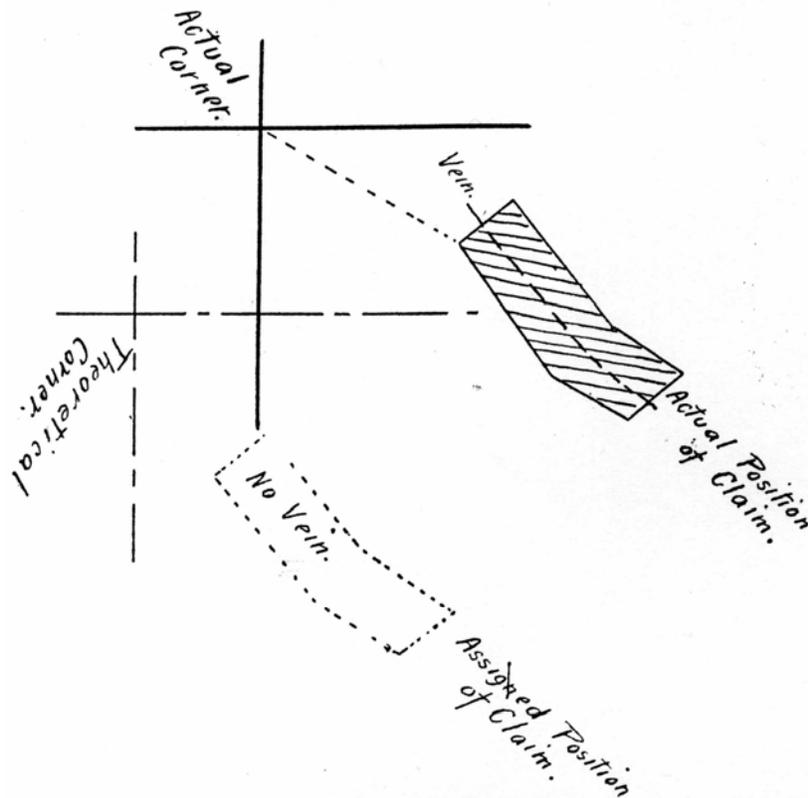


## THE GROVES CASE

Editor Mining Reporter:

Dear Sir—The recent rulings of the Department of the Interior in regard to the status of patented mining claims have such radical tendencies, so entirely change the laws relating to mining and so completely ignore all court decisions that I think we may assume that they will never be carried into effect. Still, when those who have the best interests of the mining industry at heart and the best mining lawyers in the state of Colorado have practically stated they could do nothing with the Land Department, it behooves all those who have any mining interests to take up the matter vigorously and by concerted action compel the land office to change its position. Surely the mining industry has sufficient difficulties to contend with at the present time without having annoying doubts as to the validity of titles.

I understand the present position of the land office to be this. The actual boundaries of patented mining claims must be actually conformable to the positions assigned to them on the land office maps regardless of the positions of the monuments on the claim. On its face the ruling seems fairly harmless, but in fact it will change positions of claims and tangle up titles to such an extent that the entire industry would be paralyzed if it is allowed to stand. The crux of the whole matter is that the official survey maps of the land office show the section and other corners to



be in certain positions. The patent survey shows the claim to have a certain course and a certain distance from the nearest public survey corner. It is platted accordingly. Now the public survey corner as set up may be, and, indeed, generally is, from a few feet up to several hundred feet out of position. Hence the deputy mineral surveyor's plat, if transferred, without correction, to the land office maps, will be in error, through no fault of his. In plain English, therefore, the land office thinks the patentee has bought from the government one piece of land, whereas the latter thinks he has patented quite a different piece. ***Who is to blame?*** The fact of the matter is that the public survey of government land has been made in a notoriously slipshod manner; much of it we believe has been done by contractors who have often adopted hasty methods in locating section and other corners. The result is that the so-called official maps are mere parodies of the actual conditions on the ground. This is a matter that the department is entirely to blame for. **To confiscate property because of a department error is working a monstrous injustice on the bona fide locator of mineral land.** Besides, the land office gives absolute instructions to its officers, the deputy mineral surveyors, to tie the mining claim to the public survey corners. In the instructions to surveyors the land office says: "Corner No. 1 of each location embraced in a survey must be connected by course and distance with nearest corner of the public survey . . . if the claim lies within two miles of such corner." **To nullify a patent because the corner placed by the department does not conform to a certain theoretical department map seems to be as an absurd a ruling as ever was issued even by the land office.**

The basis of all mining patents is the discovery of mineral in place. Without that there can be no mineral location made. The law as interpreted by innumerable decisions throws many safeguards around the mineral discoverer. He is not required to make accurate surveys and he is even protected if the location monuments are so placed as to take in too much of the vein or land covered by such location. Provided the locator has not grossly overstepped the limits set up by the mining law. Now comes the land office and because its Jim Crow survey does not conform to certain pretty maps, declares that thousands of patented claims, also surveyed under its auspices, are in public domain and open to relocation! In many instances even the actual place of discovery is taken from the man who found the mineral, or his assignees, and given to other parties. It is a rank subversion of the mining laws or legal decisions under which all mining property has ever been acquired.

If the decision is allowed to stand no property in the West is safe. I imagine that even our large cities and farms must come under it. It would be a disaster before which all the damage caused by strikes and fake promoters would be as nothing. But it certainly cannot stand. The interests involved are too great to be imperilled by hasty and arbitrary proposals of the land office. **Right and justice must prevail.** Yours truly, A. W. WARWICK.

Denver, Dec. 21, 1903.