

(CIRCULAR)

U.S. Surveyor General's Office,  
Denver, June 20.th, 1899

The following letter received from the Honorable Commissioner of the General Land Office is published for the information of applicants for surveys of mineral claims:-

C. C. Goodale,  
Surveyor General.

Department of the Interior,  
General Land Office,  
Washington, D. C., June 17, 1899

U. S. Surveyor General,  
Denver, Colorado.

Sir:-

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When a mining claim has been surveyed and patented in accordance therewith, the land described therein is disposed of and so long as the patent is outstanding, the jurisdiction of the Department in regard to that particular tract is terminated. It therefore follows that land thus patented cannot be properly included in a subsequent patent, merely because years afterwards a deputy mineral surveyor in making a subsequent survey reports to have found the true corners of the old survey to occupy a different position from that reported in the survey which was the basis for patent of the old claim. And the same thing is true asto reported discrepancies asto the length and courses of lines of prior approved surveys.

Where such a state of things actually exists the owner of the new claim applied for, who desires to include an area in his claim, conveyed in a patent of an older claim, which as a matter of fact is not embraced in the lines of the old claim as staked upon the ground, should procure the surrender of the old patent by the proper method, through the courts if necessary, and then show in a new patent of the old claim its true position as staked and thus eliminate from the patent the areas desired not in conflict.

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Very respectfully,  
Binger Herman,  
Commissioner.