has rendered an opinion that the Oceanic Phosphate Company has no valid claim to the guano deposits of Clipperton island ; that the United States has never had any basis for a claim to the island. In addition to this Oceanic Company has never perfected its own filing upon the phosphates. Secretary Sherman says in his letter to Senator Perkins, announcing the decision, that France has claimed the island by reason of discovery in 1709 and by the raising of her flag over the island in 1858. Going further, it is said the statutes governing such cases have not been complied with in the case of Clipperton island, and consequently there is no standing for the United States and the Californian corporation.

In explanation of the decision there is inclosed a letter from Assistant Secretary Adee to the Postoffice department. Written in 1895, when there was a question of extending the postal service to Clipperton island. It set forth that in 1892 Frederick W. Permian of San Francisco filed an affidavit setting forth that on July 4, 1898, while on the schooner Caleb Curtis, he discovered a deposit of guano on an island put down on the charts as Clipperton island. Soon after Shafter Howard, as president of the Stonington Phosphate Company, filed three affidavits setting forth Permian's discovery and saving that, though this was not the first time the island had been touched, yet Permian was the first man to land in years, and undoubtedly found guano.

In May, 1893, Melvin Chapman, as president of the Oceanic Phosphate Company, laid claim to the island under Permian's discovery and assignment, but nothing on file at the department showed the change of interests.

No further action was taken after this, so the State Department held that there was no claim to the island by the United States and no mail service was necessary.