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DEPARTMENT OF THE INTERIOR

GENERAL LAND OFFICE,

WASHINGTON, D. C., June 17, 1899.

N.
p.a.B

ADDRESS ONLY THE
COMMISSIONER OF THE GENERAL LAND OFFICE.

U.S. Surveyor General,
Denver, Colorado,

Sir:

In the matter of Denver Colorado, mineral entry No. 537, made
January 17, 1899, by The Annetta Mining and Milling Company, for the
Silver Pine, Edison and Portia lode claims, survey No. 12577, I am in
receipt of your letter of the 5th inst, inclosing in response to
office letter N. of the 20th ultimo, two sketches showing survey No.
12577 in conflict with the patented Hood survey No. 540, as the Hood
is reported to be staked upon the ground by the deputy surveyor who
made survey No. 12577, and also the conflict as it would exist, if the
Hood claim was shown on survey No. 12577, as it, the Hood, was surveyed
and patented.

See S. O. Enclosures

In your letter you state in explanation as to why the survey
and plat of No. 12577 was approved, with the record of the Hood survey
in your office, disclosing that survey No. 12577 did not show the
Hood as surveyed and patented,

that this (your) office at that time, appears to have followed a
practice in vogue for years, to wit: to describe the relative posi-
tions of the conflicting and adjacent surveys, upon the plats and in
the field notes, as they actually exist upon the ground, without
regard to whether patent had issued thereon or not and regardless
as to whether these positions agree with the description of the land
embraced in the patent.

The practice referred to by you of disregarding the records
of approved conflicting surveys, if you have not already discontinued,

you will in the future discontinue accepting this as authority therefor.

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 as to reported discrepancies as to 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 area desired not in conflict.

In the case under consideration the Hood claim is patented and the area so patented is disposed of and as a result, the Hood conflict with survey No. 12577, must be shown in survey No. 12577, in accordance with the Hood survey and patent.

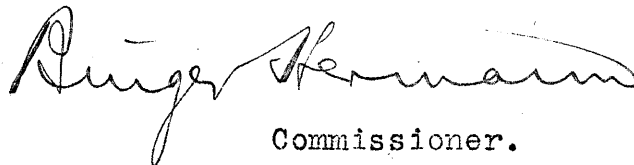
Notify claimant that an amended survey is required to show the conflicting Hood as patented and that sixty days will be allowed within which to take steps necessary to comply herewith or to appeal herefrom, and that in default the entry will be canceled without further notice from this office.

Conflicts other than with the Hood will likewise be shown in accordance with the ruling herein made.

In due time report hereon transmitting evidence of service of notice.

Address of claimant is W.B. Hoover, president and attorney in fact, P.O. box No. 804, Denver, Colorado.

Very respectfully,


Commissioner.

A.S.S.

180-418

27879

JUN 30 1899
RECORDED
INDEXED

Dec 7a 12579.

Simon P. Burt

Leak.

Dec 20 1899

Chambers, 17th St

June 22, 1899 Rg R. R. 27879

Aug 3, 1899, application

R. R. and other persons

July 2, 1900, R. R. C. I. B. L. L.

4505 Caledonia property

July 6, 1900, R. R. R. R.

R. R. 8203 as evidence

of service and report

that same have been

refused

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