

## **DEPARTMENT OF INTERIOR LAND DECISIONS THAT CORRECTED THE PROBLEMS INHERENT IN THE BINGER HERMANN POLICY**

Two situations must be dealt with separately to correct the problems created by the Binger Hermann Policy.

The first is the situation where there is a real conflict between two claims on the ground, but the theoretical positions show no conflict. This situation is dealt with in the Sinnott v. Jewett land decision.

The second is the situation where there is no real conflict between the two claims on the ground, but the theoretical positions do show a conflict (e.g. in the "expressly excepting and excluding" clause of the patent). This situation is dealt with in the Drogheda & West Monroe Extension land decision (included in Paragraph 147 revision of the Mining Circular).