



TECHNICAL NOTE

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Bureau of Land Management U.S. DEPARTMENT OF THE INTERIOR

Subject: Mining Claims, Non-mining use, injunction

Reference: U. S. v. Nogueira, 403 F.2d 816, (C. A. 1968).

Summary:

The Court

1. Upheld the right of the U. S. to go to court "to vindicate its rights to title, its rights to possession or damages for waste or trespass upon the land"
2. Could decide on good faith of the claimant without passing on the validity of the claim.
3. Held that the Government can prohibit occupation of a mining claim and collect damages for past trespass where the land is not being used for mining purposes, regardless of whether or not the claim was valid.

Please send any additional references on this subject or other minerals subjects to DSC (D-310). If the complete article or publication is needed, DSC (D-310) will attempt to obtain a copy or a loan for you.