

A NEW COURSE OF ACTION

Below we publish a letter received by Mr. W. B. Mugford of this city from Register Crookshank of the U. S. Land Office at Los Angeles, and the letter transmitted to him by the commissioner of the general land office at Washington, D. C. Mr. Crookshank's letter instructs Mr. Mugford that his land entry was made according to the Imperial survey, and is therefore incorrect, and notifies him to make application within 60 days to have his entry amended to correspond with the government survey of 1856. The land commissioner's letter, in pursuance of which Register Crookshank's letter was written, relates to matters concerning the attempt to correct the survey of the Brawley tract made in 1902. When the Imperial Land Co.'s survey was completed to the north line of township 14 south, range 14 east, it was found to still be about one mile distant from the south line of township 13 south, range 14 east, and the east line of said township was found to be two miles west from the west line of township 14 south, range 15 east, as established by the Eastside or Bothwell survey.

Upon the establishing of the fact that the Bothwell survey was the correct one and accorded with the old government survey of 1856, a considerable number of the entrymen in the Brawley tract applied to amend their entries to correspond with said Bothwell survey. An entry can not be amended unless the numbers asked for are vacant, so, for that reason it is necessary for Mr. Mugford to apply to have his entry amended in order that his numbers may be applied to the lands two miles east and one mile north from his land, to which lands his numbers properly belong. Of course the parties on the SW $\frac{1}{4}$ of Sec. 27, Tp. 14 S., R. 13 E., will have to amend to read SW $\frac{1}{4}$ of Sec. 32, Tp. 14 S., R. 13 E., S. B. M., in order to correct their numbers. If this is the method by which the erroneous survey of the Imperial Land Co. is to be corrected, it will result in every entrymen who located under that survey, being compelled to amend his entry. This letter of the commissioner and Mr. Crookshank's instructions to Mr. Mugford indicates that this will be the course of the government in untangling the muddle in which people were plunged by the Imperial survey. This method will avoid any conflict between the government and the owners of school lands, but the individual located on school lands by the Imperial Land Co. will be the loser. The letters are as follows, and we believe are but the forerunners of a number of others:

DEPARTMENT OF THE INTERIOR,
U. S. Land Office, Los Angeles, Cal.,
February 23, 1905.

Mr. Wm. B. Mugford,
Care S. B. Vermillion, San Diego, Cal.

SIR: In reference to your homestead entry made November 24, 1901, for SW $\frac{1}{4}$, section 24, township 14 S., range 13 E., you are advised that under date of January 5, 1905, the Honorable Commissioner of the general land office requires that you be notified of an error existing between the survey by the Imperial Land Company and the government survey of said township. A copy of said letter is inclosed, and your attention is especially directed to the last clause but one upon page 3 of said letter, and you are specially requested to apply to amend your said entry to read SW $\frac{1}{4}$ of section 27, township 14 south, range 13 east, S. B. M., as suggested in said letter. Sixty days from notice are allowed

within which to comply with the requirements of the commissioner, or to appeal from his decision to the Honorable Secretary of the Interior, and upon your failure to take action within the time specified the case will be reported for appropriate action. A copy of the decision is enclosed. Very respectfully,
A. J. CROOKSHANK, Register.

COMMISSIONER'S LETTER

REGISTER AND RECEIVER,

Los Angeles, Cal., Jan. 5, 1904.

GENTLEMEN: H. May Pearsall made Desert Land Entry 1461, August 22, 1901, for W $\frac{1}{2}$ Sec. 10, T. 14 S., R. 14 E., assigned February 24, 1904, to Ada S. Lentz.

May 7, 1903, Pearsall filed her application for the amendment of her entry, alleging in her affidavit of May 17, 1903, corroborated, that prior to entry, having been informed that a survey of this and other lands had been made under the direction of the Imperial Land Co. and being shown a map thereof, on which the tract examined by her was designated as the W $\frac{1}{2}$ Sec. 10, her claim was placed on record accordingly; that, thereafter, rumors reaching her of an error in the survey, she employed surveyors to go over the land who ascertained, definitely, that the tract so designated was the W $\frac{1}{2}$ of Sec. 17, that she asked amendment accordingly.

She stated further, that the tract applied for was covered by the entry of William H. Horne, who, having been in like manner deceived, is willing and desirous of amending the error made in his case.

She alleged that she had not sold, nor agreed to sell, the land entered.

A copy of an affidavit by H. Clay Kellogg, is appended, dated March 24, 1902, to the effect that, having been employed recently, by parties connected with the Imperial Water Co. No. 4, to determine the lines of the official surveys of Tps. 13 and 14 S., R. 13 and 14 E., he had established conclusively the fact that the survey made for the Imperial Company was in error, the lands actually located by the parties entering thereunder, being one mile south and two west of those entered by them.

The record shows that Horne made desert land entry No. 1513 September 25, 1901, for the W $\frac{1}{2}$, Sec. 17.

In order that the amendment applied for by Pearsall be allowed, that of Horne must, previously be granted.

The tract one mile south and two west of that entered by the latter is the W $\frac{1}{2}$, Sec. 24, Twp. 14 S., R. 13 E., the E $\frac{1}{2}$ of NW $\frac{1}{4}$ of which is covered by desert land entry No. 2372, by Louis E. Amerman, dated November 11, 1903, and the SW $\frac{1}{2}$ by homestead entry No. 9772, by William B. Mugford dated November 18, 1901.

The tracts situated at the distance named from these two claims, to which, following the course indicated in these amendment applications, amendments should be allowed are the E $\frac{1}{2}$ of NW $\frac{1}{4}$ Sec. 27, and the SW $\frac{1}{4}$, Sec. 27, respectively, these, with the exception of the NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 27, being embraced in desert land entry No. 2536 by Mary L. Shepherd, dated February 5, 1904.

It is seen from this statement that unless all the parties named procure amendment successively of their entries as of record, an amendment in no one instance can be authorized by reason of the appropriation of the tracts to which amendment should be sought.

The townships named are among those in which resurvey was authorized by act of July 1, 1902 (32 Stat., 728). The suspension ordered thereunder by letter "E" of July 26, 1902, was revoked by telegram "E" of August 12, 1902.

It is directed that you notify the entrymen named herein of the error alleged to have been made in placing their claims of record and suggesting the procedure for its correction.

They should be requested specifically to apply for amendment in the manner prescribed in such cases. Thereafter report action taken.

The question of the amendment of the entry assigned to Lenz must remain in abeyance, awaiting action by the entrymen named. Very respectfully,

W. A. RICHARDS,
Commissioner.

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