

TITLE XXXII.

THE PUBLIC LANDS.

CHAPTER ONE.

SURVEYORS AND DEPUTY SURVEYORS.

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| <p>Sec.
2207. Surveyors-general, how and where appointed.
2208. Salary of, in Louisiana, Florida, Minnesota, Nebraska, Iowa, and Dakota.
2209. Salary of, in Oregon and Washington.
2210. Salary of, in Colorado, New Mexico, California, Idaho, Nevada, Montana, Utah, Wyoming, and Arizona.
2211. Salaries of, in Florida, Oregon, and California, how and from what time payable.
2212. Offices, number and location of.
2213. Offices, location of, in Minnesota, Idaho, Nebraska, and Iowa.
2214. Residence of surveyor-general.
2215. Bond of surveyor-general.
2216. New bond of, and additional security.
2217. Duration of office.
2218. Completion of surveys, delivery of field-notes, &c.
2219. Devolution of surveyor-general's powers upon Commissioner of Land-Office, when.
2220. Free access to field-notes, &c., delivered to States.</p> | <p>Sec.
2221. Conditions of delivery of field-notes to the States.
2222. Continuance of duties after expiration of commission.
2223. General duties of surveyors-general.
2224. Seals of surveyors-general of California, Oregon, and Louisiana, transcripts from records of.
2225. Transcripts from records of Louisiana.
2226. Clerk-hire, allowance of, to surveyors-general.
2227. Office-rent, allowance of, to surveyors-general.
2228. Duties of register and receiver performed by surveyor-general.
2229. Official papers, &c., in office of surveyor-general of California; copies thereof.
2230. Bond of deputy surveyor.
2231. Oath of deputy surveyor.
2232. Suit on bond of deputy surveyor, lien of.
2233. Penalty for default of deputy.</p> |
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Surveyors-general, how and where appointed. SEC. 2207. There shall be appointed by the President, by and with the advice and consent of the Senate, a surveyor-general for the States and Territories herein named, embracing, respectively, one surveying district, namely: Louisiana, Florida, Minnesota, Kansas, California, Nevada, Oregon, Nebraska and Iowa, Dakota, Colorado, New Mexico, Idaho, Washington, Montana, Utah, Wyoming, Arizona.

3 Mar., 1823, c. 29, s. 7, v. 3, p. 755. 3 Mar., 1831, c. 116, s. 1, v. 4, p. 492. 27 Sept., 1850, c. 76, s. 1, v. 9, p. 496. 3 Mar., 1853, c. 145, s. 1, v. 10, p. 244. 17 July, 1854, c. 84, s. 7, v. 10, p. 306. 22 July, 1854, c. 103, ss. 1, 10, v. 10, pp. 308, 309. 21 Feb., 1855, c. 117, s. 1, v. 10, p. 611. 3 Mar., 1857, c. 107, s. 1, v. 11, p. 212. 28 Feb., 1861, c. 59, s. 17, v. 12, p. 176. 2 Mar., 1861, c. 83, s. 17, v. 12, p. 214. 2 Mar., 1861, c. 86, s. 17, v. 12, p. 244. 29 June, 1866, c. 156, v. 14, p. 77. 4 July, 1866, c. 166, s. 4, v. 14, p. 85. 28 July, 1866, c. 311, s. 1, v. 14, p. 344. 2 Mar., 1867, c. 179, s. 1, v. 14, p. 542. 16 July, 1868, c. 175, s. 1, v. 15, p. 91. 5 Feb., 1870, c. 14, s. 2, v. 16, p. 65. 11 July, 1870, c. 246, v. 16, p. 230. 8 May, 1872, c. 140, s. 1, v. 17, p. 76. 3 Mar., 1874, c. 43, v. 18, p. 18. 24 April, 1874, c. 127, v. 18, p. 34. 20 June, 1874, c. 340, v. 18, p. 121. 20 June, 1874, c. 341, v. 18, p. 122. 20 June, 1874, c. 342, v. 18, p. 123. 22 June, 1874, c. 415, v. 18, p. 201. 28 Jan., 1875, c. 26, v. 18, p. 303. 9 Aug., 1876, c. 256, v. 19, p. 126. 15 Aug., 1876, c. 307, v. 19, p. 207.

Salary of, in Louisiana, Florida, Minnesota, Nebraska, Kansas, Iowa, and Dakota. SEC. 2208. The surveyors-general of Louisiana, Florida, Minnesota, Kansas, Nebraska and Iowa, and of Dakota Territory, shall each receive a salary at the rate of two thousand dollars a year.

3 Mar., 1823, c. 29, s. 7, v. 3, p. 755. 3 Mar., 1831, c. 116, s. 5, v. 4, p. 493. 2 Mar., 1861, c. 86, s. 17, v. 12, p. 244. 8 May, 1872, c. 140, s. 1, v. 17, p. 76.

Salary of, in Oregon and Washington. SEC. 2209. The surveyors-general of Oregon and of Washington shall each receive a salary at the rate of two thousand five hundred dollars a year.

27 Sept., 1850, c. 76, s. 2, v. 9, p. 496. 14 Feb., 1853, c. 69, s. 4, v. 10, p. 158. 3 Mar., 1853, c. 145, s. 11, v. 10, p. 248. 17 July, 1854, c. 84, s. 7, v. 10, p. 306. 3 Mar., 1855, c. 175, s. 26, v. 10, p. 674. 30 May, 1862, c. 86, s. 9, v. 12, p. 410. 8 May, 1872, c. 140, s. 1, v. 17, p. 76.

SEC. 2210. The surveyors-general of Colorado, New Mexico, California, Idaho, Nevada, Montana, Utah, Wyoming, and Arizona, shall each receive a salary at the rate of three thousand dollars a year.

Salary of, in Colorado, New Mexico, California, Idaho, Nevada, Montana, Utah, Wyoming, and Arizona.

3 Mar., 1853, c. 145, s. 1, v. 10, p. 244. 22 July, 1854, c. 103, s. 1, v. 10, p. 308. 21 Feb., 1855, c. 117, s. 1, v. 10, p. 611. 28 Feb., 1861, c. 59, s. 17, v. 12, p. 176. 2 Mar., 1861, c. 83, s. 17, v. 12, p. 214. 30 May, 1862, c. 86, s. 9, v. 12, p. 410. 29 June, 1866, c. 156, v. 14, p. 77. 4 July, 1866, c. 166, s. 4, v. 14, p. 85. 2 Mar., 1867, c. 179, s. 1, v. 14, p. 542. 16 July, 1868, c. 175, s. 1, v. 15, p. 91. 5 Feb., 1870, c. 14, s. 2, v. 16, p. 65. 11 July, 1870, c. 246, v. 16, p. 230. 8 May, 1872, c. 140, s. 1, v. 17, p. 76.

SEC. 2211. The salary of each surveyor-general of Florida, Oregon, and California shall be paid quarter-yearly, and shall commence from the time he enters into bond, as provided by law.

Salaries of, in Florida, Oregon, and California, how and from what time payable.

3 Mar., 1823, c. 29, s. 7, v. 3, p. 756. 27 Sept., 1850, c. 76, s. 2, v. 9, p. 496. 3 Mar., 1853, c. 145, s. 1, v. 10, p. 244.

SEC. 2212. There shall be but one office of surveyor-general in each surveyor-general's district; and such office shall be located as the President, in view of the public convenience, may from time to time direct, except as provided in the following section.

Offices, number and location of.

SEC. 2213. The surveyor-general's office for Minnesota district shall continue to be located at the city of Saint Paul; that for Idaho Territory, at Boise City; and that for the district of Nebraska and Iowa, at Plattsmouth, in Nebraska.

2 July, 1864, c. 210, s. 8, v. 13, p. 352.

Offices, location of, in Minnesota, Idaho, Nebraska, and Iowa.

3 Mar., 1857, c. 107, s. 1, v. 11, p. 212. 29 June, 1866, c. 156, v. 14, p. 77. 28 July, 1866, c. 311, s. 1, v. 14, p. 344.

SEC. 2214. Every surveyor-general, while in the discharge of the duties of his office, shall reside in the district for which he is appointed.

Residence of surveyor-general.

3 Mar., 1843, c. 100, s. 1, v. 5, p. 637.

SEC. 2215. Every surveyor-general shall, before entering on the duties of his office, execute and deliver to the Secretary of the Interior a bond, with good and sufficient security, for the penal sum of thirty thousand dollars, conditioned for the faithful disbursement, according to law, of all public money placed in his hands, and for the faithful performance of the duties of his office.

Bond of surveyor-general.

7 May, 1822, c. 118, s. 1, v. 3, p. 697.

Farrar v. U. S., 5 Pet., 373.

SEC. 2216. The President is authorized, whenever he may deem it expedient, to require any surveyor-general to give a new bond and additional security, under the direction of the Secretary of the Interior, for the faithful disbursement, according to law, of all money placed in his hands.

New bond of, and additional security.

7 May, 1822, c. 118, s. 3, v. 3, p. 697.

SEC. 2217. The commission of every surveyor-general now in office, and of every surveyor-general hereafter appointed, shall cease and expire, unless sooner vacated by death, resignation, or removal from office, in four years from the date of the commission.

Duration of office.

7 May, 1822, c. 118, s. 2, v. 3, p. 697.

SEC. 2218. The Secretary of the Interior shall take all the necessary measures for the completion of the surveys in the several surveying-districts for which surveyors-general have been, or may be, appointed, at the earliest periods compatible with the purposes contemplated by law; and whenever the surveys and records of any such district are completed, the surveyor-general thereof shall be required to deliver over to the secretary of state of the respective States, including such surveys, or to such other officer as may be authorized to receive them, all the field-notes, maps, records, and other papers appertaining to land titles within the same; and the office of surveyor-general in every such district shall thereafter cease and be discontinued.

Completion of surveys, delivery of field-notes, &c.

12 June, 1840, c. 36, s. 1, v. 5, p. 384. 31 July, 1876, c. 246, v. 19, p. 121.

SEC. 2219. In all cases where, as provided in the preceding section, the field-notes, maps, records, and other papers appertaining to land-titles in any State are turned over to the authorities of such State, the same authority, powers, and duties in relation to the survey, resurvey, or

Devolution of surveyor-general's powers upon Commissioner of Land Office, when.

22 Jan., 1853, c. 24, s. 1, v. 10, p. 152.

Free access to field-notes, &c., delivered to States.

22 Jan., 1853, c. 24, s. 2, v. 10, p. 152.

Conditions of delivery of field-notes to the States.

22 Jan., 1853, c. 24, s. 3, v. 10, p. 152.

6 June, 1874, c. 223, s. 3, v. 18, p. 62.

Continuance of duties after expiration of commission.

3 Mar., 1853, c. 145, s. 10, v. 10, p. 247.

6 June, 1874, c. 223, s. 3, v. 18, p. 62.

General duties of surveyors-general.

18 May, 1796, c. 29, s. 1, v. 1, p. 464.

29 April, 1816, c. 151, s. 1, v. 3, p. 325.

3 Mar., 1831, c. 116, s. 1, v. 4, p. 492.

3 Mar., 1853, c. 145, s. 3, v. 10, pp. 245, 247.

24 April, 1874, c. 127, v. 18, p. 34.

9 Aug., 1876, c. 256, v. 19, p. 126.

subdivision of the lands therein, and all matters and things connected therewith, as previously exercised by the surveyor-general, whose district included such State, shall be vested in, and devolved upon, the Commissioner of the General Land-Office.

SEC. 2220. Under the authority and direction of the Commissioner of the General Land-Office, any deputy surveyor or other agent of the United States shall have free access to any such field-notes, maps, records, and other papers, for the purpose of taking extracts therefrom, or making copies thereof, without charge of any kind.

SEC. 2221. The field-notes, maps, records, and other papers mentioned in section twenty-two hundred and nineteen, shall in no case be turned over to the authorities of any State, until such State has provided by law for the reception and safe-keeping of the same as public records, and for the allowance of free access to the same by the authorities of the United States.

SEC. 2222. Every surveyor-general, register, and receiver, except where the President sees cause otherwise to determine, is authorized to continue in the uninterrupted discharge of his regular official duties, after the day of expiration of his commission, and until a new commission is issued to him for the same office, or until the day when a successor enters upon the duties of such office; and the existing official bond of any officer so acting shall be deemed good and sufficient, and in force, until the date of the approval of a new bond to be given by him, if re-commissioned, or otherwise, for the additional time he may so continue officially to act, pursuant to the authority of this section.

SEC. 2223. Every surveyor-general shall engage a sufficient number of skillful surveyors as his deputies, to whom he is authorized to administer the necessary oaths upon their appointments. He shall have authority to frame regulations for their direction, not inconsistent with law or the instructions of the General Land-Office, and to remove them for negligence or misconduct in office.

Second. He shall cause to be surveyed, measured, and marked, without delay, all base and meridian lines through such points and perpetuated by such monuments, and such other correction parallels and meridians as may be prescribed by law or by instructions from the General Land-Office, in respect to the public lands within his surveying-district, to which the Indian title has been or may be hereafter extinguished.

Third. He shall cause to be surveyed all private land-claims within his district after they have been confirmed by authority of Congress, so far as may be necessary to complete the survey of the public lands.

Fourth. He shall transmit to the register of the respective land-offices within his district general and particular plats of all lands surveyed by him for each land-district; and he shall forward copies of such plats to the Commissioner of the General Land-Office.

Fifth. He shall, so far as is compatible with the desk-duties of his office, occasionally inspect the surveying operations while in progress in the field, sufficiently to satisfy himself of the fidelity of the execution of the work according to contract, and the actual and necessary expenses incurred by him while so engaged shall be allowed; and where it is incompatible with his other duties for a surveyor-general to devote the time necessary to make a personal inspection of the work in progress, then he is authorized to depute a confidential agent to make such examination; and the actual and necessary expenses of such person shall be allowed and paid for that service, and five dollars a day during the examination in the field; but such examination shall not be protracted beyond thirty days; and in no case longer than is actually necessary; and when a surveyor-general, or any person employed in his office at a regular salary, is engaged in such special service, he shall receive only his necessary expenses in addition to his regular salary.

SEC. 2224. The official seals heretofore authorized to be provided for the offices of the surveyors-general of Oregon, California, and Louisiana shall continue to be used; and any copy of or extract from the plats,

Seals of surveyors-general of California, Oregon, and Louisiana; trans-

field-notes, records, or other papers on file in those offices, respectively, when authenticated by the seal and signature of the proper surveyor-general, shall be evidence in all cases in which the original would be evidence.

SEC. 2225. Any copy of a plat of survey, or transcript from the records of the office of surveyor-general of Louisiana, duly certified by him, shall be admitted as evidence in all the courts of the United States and the Territories thereof.

SEC. 2226. There shall be allowed for the offices of the several surveyors-general, for clerk-hire therein, such sums as may be appropriated for the purpose by Congress from year to year.

SEC. 2227. There shall be allowed for office-rent, fuel, books, stationery, and other incidental expenses of the several offices of surveyors-general such sums as may be appropriated for the purpose by Congress, from year to year.

SEC. 2228. The President is authorized, in any case where he thinks the public interest may require it, to transfer the duties of register and receiver in any district to the surveyor-general of the surveying-district in which such land-district is located.

SEC. 2229. All official books, papers, instruments of writing, documents, archives, official seals, stamps, or dies, which have been heretofore authorized by law to be collected and deposited in the surveyor-general's office in California, shall be safely and securely kept by such surveyor-general in the archives of his office; and copies thereof, authenticated by the surveyor-general under his seal of office, shall be evidence in all cases where the originals would be evidence.

SEC. 2230. Every deputy-surveyor shall enter into bond, with sufficient security, for the faithful performance of all surveying contracts confided to him; and the penalty of the bond, in each case, shall be double the estimated amount of money accruing under such contracts, at the rate per mile stipulated to be paid therein. The sufficiency of the sureties to all such bonds shall be approved and certified by the proper surveyor-general.

SEC. 2231. The surveyors-general, in addition to the oath now authorized by law to be administered to deputies on their appointment to office, shall require each of their deputies, on the return of his surveys, to take and subscribe an oath that those surveys have been faithfully and correctly executed, according to law and the instructions of the surveyor-general.

SEC. 2232. The district attorney of the United States, in whose district any false, erroneous, or fraudulent surveys have been executed, shall, upon the application of the proper surveyor-general, immediately institute suit upon the bond of such deputy; and the institution of such suit shall act as a lien upon any property owned or held by such deputy, or his sureties, at the time such suit was instituted.

SEC. 2233. In the event of the failure of a deputy in Louisiana to comply with the terms of his contract, unless such failure be satisfactorily shown by him to have arisen from causes beyond his control, he shall forfeit the penalty of his bond on due process of law, and ever afterward be debarred from receiving a contract for surveying public lands.

scripts from records of.

3 Mar., 1853, c. 145, ss. 2, 11, v. 10, pp. 245, 248.

Transcripts from records of Louisiana.

3 Mar., 1831, c. 116, s. 5, v. 4, p. 493.

Clerk-hire, allowance of, to surveyors-general.

See appropriation acts.

Office-rent, allowance of, to surveyors-general.

See appropriation acts.

Duties of register and receiver performed by surveyor-general.

30 May, 1862, c. 86, s. 8, v. 12, p. 410.

Official papers, &c., in office of surveyor-general of California; copies thereof.

18 May, 1858, c. 39, s. 1, v. 11, p. 289.

Bond of deputy surveyor.

3 Mar., 1831, c. 116, s. 4, v. 4, p. 493.

3 Mar., 1853, c. 145, s. 10, v. 10, p. 247.

Oath of deputy surveyor.

8 Aug., 1846, c. 106, s. 2, v. 9, p. 79.

Suit on bond of deputy surveyor, lien of.

8 Aug., 1846, c. 106, s. 2, v. 9, p. 79.

Penalty for default of deputy.

3 Mar., 1831, c. 116, s. 4, v. 4, p. 493.

3 Mar., 1874, c. 43, v. 18, p. 19.

6 June, 1874, c. 223, s. 3, v. 18, p. 62. 15 Aug., 1876, c. 307, v. 19, p. 207. 12 Jan., 1877, c. 18, v. 19, p. 221.

CHAPTER TWO.

REGISTERS AND RECEIVERS.

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| <p>2234. Registers and receivers, appointment of.</p> <p>2235. Residence of register and receiver.</p> <p>2236. Bond of register and receiver.</p> <p>2237. Salaries of register and receiver.</p> <p>2238. Fees and commissions of register and receiver.</p> <p>2239. Fees of register and receiver for consolidated land-offices.</p> <p>2240. Maximum of compensation for registers and receivers.</p> <p>2241. Excess of compensation to be paid in Treasury.</p> | <p>Sec.</p> <p>2242. Illegal fees; penalty.</p> <p>2243. Compensation of registers and receivers when to commence.</p> <p>2244. Duration of office of registers and receivers.</p> <p>2245. Monthly and quarterly returns of receivers.</p> <p>2246. Oaths administered by registers and receivers.</p> <p>2247. Penalty for false information by register.</p> |
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Appointment of registers and receivers.

SEC. 2234. There shall be appointed by the President, by and with the advice and consent of the Senate, a register of the land-office and a receiver of public moneys, for each land-district established by law.

See all acts establishing land-districts.—24 April, 1874, c. 127, s. 2, v. 18, p. 34. 20 June, 1874, c. 340, v. 18, p. 122. 20 June, 1874, c. 341, v. 18, p. 122. 20 June, 1874, c. 342, v. 18, p. 123. 11 Jan., 1875, c. 12, s. 2, v. 18, p. 295.

Residence of register and receiver.

SEC. 2235. Every register and receiver shall reside at the place where the land-office for which he is appointed is directed by law to be kept.

See all acts establishing land-districts.

Bond of register and receiver.

SEC. 2236. Every register and receiver shall, before entering on the duties of his office, give bond in the penal sum of ten thousand dollars, with approved security, for the faithful discharge of his trust.

10 May, 1800, c. 55, ss. 1, 6, v. 2, pp. 73, 75. 3 Mar., 1853, c. 145, s. 5, v. 10, p. 245.

Salaries of register and receiver.

SEC. 2237. Every register and receiver shall be allowed an annual salary of five hundred dollars.

20 April, 1818, c. 123, v. 3, p. 466. 30 May, 1862, c. 86, s. 6, v. 12, p. 409.

Fees and commissions of register and receiver.

SEC. 2238. Registers and receivers, in addition to their salaries, shall be allowed each the following fees and commissions, namely:

4 Sept., 1841, c. 16, s. 12, v. 5, p. 456. 21 Mar., 1804, c. 38, s. 4, v. 13, p. 35.

First. A fee of one dollar for each declaratory statement filed and for services in acting on pre-emption claims.

20 April, 1818, c. 123, v. 3, p. 466.

Second. A commission of one per centum on all moneys received at each receiver's office.

20 May, 1862, c. 75, s. 6, v. 12, p. 393.
21 Mar., 1864, c. 38, s. 2, v. 13, p. 35.
15 July, 1870, c. 294, s. 25, v. 16, p. 320.

Third. A commission to be paid by the homestead applicant, at the time of entry, of one per centum on the cash price, as fixed by law, of the land applied for; and a like commission when the claim is finally established, and the certificate therefor issued as the basis of a patent.

3 Mar., 1873, c. 277, s. 6, v. 17, p. 606.

Fourth. The same commission on lands entered under any law to encourage the growth of timber on western prairies, as allowed when the like quantity of land is entered with money.

22 Mar., 1852, c. 19, s. 2, v. 10, p. 4.
2 July, 1862, c. 130, s. 7, v. 12, p. 505.

Fifth. For locating military bounty-land warrants, issued since the eleventh day of February, eighteen hundred and forty-seven, and for locating agricultural-college land-scrip, the same commission, to be paid by the holder or assignee of each warrant or scrip, as is allowed for sales of the public lands for cash, at the rate of one dollar and twenty-five cents per acre.

30 May, 1862, c. 86, s. 6, v. 12, p. 409.

Sixth. A fee, in donation cases, of five dollars for each final certificate for one hundred and sixty acres of land, ten dollars for three hundred and twenty acres, and fifteen dollars for six hundred and forty acres.

1 July, 1864, c. 196, s. 1, v. 13, p. 335.

Seventh. In the location of lands by States and corporations under grants from Congress for railroads and other purposes, (except for

agricultural colleges,) a fee of one dollar for each final location of one hundred and sixty acres; to be paid by the State or corporation making such location.

Eighth. A fee of five dollars per diem for superintending public-land sales at their respective offices; and, to each receiver, mileage in going to and returning from depositing the public moneys received by him.

Ninth. A fee of five dollars for filing and acting upon each application for patent or adverse claim filed for mineral lands, to be paid by the respective parties.

Tenth. Registers and receivers are allowed, jointly, at the rate of fifteen cents per hundred words for testimony reduced by them to writing for claimants, in establishing pre-emption and homestead rights.

Eleventh. A like fee as provided in the preceding subdivision when such writing is done in the land-office, in establishing claims for mineral lands.

Twelfth. Registers and receivers in California, Oregon, Washington, Nevada, Colorado, Idaho, New Mexico, Arizona, Utah, Wyoming, and Montana, are each entitled to collect and receive fifty per centum on the fees and commissions provided for in the first, third, and tenth subdivisions of this section.

SEC. 2239. The register for any consolidated land-district, in addition to the fees now allowed by law, shall be entitled to charge and receive for making transcripts for individuals, or furnishing any other record information respecting public lands or land-titles in his consolidated land-district, such fees as are properly authorized by the tariff existing in the local courts of his district; and the receiver shall receive his equal share of such fees, and it shall be his duty to aid the register in the preparation of the transcripts, or giving the desired record information.

SEC. 2240. The compensation of registers and receivers, including salary, fees, and commissions, shall in no case exceed in the aggregate three thousand dollars a year, each; and no register or receiver shall receive for any one quarter or fractional quarter more than a pro-rata allowance of such maximum.

22 Mar., 1852, c. 19, s. 3, v. 10, p. 4. 2 Feb., 1859, c. 19, v. 11, p. 378. ss. 1, 3, v. 12, p. 131. 20 May, 1862, c. 75, s. 6, v. 12, p. 393. 30 May, 12, p. 409. 2 July, 1862, c. 130, s. 7, v. 12, p. 505. 21 Mar., 1864, c. 1 July, 1864, c. 196, s. 1, v. 13, p. 335.—U. S. v. Babbit, 1, Bl., 55.

SEC. 2241. Whenever the amount of compensation received at any land-office exceeds the maximum allowed by law to any register or receiver, the excess shall be paid into the Treasury, as other public moneys.

97, s. 1, v. 10, p. 204. 18 Feb., 1861, c. 38, ss.

SEC. 2242. No register or receiver shall receive any compensation out of the Treasury for past services who has charged or received illegal fees; and, on satisfactory proof that either of such officers has charged or received fees or other rewards not authorized by law, he shall be forthwith removed from office.

SEC. 2243. The compensation of registers and receivers, both for salary and commissions, shall commence and be calculated from the time they, respectively, enter on the discharge of their duties.

SEC. 2244. All registers and receivers shall be appointed for the term of four years, but shall be removable at pleasure.

SEC. 2245. The receivers shall make to the Secretary of the Treasury monthly returns of the moneys received in their several offices, and pay over such money pursuant to his instructions. And they shall also make to the Commissioner of the General Land-Office like monthly returns, and transmit to him quarterly accounts-current of the debits and credits of their several offices with the United States.

13 Mar., 1874, c. 55, v. 18, p. 21. 5 May, 1876, c. 91, v. 19, p. 52. 24 April, 1820, c. 51, s. 5, v. 3, p. 567.

10 May, 1872, c. 152, s. 12, v. 17, p. 95.

21 Mar., 1864, c. 38, s. 4, v. 13, p. 35.

10 May, 1872, c. 152, s. 12, v. 17, p. 95.

21 Mar., 1864, c. 38, s. 6, v. 13, p. 36, and several acts establishing land-offices for Utah, Wyoming, and Montana.

Fees of register and receiver for consolidated land-offices.

18 Feb., 1861, c. 38, ss. 1, 3, v. 12, p. 131.

Maximum of compensation for registers and receivers.

20 April, 1818, c. 123, v. 3, p. 466, 18 Feb., 1861, c. 38, 1862, c. 86, s. 6, v. 38, s. 6, v. 13, p. 36.

Excess of compensation to be paid in Treasury.

3 Mar., 1853, c. 1, s. 3, v. 12, p. 131.

Illegal fees; penalty.

22 Mar., 1852, c. 19, s. 3, v. 10, p. 4. 17 July, 1854, c. 84, s. 6, v. 10, p. 306.

Compensation of registers and receivers, when to commence.

24 Feb., 1855, c. 124, s. 3, v. 10, p. 615.

Duration of office of registers and receivers.

15 May, 1820, c. 102, s. 1, v. 3, p. 582.

Monthly and quarterly returns of receivers.

4 July, 1836, c. 352, s. 9, v. 5, p. 111.

Oaths administered by registers and receivers.

12 June, 1840, c. 35, v. 5, p. 384.

Penalty for false information by register.

4 July, 1836, c. 352, s. 13, v. 5, p. 112.

SEC. 2246. The register or receiver is authorized, and it shall be their duty, to administer any oath required by law or the instructions of the General Land-Office, in connection with the entry or purchase of any tract of the public lands; but he shall not charge or receive, directly or indirectly, any compensation for administering such oath.

SEC. 2247. If any person applies to any register to enter any land whatever, and the register knowingly and falsely informs the person so applying that the same has already been entered, and refuses to permit the person so applying to enter the same, such register shall be liable therefor to the person so applying, for five dollars for each acre of land which the person so applying offered to enter, to be recovered by action of debt in any court of record having jurisdiction of the amount.

CHAPTER THREE.

LAND-DISTRICTS.

GENERAL PROVISIONS RESPECTING CERTAIN LANDS.

Sec.

2248. When land-office may be discontinued by Secretary of the Interior.

2249. When land-office may be continued by Secretary of the Interior.

2250. When land-office may be annexed to adjacent district by the President.

2251. Change of location of land-office by the President.

2252. Discontinuance of land-offices by the President.

Sec.

2253. Change of boundaries of land-districts by the President.

2254. Business of original district in case of change of boundaries.

2255. Allowance of office-rent and clerk-hire for consolidated land-offices.

2256. Boundaries of land-districts in the United States on the 1st November, 1872.

When land-office may be discontinued by Secretary of the Interior.

12 June, 1840, c. 36, s. 2, v. 5, p. 385.

When land-office may be continued by Secretary of the Interior.

4 Sept., 1841, c. 16, s. 7, v. 5, p. 455.

When land-office may be annexed to adjacent district by the President.

3 Mar., 1853, c. 97, s. 1, v. 10, pp. 189, 194.

Change of location of land-offices by the President.

3 Mar., 1853, c. 97, s. 1, v. 10, p. 204.

Discontinuance of land-offices by the President.

30 May, 1862, c. 86, s. 5, v. 12, p. 409.

SEC. 2248. Whenever the quantity of public land remaining unsold in any land-district is reduced to a number of acres less than one hundred thousand, it shall be the duty of the Secretary of the Interior to discontinue the land-office of such district; and if any land in any such district remains unsold at the time of the discontinuance of a land-office, the same shall be subject to sale at some one of the existing land-offices most convenient to the district in which the land-office has been discontinued, of which the Secretary of the Interior shall give notice.

SEC. 2249. The Secretary of the Interior may continue any land-district in which is situated the seat of government of any one of the States, and may continue the land-office in such district, notwithstanding the quantity of land unsold in such district may not amount to one hundred thousand acres, when, in his opinion, such continuance is required by public convenience, or in order to close the land-system in such State.

SEC. 2250. Whenever the cost of collecting the revenue from the sales of the public lands in any land-district is as much as one-third of the whole amount of revenue collected in such district, it may be lawful for the President, if, in his opinion, not incompatible with the public interest, to discontinue the land-office in such district, and to annex the same to some other adjoining land-district.

SEC. 2251. The President is authorized to change the location of the land-offices in the several land-districts established by law, and to relocate the same from time to time at such point in the district as he deems expedient.

3 Mar., 1853, c. 144, v. 10, p. 244.

SEC. 2252. Upon the recommendation of the Commissioner of the General Land-Office, approved by the Secretary of the Interior, the President may order the discontinuance of any land-office and the transfer of any of its business and archives to any other land-office within the same State or Territory.

SEC. 2253. The President is authorized to change and re-establish the boundaries of land-districts whenever, in his opinion, the public interests will be subserved thereby, without authority to increase the number of land-offices or land-districts.

Change of boundaries of land-districts, by the President.

29 June, 1870, c. 171, v. 16, p. 171.

SEC. 2254. In case of the division of existing land-districts by the erection of new ones, or by a change of boundaries by the President, all business in such original districts shall be entertained and transacted without prejudice or change, until the offices in the new districts are duly opened by public announcement under the direction of the Secretary of the Interior. All sales or disposals of the public lands heretofore regularly made at any land-office, after such lands have been made part of another district by any act of Congress, or by any act of the President, are confirmed, provided the same are free from conflict with prior valid rights.

Business of original district in case of change of boundaries.

31 May, 1872, c. 241, v. 17, p. 192.

SEC. 2255. The Secretary of the Interior is authorized to make a reasonable allowance for office-rent for each consolidated land-office; and when satisfied of the necessity therefor, to approve the employment by the register of one or more clerks, at a reasonable per-diem compensation, for such time as such clerical force is absolutely required to keep up the current public business, which clerical force shall be paid out of the surplus fees authorized to be charged by section twenty-two hundred and thirty-nine, if any, and if no surplus exists, then out of the appropriation for incidental expenses of district land-offices; but no clerk shall be so paid unless his employment has been first sanctioned by the Secretary of the Interior.

Allowance of office-rent and clerk-hire for consolidated land-offices.

18 Feb., 1861, c. 38, s. 2, v. 12, p. 131.

PROVISIONS RESPECTING PARTICULAR LOCAL LAND-DISTRICTS.

SEC. 2256. The following boundaries of the ninety-three land-districts, with the location of the respective land-offices, are established until changed in pursuance of law, namely:

Boundaries of land-districts in the United States on the 1st November, 1872.

6 June, 1874, c. 223, v. 18, p. 62.

OHIO.

1. Chillicothe.

Chillicothe.

The land-district of Chillicothe is co-extensive with the limits of the State of Ohio.

INDIANA.

2. Indianapolis.

Indianapolis.

The land-district of Indianapolis is co-extensive with the limits of the State of Indiana.

ILLINOIS.

3. Springfield.

Springfield.

The land-district of Springfield is co-extensive with the limits of the State of Illinois.

MISSOURI.

4. Boonville.

Boonville.

The land-district of Boonville embraces all that part of the State of Missouri which lies north of the line between townships thirty-seven and thirty-eight north, lying east of the line between ranges ten and eleven west, and townships thirty-four and thirty-five north of ranges eleven to thirty-three west, inclusive, counting from the fifth principal meridian.

Ironton.

6 June, 1874, c.
223, v. 18, p. 62.

The land-district of Ironton embraces all that part of the State of Missouri which lies south of the line between townships thirty-seven and thirty-eight north, and east of the line between ranges ten and eleven west of the fifth principal meridian.

5. Ironton.

Springfield.

The land-district of Springfield consists of that portion of the State of Missouri which is situated south of the line between townships thirty-four and thirty-five north, and west of the line between ranges ten and eleven west of the fifth principal meridian.

6. Springfield.

ALABAMA.

Mobile.

The land-district of Mobile embraces the southwestern part of the State of Alabama; it lies south of the line between townships thirteen and fourteen north, and west of the line between ranges nine and ten east of the basis meridian of Saint Stephen's.

7. Mobile.

Huntsville.

This land-district consists of the northern part of the State of Alabama, lying north of the line between townships fourteen and fifteen south of the basis meridian of Huntsville, including the counties of De Kalb and Cherokee, and so much of the counties of Marshall, Etowah, and Jackson as were lately part of the Montgomery land-district in the State of Alabama.

8. Huntsville.

Montgomery.

The land-district of Montgomery embraces the central and southeastern parts of the State of Alabama, situated south of the Huntsville land-district, and extending south to the line between townships thirteen and fourteen north of the basis meridian of Saint Stephen's, across the whole State, and from townships one to thirteen north, inclusive, east from the line between ranges nine and ten east, to the eastern boundary of the State of Alabama.

9. Montgomery.

LOUISIANA.

New Orleans.

The land-district of New Orleans comprehends within its limits that portion of the State of Louisiana which lies south of the basis parallel of thirty-first degree of north latitude, and a portion thereof lying north of the basis and south of the Red River, and east of the line between ranges three and four west of the principal meridian.

10. New Orleans.

Natchitoches.

This land-district occupies the northwestern part of the State of Louisiana, extending from townships one to thirteen north, inclusive, and west of the line between ranges three and four west; and also from township fourteen north to the north boundary of the State, extending from the line between ranges five and six west of the principal meridian to the western boundary of the State of Louisiana.

11. Natchitoches.

Monroe.

The land-district of Monroe consists of the northeastern portion of the State; it is bounded on the east by the Mississippi River, on the

12. Monroe.

south by Red River, and on the west by the line between ranges three and four west from townships six to thirteen north, inclusive, and from township fourteen north to the northern boundary of the State, by the line between ranges five and six west.

MISSISSIPPI.

13. Jackson.

Jackson.

The land-district of Jackson is co-extensive with the limits of the State of Mississippi.

MICHIGAN.

14. Detroit.

Detroit.

The land-district of Detroit includes all that part of the State of Michigan situated east of the following lines of public surveys, viz: Townships one to five north, inclusive, east of the principal meridian; townships six to nineteen north, inclusive, extending east of the line between ranges eleven and twelve east; townships one to four south, inclusive, lying east of the line between ranges three and four west; townships five to nine south, extending from the line between ranges four and five west. It also includes that part of the late Sheboygan land-district which lies north of the line between townships twenty-eight and twenty-nine north, and east of the line between ranges two and three west of the principal meridian, and extending to Lake Huron in the southern peninsula of Michigan, comprehending within its limits the island of Mackinaw.

15. East Saginaw

East Saginaw.

Land-district embraces townships six to ten north, lying east of the principal meridian and west of the line between ranges eleven and twelve east of said meridian; also townships eleven to twenty-eight north, lying east of the line between ranges two and three west of the principal meridian, and west of the line between ranges eleven and twelve east.

16. Ionia

Ionia.

Land-district includes the southwestern part of the southern peninsula of Michigan, extending south of the second correction-line north of the base-line and west of the East Saginaw district, and also west of that part of Detroit district adjoining south boundary of the State of Michigan.

17. Marquette

Marquette.

Land-district embraces the whole extent of the northern peninsula of Michigan, including Drummond Island and those adjacent to the Big Bay de Noc.

18. Traverse City or Sheboygan

Traverse City or
Sheboygan.

Land-district includes that portion of the northwestern part of the lower peninsula of Michigan which lies north of the second correction-line and west of the line between ranges two and three west of the principal meridian, including islands in Lakes Huron, Michigan, and the Straits of Mackinac, exclusive of the islands of Mackinaw and Drummond.

ARKANSAS.

19. Dardanelle

Dardanelle.

Land-district is bounded on the east by a line between ranges seventeen and eighteen west of the fifth principal meridian, running north from

the base-line to the corner common to townships twelve and thirteen north of the base-line, on the north by the line between townships twelve and thirteen north, on the west by the western boundary of the State of Arkansas, and on the south by the base-line.

Little Rock.

20. Little Rock

Land-district is bounded as follows, viz: Beginning on the south boundary of the State of Arkansas where the line between ranges five and six west of the fifth principal meridian intersects the same; thence north on said range-line to the corner common to townships ten and eleven south; thence west on the line between townships ten and eleven south to the line between ranges seventeen and eighteen west; thence north on the said range-line to the corner common to townships twelve and thirteen north of the base-line; thence east on the line between townships twelve and thirteen north to the line between ranges seven and eight west; thence north along said range-line to the north boundary of the State; thence east with the said boundary to the Saint Francis River; thence down said river to the intersection of the thirty-sixth degree and thirty minutes of north latitude; thence east along said parallel of north latitude to the Mississippi River; thence down said river to the south boundary of the State of Arkansas; and thence west along said boundary to the point of beginning.

Camden.

21. Camden

Land-district is bounded on the north by the base-line extending from the west boundary of the State of Arkansas to the intersection of the line between ranges seventeen and eighteen west of the fifth principal meridian; thence south with the said range-line to the corner common to townships ten and eleven south of the base-line; thence east, on the line between townships ten and eleven south, to the intersection of the line between ranges five and six west of the fifth principal meridian; thence south along said range-line to the south boundary of the State; thence west with the said boundary to the west boundary of the State; and thence with the west boundary to the place of beginning.

Harrison.

22. Harrison

Land-district comprises all that part of the State of Arkansas which lies north of the line between townships twelve and thirteen north of the base-line, and west of the line between ranges seven and eight west of the fifth principal meridian.

FLORIDA.

Tallahassee.

23. Tallahassee

Land-district embraces all that part of the State of Florida which lies west of the line between ranges fourteen and fifteen east of the principal meridian.

Gainesville or
East Florida.

24. Gainesville or East Florida

Land-district consists of that part of the State of Florida lying east of the line between ranges fourteen and fifteen east of the principal meridian.

IOWA.

Fort Des Moines.

25. Fort Des Moines

Land-district embraces the eastern portion of the State of Iowa, and is bounded as follows, viz: Beginning on the south boundary of the State

where the line between ranges thirty-three and thirty-four west of the fifth principal meridian intersects the same; thence north along said range-line to the corner common to townships eighty-five and eighty-six north of the base-line; thence east on the line between said townships to the line between ranges eighteen and nineteen west; thence north with said range-line to the corner common to townships ninety-three and ninety-four north; thence west on the line between said townships to the line between ranges twenty-four and twenty-five west; thence north on said range-line to the north boundary of the State; thence east with said boundary to the Mississippi River; thence down the river to the mouth of Des Moines River; thence up said river to the south boundary of Iowa, and thence west along the said boundary to the place of beginning.

26. Council Bluffs

Council Bluffs.

Land-district is bounded on the north by the line between townships eighty-five and eighty-six north, extending east from the Missouri River to the line between ranges thirty-three and thirty-four west of the fifth principal meridian; thence south with said range-line to the south boundary of the State; thence west with said boundary to the Missouri River; thence up the Missouri River to the place of beginning.

27. Fort Dodge

Fort Dodge.

Land-district is bounded on the north by the north boundary of the State of Iowa, extending east from the line between ranges thirty-three and thirty-four west of the fifth principal meridian to the line between ranges twenty-four and twenty-five west; thence south with said range-line to the corner common to townships ninety-three and ninety-four north; thence east on the line between townships ninety-three and ninety-four north to the line between ranges eighteen and nineteen west; thence south along said range-line to the corner common to townships eighty-five and eighty-six north; thence west on the line between said townships to the line between ranges thirty-three and thirty-four west; thence north with said range-line to the place of beginning.

28. Sioux City

Sioux City.

Land-district is bounded on the north by the north boundary of the State of Iowa; on the east by the line between ranges thirty-three and thirty-four west of the fifth principal meridian; on the south by the line between townships eighty-five and eighty-six north; and on the west by the Missouri and Big Sioux Rivers.

WISCONSIN.

29. Menasha

Menasha.

Land-district embraces eastern part of the State of Wisconsin lying east of the line between ranges eight and nine east, extending from the south boundary of the State to the corner common to townships fourteen and fifteen north; thence east on said township-line to the line between ranges eleven and twelve east; thence north along the said range-line to the north boundary of the State.

30. Falls Saint Croix

Falls Saint Croix.

Land-district is bounded on the north by the fourth correction-line north of the base-line; on the east by the line between ranges eleven and twelve west of the fourth principal meridian; on the south by the Chipeway and Mississippi Rivers, and on the west by the Saint Croix River.

Wausau.

31. Wausau

Land-district embraces all that portion of the State of Wisconsin lying north of the line between townships fourteen and fifteen north of the base-line; west of the line between ranges eleven and twelve east of the fourth principal meridian; and east of the line between ranges one and two east of the fourth principal meridian.

La Crosse.

32. La Crosse

Land-district is included within the following boundaries, to wit: Beginning on the south boundary of the State of Wisconsin, where the line between ranges eight and nine east of the fourth principal meridian intersects the same; thence north with the said range-line to the corner common to townships fourteen and fifteen north of the base-line; thence west with said line to the line between ranges one and two east; thence north along said range-line to the corner common to townships twenty-four and twenty-five north; thence west on the line between said townships to the line between ranges eleven and twelve west; thence north with said range-line to the intersection with the Chippeway River; thence down said river to its mouth; thence down the Mississippi River to the southern boundary of Wisconsin; and thence east along the said boundary to the place of beginning.

Bayfield.

33. Bayfield

Land-district embraces all that part of the northwestern corner of the State of Wisconsin lying north of the fourth correction-line and west of the line between ranges one and two east of the fourth principal meridian.

Eau Claire.

34. Eau Claire

Land-district is bounded on the north by the fourth correction-line running through ranges one east and one to eleven west of the fourth principal meridian; on the west by the line running south between ranges eleven and twelve west to the corner common to townships twenty-four and twenty-five north of the base-line; on the south by the line running east between said townships to the line between ranges one and two east of the fourth principal meridian, and on the east by the said range-line extending north to the corner common to townships forty and forty-one north of the base-line, to the place of beginning.

CALIFORNIA.

San Francisco.

35. San Francisco

Land-district is bounded as follows: Beginning on the Pacific Ocean where the line between townships seventeen and eighteen north intersects the ocean, and running thence east with the said township-line to the line between ranges six and seven west of the Mount Diablo meridian; thence south on said range line to the corner common to townships sixteen and seventeen north; thence east between said townships to the line between ranges five and six west; thence south along the line between ranges five and six west to the second standard north of the Mount Diablo base-line; thence east along said standard-line, to the line between ranges four and five west; thence south on line between ranges four and five west to the corner common to townships nine and ten north; thence east between townships nine and ten north to the line between ranges three and four west; thence south between ranges three and four west to the corner common to townships seven and eight north; thence east on the line between townships seven and eight north to the line between ranges three and four east; thence south on the line between ranges three and four east to the first standard north; thence west along

said standard to the line between ranges two and three east; thence south on the line between ranges two and three east to the corner common to townships three and four north; thence west between townships three and four north to the line between ranges one and two east; thence south on line between ranges one and two east to the corner common to townships one and two north; thence east to the line between ranges two and three east; thence north between ranges two and three east to the corner common to townships two and three north; thence east on said township-line to the line between ranges four and five east; thence south on the line between ranges four and five east to the corner common to townships one and two south of the Mount Diablo base-line; thence east between townships one and two south to the line between ranges five and six east; thence south on said range-line to the corner common to townships seven and eight south; thence east on the line between townships seven and eight south to the line between ranges six and seven east; thence south on said range-line to the corner common to townships nine and ten south; thence east to the line between ranges seven and eight east; thence south to the corner common to townships ten and eleven south; thence east on line between townships ten and eleven south to the line between ranges eight and nine east; thence south on said range-line to the intersection of the third standard south; thence east along said standard to the line between ranges nine and ten east; thence on said range-line to the corner common to townships thirteen and fourteen south; thence east on the line between townships thirteen and fourteen south to the line between ranges ten and eleven east; thence south between ranges ten and eleven east to the corner common to townships fifteen and sixteen south; thence east on the line between townships fifteen and sixteen south to the line between ranges eleven and twelve east; thence south to the fourth standard south; thence east along said standard to the line between ranges twelve and thirteen east; thence south on said range-line to the corner common to townships eighteen and nineteen south; thence east along said township-line to the line between ranges thirteen and fourteen east; thence south to the fifth standard-line south; thence east along said standard-line to the line between ranges fourteen and fifteen east; thence south to the corner common to townships twenty-two and twenty-three south; thence east on the line between townships twenty-two and twenty-three south to the line between ranges fifteen and sixteen east; thence south on said range-line to the corner common to townships twenty-three and twenty-four south; thence east on said township-line to the line between ranges sixteen and seventeen east; thence south on said range-line to the corner common to townships twenty-six and twenty-seven south; thence east on said township-line to the line between ranges seventeen and eighteen east; thence south between said ranges to the corner common to townships twenty-seven and twenty-eight south; thence east on the line between said townships to the line between ranges eighteen and nineteen east; thence south on said range-line to the seventh standard-line south of the base-line; thence east along said standard-line to the line between ranges nineteen and twenty east; thence south on said range-line to the corner common to townships twenty-nine and thirty south; thence east on said township-line to the line between ranges twenty and twenty-one east; thence south on said range-line to the corner common to townships thirty and thirty-one south; thence east on said township-line to the line between ranges twenty-one and twenty-two east; thence south on said range-line to the corner common to townships thirty-one and thirty-two south; thence east on line between townships thirty-one and thirty-two south to the line between ranges twenty-two and twenty-three east; thence south to the eighth standard-line south; thence east along said standard-line of the Mount Diablo base-line to the line between ranges twenty-three and twenty-four west of the San Bernardino meridian; thence south on said range-line to the corner common to townships ten and eleven north of the San Bernardino base-line; thence east on line between said townships to the line between ranges twenty and twenty-one west; thence south on said range-line to the first standard north of the San Bernardino base-line;

thence west along said standard-line to the Pacific Ocean, and thence northwesterly along the ocean to the place of beginning.

Marysville.

36. Marysville

Land-district is bounded as follows: Beginning at a point where the north boundary of township twenty-five north is intersected by the line between ranges seven and eight west of the Mount Diablo meridian; thence east along the fifth standard north to the southeast corner of township twenty-six north, range four east; thence north to the corner of townships twenty-six and twenty-seven north, ranges four and five east; thence east to the corner of townships twenty-six and twenty-seven north, ranges five and six east; thence south to the fifth standard north; thence east along said standard to the line between ranges eight and nine east; thence south to the corner of townships twenty-three and twenty-four north, ranges eight and nine east; thence east to the line between ranges eleven and twelve east; thence south to the corner of townships twenty-one and twenty-two north, ranges eleven and twelve east; thence west to the corner of townships twenty-one and twenty-two north, ranges ten and eleven east; thence south to the fourth standard north; thence west along said standard, to the line between ranges nine and ten east; thence south, to the corner of townships nineteen and twenty north, ranges nine and ten east; thence west to the line between ranges eight and nine east; thence south to the corner of townships sixteen and seventeen north; thence west to the line between ranges six and seven east; thence south to the corner of townships thirteen and fourteen north, ranges six and seven east; thence west to the line between ranges five and six east; thence south to the corner of townships twelve and thirteen north; thence west to the line between ranges four and five east; thence south to the corner of townships eleven and twelve north; thence west to the line between ranges three and four east; thence south to the corner of townships seven and eight north; thence west to the line between ranges three and four west; thence north to the corner of townships nine and ten north; thence west to the line between ranges four and five west; thence north to the intersection of the second standard north; thence west along said standard to the southwest corner of township eleven north, range five west; thence north to the corner of townships sixteen and seventeen north; thence west to the corner of townships sixteen and seventeen north, ranges six and seven west; thence north to the corner of townships nineteen and twenty north; thence west to the line between ranges seven and eight west, and thence north to the place of beginning.

Humboldt.

37. Humboldt

Land-district is bounded as follows: Beginning at a point where the northern boundary of the State of California intersects the Pacific Ocean; thence east to the intersection of the line between ranges ten and eleven west of the Mount Diablo meridian; thence south on said range-line to the corner of townships twenty-five and twenty-six north; thence east to the line between ranges seven and eight west; thence south to the corner of townships nineteen and twenty north, ranges seven and eight west; thence east to the line between ranges six and seven west; thence south to the corner of townships seventeen and eighteen north; thence west to the Pacific Ocean, and thence northwesterly, with the ocean, to the point of beginning.

Stockton.

38. Stockton

Land-district is bounded as follows: Beginning at the northwest corner of township five north, range five east of the Mount Diablo meridian, and running thence east along the first standard north to the line between ranges nine and ten east; thence south to the corner of town hi's

three and four north, ranges nine and ten east; thence east to the line between ranges seventeen and eighteen east; thence north to the corner of townships four and five north, ranges seventeen and eighteen east; thence east to the line between ranges twenty-two and twenty-three east; thence south to the first standard south of the Mount Diablo base-line; thence east along said standard-line to the line between ranges twenty-six and twenty-seven east; thence south to the third standard south; thence west along said standard to the line between ranges eight and nine east; thence north to the corner of townships ten and eleven south; thence west to the line between ranges seven and eight east; thence north to the corner of townships nine and ten south; thence west to the line between ranges six and seven east; thence north to the corner of townships seven and eight south; thence west to the line between ranges five and six east; thence north to the corner of townships one and two south; thence west to the line between ranges four and five east; and thence north to the place of beginning.

39. Visalia

Visalia.

Land-district is bounded as follows: Beginning at the northwest corner of township thirteen south, range ten east, of the Mount Diablo meridian; running thence east along the third standard south to the line between ranges thirty-two and thirty-three east; thence south to the sixth standard south; thence east along said standard to the line between ranges thirty-two and thirty-three east; thence south along said range-line to the sixth standard south; thence east along said standard to the intersection of the San Bernardino meridian; thence north along said meridian to the intersection of the eastern boundary of the State of California; thence southeasterly along said boundary to the intersection of the line between townships eleven and twelve north of the San Bernardino base-line; thence west to the intersection of the San Bernardino meridian; thence with said meridian to the point where the same is intersected by the eighth standard south of the Mount Diablo meridian; thence west with the eighth standard south to the line between ranges twenty-two and twenty-three east of the Mount Diablo meridian; thence north to the corner of townships thirty-one and thirty-two south; thence west to the line between ranges twenty-one and twenty-two east; thence north to the corner of townships thirty and thirty-one south; thence west to the line between ranges twenty and twenty-one east; thence north to the corner of townships twenty-nine and thirty south; thence west to the line between ranges nineteen and twenty east; thence north to the seventh standard south; thence west along said standard to the line between ranges eighteen and nineteen east; thence north to the corner of townships twenty-seven and twenty-eight south; thence west to the line between ranges seventeen and eighteen east; thence north to the corner of townships twenty-six and twenty-seven south; thence west to the line between ranges sixteen and seventeen east; thence north along said range-line to the corner of townships twenty-three and twenty-four south; thence west to the line between ranges fifteen and sixteen east; thence north to the corner of townships twenty-two and twenty-three south; thence west to the line between ranges fourteen and fifteen east; thence north to the fifth standard south; thence west along said standard-line, to the line between ranges thirteen and fourteen east; thence north to the corner of townships eighteen and nineteen south; thence west to the line between ranges twelve and thirteen east; thence north to the fourth standard south; thence west along said standard to the line between ranges eleven and twelve east; thence north to the corner of townships fifteen and sixteen south; thence west to the line between ranges ten and eleven east; thence north to the corner of townships thirteen and fourteen south; thence west to the line between ranges nine and ten east; and thence north to the place of beginning.

Sacramento.

40. Sacramento

Land-district is bounded as follows: Beginning at the northwest corner of township twenty north, range ten east; thence east along the fourth standard north of the Mount Diablo base-line to the line between ranges ten and eleven east; thence north to the corner of townships twenty-one and twenty-two north; thence east to the line between ranges thirteen and fourteen east; thence south along said line to the corner of townships nineteen and twenty east; thence east to the intersection of the eastern boundary of California; thence south to the intersection of the boundary with the thirty-ninth parallel of north latitude; thence southeasterly with the eastern boundary of California to the intersection of the western boundary of the Aurora land-district, or the line between ranges twenty-two and twenty-three east of the Mount Diablo meridian; thence south on said range-line to the corner of townships four and five north; thence west to the line between ranges seventeen and eighteen east; thence south to the corner of townships three and four north; thence west to the line between ranges nine and ten east; thence north to the first standard north; thence west with the said standard to the line between ranges four and five east; thence south to the corner of townships two and three north; thence west to the line between ranges two and three east; thence south to the corner of townships one and two north; thence west to the line between ranges one and two east; thence north to the corner of townships three and four north; thence east to the line between ranges two and three east; thence north on the line between ranges two and three east to the intersection of the first standard north; thence east along said standard-line to the line between ranges three and four east; thence north to the corner of townships eleven and twelve north; thence east to the line between ranges four and five east; thence north to the corner of townships twelve and thirteen north; thence east to the line between ranges five and six east; thence north to the corner of townships thirteen and fourteen north; thence east to the line between ranges six and seven east; thence north to the corner of townships sixteen and seventeen north; thence east to the line between ranges eight and nine east; thence north to the corner of townships nineteen and twenty north; thence east to the line between ranges nine and ten east; thence north to the point of beginning.

Los Angeles.

41. Los Angeles

Land-district is bounded as follows: Beginning at a point of the intersection of the first standard north of the San Bernardino base-line with the Pacific Ocean; thence east along said standard-line to the line between ranges twenty and twenty-one west of the San Bernardino meridian; thence north to the corner of townships ten and eleven north; thence west to the line between ranges twenty-three and twenty-four west; thence north with said range-line to the intersection of the eighth standard-line south of the Mount Diablo base-line; thence east with said standard-line to the intersection of the San Bernardino meridian; thence south to the corner of townships eleven and twelve north of San Bernardino base-line; thence east to the intersection of the eastern boundary of the State of California; thence in a southeasterly direction with said boundary to the intersection of the Colorado River of the West; thence down said river to the intersection of the boundary between the United States and Mexico; thence southwesterly with said boundary to the Pacific Ocean; and thence in a northwesterly direction along the ocean to the place of beginning.

Shasta.

42. Shasta

Land-district is bounded as follows: Beginning on the northern boundary of the State of California, where the line between ranges ten and eleven west of the Mount Diablo meridian intersects said boundary; thence east

with said boundary to the intersection of the line between ranges five and six east; thence south on said range-line to the corner to townships thirty and thirty-one north; thence west to the line between ranges four and five east; thence south to the fifth standard north of the Mount Diablo base-line; thence west along said standard-line to the line between ranges ten and eleven west; and thence north with said range-line to the north boundary of the State, the point of beginning.

43. Susanville

Susanville.

Land-district is bounded as follows: Beginning at a point where the north boundary of township nineteen north, Mount Diablo base-line, intersects the eastern boundary of the State of California; thence west on the north boundary of township nineteen north to the corner of townships nineteen and twenty north, ranges thirteen and fourteen east; thence north to the corner of townships twenty-one and twenty-two north, ranges thirteen and fourteen east; thence west to the corner of townships twenty-one and twenty-two north, ranges eleven and twelve east; thence north to the corner of townships twenty-three and twenty-four north, ranges eleven and twelve east; thence west to the corner of townships twenty-three and twenty-four north, ranges eight and nine east; thence north to the corner of townships twenty-five and twenty-six north, ranges eight and nine east; thence west to the corner of townships twenty-five and twenty-six north, ranges five and six east; thence north between ranges five and six east to the corner of townships twenty-six and twenty-seven north, ranges five and six east; thence west to the corner of townships twenty-six and twenty-seven north, ranges four and five east; thence north to the corner of townships thirty and thirty-one north, ranges four and five east; thence east to the corner of townships thirty and thirty-one north, ranges five and six east; thence north along said range-line to the northern boundary of the State of California; thence east with the said boundary to the intersection of the eastern boundary of the State, and thence south along the eastern boundary to the place of beginning.

NEVADA.

44. Carson City

Carson City.

Land-district is bounded as follows: Beginning at the northwest corner of the State of Nevada; thence east with the north boundary of the State to the intersection of the line between ranges forty-four and forty-five east of the Mount Diablo meridian; thence south on said range-line to the corner of townships twenty-four and twenty-five north of the Mount Diablo base-line; thence west to the lines between ranges thirty-nine and forty east; thence south along said range-line to the corner of townships thirteen and fourteen north; thence west to the line between ranges twenty-six and twenty-seven east; thence south along said range-line to the corner of townships ten and eleven north; thence west to the line between ranges twenty-two and twenty-three east; thence south along said range-line to the intersection of the eastern boundary of California; thence northwesterly along said boundary to the intersection of the thirty-ninth parallel of north latitude with the one hundred and twentieth meridian of west longitude from Greenwich; thence north with said meridian to the place of beginning.

45. Austin

Austin.

Land-district is bounded as follows: Beginning at the corner to townships twenty-four and twenty-five north, ranges thirty-nine and forty east; thence east to the eastern boundary of the State of Nevada; thence south with the said boundary to the line between townships thirteen and fourteen north; thence west with said township-line to the intersection of the line between ranges thirty-nine and forty east; thence north with said range-line to the place of beginning.

Belmont.

46. Belmont

Land-district is bounded as follows: Beginning at the corner to townships thirteen and fourteen north of Mount Diablo base-line, between ranges thirty-nine and forty east; thence east to the eastern boundary of the State of Nevada; thence south with said boundary to the Colorado River of the West; thence down said river to the intersection of the thirty-fifth degree of north latitude; thence northwesterly along the east boundary of the State of California to the intersection of the line between ranges thirty-nine and forty east; thence along said range-line to the place of beginning.

Aurora.

47. Aurora

Land-district is bounded as follows: Beginning at the corner common to townships thirteen and fourteen north, ranges thirty-nine and forty east of the Mount Diablo base-line; thence west on the line between townships thirteen and fourteen north, to the intersection of the line between ranges twenty-six and twenty-seven east; thence south on said range-line to the corner of townships ten and eleven north; thence west to the line between ranges twenty-two and twenty-three east; thence south along the said range-line to the intersection of the first standard parallel south; thence east to the line between ranges twenty-six and twenty-seven east; thence south on the said range-line to the intersection of the third standard parallel south; thence east to the line between ranges thirty-two and thirty-three east; thence south on the said range-line to the intersection of the sixth standard parallel south; thence east to the San Bernardino meridian; thence north with said meridian to the intersection of the eastern boundary of California; thence northwesterly with said eastern boundary to the intersection of the line between ranges thirty-nine and forty east of Mount Diablo meridian; thence north on the said range-line to the place of beginning.

Elko.

48. Elko

Land-district is bounded as follows: Commencing at the corner common to townships twenty-four and twenty-five north, range forty-four and forty-five east, Mount Diablo base and meridian; thence running due east to the eastern boundary-line of the State of Nevada; thence north on said eastern boundary of said State to the north boundary of said State; thence west on said north boundary of said State to the eastern boundary of the Carson land-district; thence south along said eastern boundary of the Carson land-district to the place of beginning.

WASHINGTON.

Olympia.

49. Olympia

Land-district is bounded as follows: Beginning on the boundary-line between the United States and the British possessions, and on the summit of the Cascade Mountains, at the nearest range-line to the east line of range twelve east of the Willamette meridian; thence south on the nearest range-lines on the summit of said mountains to the line dividing townships ten and eleven north of the base-line; thence west to the line dividing ranges six and seven west; thence north on said range-line to the third standard parallel; thence west to Shoal Water Bay; thence with the Shoal Water Bay to the Pacific Ocean; thence northwesterly with the ocean to the Strait of Juan de Fuca; and thence along the boundary-line between the United States and British possessions, running through the said strait and that of De Harro, to the intersection of the forty-ninth parallel of north latitude; and thence due east along said parallel to the place of beginning.

50. Vancouver or Columbia River

Vancouver or Columbia River.

Land-district is bounded as follows: Beginning at a point where the line between townships twelve and thirteen north intersects Shoal Water Bay; thence with the Shoal Water Bay, including any islands therein, to the Pacific Ocean; thence southerly with the ocean to the mouth of Columbia River; thence up the river to the point opposite the line between ranges nineteen and twenty east of the Willamette meridian; thence north with said range-line to the corner common to townships ten and eleven north; thence west along said township-line to the line between ranges six and seven west; thence north on said range-line to the intersection of the third standard parallel north; thence west with the said standard parallel to the place of beginning.

51. Walla-Walla

Walla-Walla.

Land-district is bounded as follows: Beginning on the boundary-line between the United States and the British possessions, on the summit of the Cascade Mountains; thence southerly along the line established by the first section of the act of May sixteen, eighteen hundred and sixty, entitled "An act to create an additional land-district in Washington Territory," to the line dividing townships ten and eleven north; thence east to the line dividing ranges nineteen and twenty east; thence south along said line to the Columbia River; thence up the Columbia River to the point where the forty-sixth parallel of north latitude crosses the river; thence east along the parallel to the eastern boundary of the Territory of Washington; thence north with said eastern boundary to the boundary-line between the United States and the British possessions; and thence west along the said boundary to the place of beginning.

MINNESOTA.

52. Taylor's Falls

Taylor's Falls.

Land-district is bounded as follows: Beginning at a point where the northern boundary of township forty-five north of the base-line and fourth principal meridian intersects the boundary between the States of Minnesota and Wisconsin; thence south along said boundary to the intersection of the Saint Croix River; thence down with said river to its mouth; thence up the Mississippi River to the intersection of the line between ranges twenty-seven and twenty-eight west of the fourth principal meridian with said river; thence north with said range-line to the corner of townships forty-five and forty-six north; and thence east to the place of beginning.

53. Saint Cloud

Saint Cloud.

Land-district is bounded as follows: Beginning at a point of intersection of the fifth standard parallel north of the base-line with the line between ranges thirty-five and thirty-six west of the fifth principal meridian; thence north with the said range-line to the boundary-line between the United States and British possessions; thence east and southeasterly along said boundary to the intersection of the line between ranges twenty-three and twenty-four west of the fourth principal meridian; thence south with said range-line to the corner of townships forty-five and forty-six north; thence west to the line between ranges twenty-seven and twenty-eight west; thence south with said range-line to the Mississippi River; thence up the river to the intersection of the line between ranges twenty-four and twenty-five west of the fifth principal meridian with said river; thence south on the line between ranges twenty-four and twenty-five west to the intersection of the fifth standard parallel north; thence west with said standard parallel to the place of beginning.

Du Luth.

54. Du Luth

Land-district is bounded as follows: Commencing at a corner common to townships forty-five and forty-six north, ranges twenty-three and twenty-four west of the fourth principal meridian; thence north with said range-line to the intersection of the boundary-line between the United States and the British possessions; thence eastwardly with said boundary to Lake Superior; thence southwesterly with said lake to the mouth of Saint Louis River; thence up said river to the intersection of the boundary-line between Wisconsin and Minnesota; thence south along said boundary-line to the intersection of the line between townships forty-five and forty-six north; and thence west between townships forty-five and forty-six north to the place of beginning.

Alexandria.

55. Alexandria

Land-district is bounded as follows: On the east by the line between ranges thirty-five and thirty-six west of the fifth principal meridian; on the north by the ninth standard parallel north of the base-line; on the south by the sixth standard parallel north; and on the west by the western boundary of the State of Minnesota.

Jackson.

56. Jackson.

Root River land-district is bounded on the south by the boundary-line between the States of Iowa and Minnesota; on the west by the western boundary of the State of Minnesota; on the north by the line between townships one hundred and five and one hundred and six north; and on the east by the Mississippi River.

New Ulm.

57. New Ulm.

Winona land-district is bounded on the north by the line between townships one hundred and ten and one hundred and eleven north; on the south by the line between townships one hundred and five and one hundred and six north of the base-line; on the east by the Mississippi River, and on the west by the western boundary of the State of Minnesota.

Litchfield.

58. Litchfield

Land-district is bounded as follows: Beginning on the Mississippi River at a point of the intersection of the south boundary of township twenty-seven north of the base-line with said river; thence west on said township-line to the southwest corner of township twenty-seven north, range twenty-four west of the fourth principal meridian; thence north to the intersection of the line between townships one hundred and fifteen and one hundred and sixteen north; thence west with said township-line to the western boundary of Minnesota; thence north with the western boundary of the State of Minnesota to the intersection of the said boundary, with the sixth standard parallel north; thence east with said standard parallel to the intersection of the line between ranges thirty-five and thirty-six west of the fifth principal meridian; thence south along said range-line to the intersection of the fifth standard parallel north; thence east with the said standard parallel to the third guide-meridian west of the fifth principal meridian; thence north with said third guide-meridian to the Mississippi River; thence down the Mississippi River to the place of beginning.

Redwood Falls.

59. Redwood Falls

Land-district is bounded on the south by the line between townships one hundred and ten and one hundred and eleven north; on the west by the western boundary of the State of Minnesota; on the north by

the line between townships one hundred and fifteen and one hundred and sixteen north, extending east from the western boundary of the State of Minnesota to the intersection of the western boundary of township twenty-seven north, range twenty-four west of the fourth principal meridian; thence south with said west boundary of township twenty-seven north to the southwest corner thereof; thence east with the south boundary of township twenty-seven north to the Mississippi River; thence down the Mississippi River to the intersection of the line between townships one hundred and ten and one hundred and eleven north of the base-line.

60. Oak Lake

Oak Lake.

Land-district embraces all that part of the State of Minnesota which lies north of township number one hundred and thirty-six north and west of range number thirty-five west of the fifth principal meridian.

OREGON.

61. Oregon City

Oregon City.

Land-district is bounded as follows: Beginning at a point of the intersection of the third standard parallel south of the Willamette base-line with the Pacific Ocean; thence east along said standard-line to the summit of the Cascade Mountains; thence south to the fourth standard parallel south; thence east with said fourth standard-line to the intersection of the line between ranges twenty-two and twenty-three east of the Willamette meridian; thence north along said range-line to the Columbia River; thence down the Columbia River to the Pacific Ocean; thence with the ocean to the place of beginning.

11 Jan., 1875, c.
13, v. 18, p. 294.

62. Roseburgh

Roseburgh.

Land-district is bounded on the north by the third standard parallel south of the base-line extending from the Pacific Ocean east to the summit of the Cascade Mountains; on the east by said Cascade Mountains extending south to the intersection of the fourth standard south; thence west along said standard to the intersection of the line between ranges five and six east; thence south along said range-line to the south boundary of Oregon; thence west with said boundary to the Pacific Ocean; and thence along the ocean to the place of beginning.

63. Le Grand

Le Grand.

Land-district is bounded on the west by the line between ranges twenty-two and twenty-three east of the Willamette meridian; on the south by the fourth standard parallel south of the base-line; on the east by the Snake River, and on the north by the boundary-line between Washington Territory and the State of Oregon and the Columbia River.

64. Linkville.

Linkville.

Linkton district embraces all that portion of the State of Oregon lying south of the fourth standard parallel south of the base-line between townships eighteen and nineteen south, and east of the meridian-line between ranges five and six in said State.

KANSAS.

65. Topeka

Topeka.

Land-district is bounded on the north by the boundary-line between the States of Kansas and Nebraska; on the east by the Missouri River and the boundary-line between the States of Arkansas and Missouri; on the

20 June, 1874, c.
340, v. 18, p. 121.

south by the line between townships twenty-two and twenty-three south of the base-line; and on the west by guide-meridian east of the sixth principal meridian.

Salina.

66. Salina.

Western land-district is bounded on the east by the guide-meridian east of the sixth principal meridian; on the south by the fourth standard parallel south of the base-line; on the west by the boundary-line between Kansas and Colorado; and on the north by the second standard parallel south of the base-line.

Independence.

67. Independence

Land-district is bounded on the north by the line between townships twenty-two and twenty-three south of the base-line; on the east by the western boundary of the State of Missouri; on the south by the south boundary of the State of Kansas; and on the west by the guide-meridian east of the sixth principal meridian.

Wichita.

68. Wichita.

3 Mar., 1875, c.
140, ss. 1, 2, v. 18,
p. 476.

Arkansas land-district is bounded on the north by the fourth standard parallel south; on the east by the guide-meridian east of the sixth principal meridian; on the south by the south boundary of the State of Kansas; and on the west by the boundary between the State of Kansas and the Territory of Colorado.

Concordia.

69. Concordia.

Republican land-district is bounded on the east by the guide-meridian east of the sixth principal meridian; on the south by the second standard parallel south of the base-line; on the west by the first guide-meridian west; and on the north by the boundary-line between the States of Kansas and Nebraska.

Cawker.

70. Cawker.

Northwestern land-district embraces all that portion of the State of Kansas lying west of the first guide-meridian west of the sixth principal meridian and north of the second standard parallel south of the base-line.

NEBRASKA.

West Point.

71. West Point

Land-district is bounded as follows: Beginning at the confluence of the Platte River with the Missouri; thence up the Missouri River to the intersection of the line between townships twenty-three and twenty-four north of the base-line; thence west with said township-line to the intersection of the line between ranges twenty-eight and twenty-nine west of the sixth principal meridian; thence south along said range-line to the fifth standard parallel north; thence east with said fifth standard parallel north to the intersection of the line between ranges six and seven east of the sixth principal meridian; thence south with said range-line to the Platte River; thence down with the Platte River to the place of beginning.

Beatrice.

72. Beatrice.

Nemaha land-district is bounded on the north by the line between townships six and seven north of the base-line; on the west by the line between ranges eight and nine west of the sixth principal meridian; on the south by the boundary-line between Kansas and Nebraska; and on the east by the Missouri River.

73. Lincoln.

Lincoln.

South Platte district is bounded on the south by the line between townships six and seven north of the base-line; on the west by the line between ranges eight and nine west of the sixth principal meridian; on the north by the Platte River; and on the east by the Missouri River.

74. Dakota City.

Dakota City.

Dakota land-district is bounded on the south by the line between townships twenty-three and twenty-four north of the base-line; on the west by the line between ranges twenty-eight and twenty-nine west of the sixth principal meridian; on the north by the boundary-line between Dakota Territory and the State of Nebraska; and on the east by the Missouri River.

75. Grand Island

Grand Island.

Land-district is bounded as follows: Beginning at the corner common to townships twenty and twenty-one north of the base-line, ranges six and seven east of the sixth principal meridian; thence south with said range-line to Platte River; thence up the Platte River to the intersection of the line between ranges twenty-four and twenty-five west of the sixth principal meridian; thence south with said range-line to the second standard parallel north; thence west along said standard parallel to the intersection of the line between ranges twenty-eight and twenty-nine west; thence north with said range-line to the intersection of the line between townships twenty and twenty-one north; thence east with said township line to the place of beginning.

76. North Platte.

North Platte.

Western district embraces all that portion of the State of Nebraska which lies west of range twenty-eight west of the sixth principal meridian, and north of the line between townships eight and nine north of the base-line.

77. Lowell.

Lowell.

Republican Valley district is bounded as follows: Beginning on the base-line, on the range-line between ranges eight and nine west of the sixth principal meridian; thence north with said range-line to the Platte River; thence up said river to the intersection of the line between ranges twenty-four and twenty-five west; thence south with said range-line to the second standard parallel north; thence west with said standard parallel to the western boundary of Nebraska; thence south with the western boundary of Nebraska to the intersection of the base-line; and thence east with said base-line to the place of beginning.

TERRITORY OF NEW MEXICO.

78. Santa Fé.

Santa Fé.

District of New Mexico is co-extensive with the limits of the Territory of New Mexico. 3 *Mar.*, 1874, c. 127, v. 18, p. 18.

DAKOTA TERRITORY.

79. Vermillion.

Vermillion.

The Yankton land-district is bounded as follows: Beginning at a point on the north bank of Missouri River, on the line between ranges fifty-two and fifty-three west of the fifth principal meridian; thence north along said range-line to the line between townships one hundred and twenty and one hundred and twenty-one north, ranges fifty-two and 24 *April*, 1874, c. 127, v. 18, p. 34.

fifty-three west; thence east with said range-line to the western boundary of the State of Minnesota; thence south with said boundary to the north boundary of Iowa; thence west with said boundary of the State of Iowa to the Big Sioux River; thence down said river to its mouth; thence up the middle channel of the Missouri River to the point opposite the place of beginning; and thence north to the point of beginning.

Springfield.

80. Springfield

Land-district is bounded as follows: Beginning at a point of the intersection of the line between ranges fifty-seven and fifty-eight west of the fifth principal meridian with the Missouri River; thence north with said range-line to the intersection of the line between townships one hundred and twenty and one hundred and twenty-one north; thence west on said township-line to the west boundary of Dakota Territory; thence south with said boundary to the south boundary of the Territory of Dakota; thence east with the south boundary of Dakota to the place of beginning.

Pembina.

81. Pembina

Land-district is bounded on the east by the western boundary of the State of Minnesota; on the south by the line between townships one hundred and twenty and one hundred and twenty-one north of the base-line, extending west from the west boundary of the State of Minnesota to the intersection of the line between ranges fifty-two and fifty-three west of the fifth principal meridian; thence north with said range-line to the forty-sixth parallel of north latitude; thence west along said parallel to the line between ranges fifty-seven and fifty-eight west; thence south along said range-line to the intersection of the line between townships one hundred and twenty and one hundred and twenty-one north; thence west along said township-line to the west boundary of Dakota Territory; thence north with said boundary to the forty-ninth parallel of north latitude; and thence east with said parallel to the western boundary of the State of Minnesota.

Yankton.

82. Yankton

Land-district is bounded as follows: Beginning at a point on the north bank of Missouri River at the intersection of the line between ranges fifty-two and fifty-three; thence north along said range-line to the forty-sixth parallel of north latitude; thence west along said parallel to the line between ranges fifty-seven and fifty-eight; thence south along said range-line to the Missouri River; thence easterly along the north bank of said stream to the place of beginning.

COLORADO TERRITORY.

Pueblo.

83. Pueblo.

20 June, 1874, c.
341, v. 18, p. 122.

Arkansas Valley land-district embraces all that part of the Territory of Colorado falling within the following limits: Beginning on the east boundary of the Territory of Colorado at a point where the second correction-line south intersects the same; running thence west on the said correction-line to the line dividing ranges numbered seventy-five and seventy-six west of the sixth principal meridian; thence south with said range-line to the third correction-line south; thence west on said line to the western boundary of the Territory; thence south to the southern boundary of said Territory; thence east to the eastern boundary of said Territory; and thence north to the point of beginning.

Denver City.

84. Denver City

Land-district is bounded as follows: Beginning at a point where the summit of the Rocky Mountains is intersected by the northern boundary of the Territory of Colorado; thence southerly with said mountains to

the north boundary of Boulder County; thence east with said north boundary to the intersection of the line between ranges seventy and seventy-one west of the sixth principal meridian; thence south along said range-line to the intersection of South Platte River; thence up said river to the second correction-line south; thence east along said correction-line to the eastern boundary of the Territory of Colorado; thence north with said eastern boundary to the northern boundary of Colorado; and thence west along said northern boundary of the Territory to the place of beginning.

85. Fair Play

Fair Play.

Land-district is bounded as follows: Beginning at a point where the second correction-line south of the base-line intersects South Platte River; thence down said river to the boundary-line between Clear Creek and Park Counties; thence north with said boundary to the intersection of the first correction-line south; thence west along said correction-line to the western boundary of the Territory of Colorado; thence south with said western boundary to the intersection of the third correction-line south; thence east with said correction-line to the line between ranges seventy-five and seventy-six west of the sixth principal meridian; thence north along said range-line to the intersection of the second correction-line south; and thence east to the place of beginning.

86. Central City

Central City.

Land-district is composed of the counties of Clear Creek and Gilpin; all that part of Boulder and Jefferson Counties lying west of the line between ranges seventy and seventy-one west of the sixth principal meridian; and all that part of Summit County, Colorado, which lies north of the first correction-line south of the base-line.

IDAHO TERRITORY.

87. Boise City.

Boise City.

Idaho land-district comprises all that part of the Territory of Idaho which lies south of the Salmon range of mountains, to which the Indian title is, or shall be, extinguished.

88. Lewiston

Lewiston.

Land-district consists of all that portion of the Territory of Idaho lying north of the Salmon River range of mountains.

MONTANA TERRITORY.

89. Helena.

Helena.

Montana land-district consists of all the public lands within the Territory to which the Indian title is, or shall be, extinguished.

20 June, 1874, c.
342, v. 18, p. 123.

UTAH TERRITORY.

90. Salt Lake City.

Salt Lake City.

Utah land-district consists of all the public lands within the Territory.

25 April, 1876, c.
78, v. 19, p. 36.

WYOMING TERRITORY.

91. Cheyenne City.

Cheyenne City.

Wyoming land-district consists of all the public lands embraced within the limits of the Territory.

ARIZONA TERRITORY.

Office to be located
by President.

5 Feb., 1875, c.
34, v. 18, p. 305.

92. Office to be located as the President may direct.

The Gila land-district embraces all that portion of the Territory within the following limits, to wit: Commencing at the eastern boundary of the Territory, at the intersection of the first standard-line north; and running thence west on that line to the western boundary of the Territory; thence south with said boundary-line to the southern boundary of the Territory; thence east on said line to the eastern boundary of the Territory; and thence north on said line to the place of beginning.

Prescott.

93. Prescott.

Arizona land-district consists of all the public lands within the Territory, not described above in the Gila land-district.

CHAPTER FOUR

PRE-EMPTIONS.

- Sec.
2257. Lands subject to pre-emption.
2258. Lands not subject to pre-emption.
2259. Persons entitled to pre-emption.
2260. Persons not entitled to pre-emption.
2261. Limitation of pre-emption right.
2262. Oath of pre-emptionist where filed, penalty.
2263. Proof of settlement, assignment of pre-emption rights.
2264. Statement to be filed by settler with intent to purchase on lands subject to private entry.
2265. Claim filed by settler on land not proclaimed for sale.
2266. Declaratory statement of settlers on unsurveyed lands, when filed.
2267. Pre-emption claimants, time of making proof and payment.
2268. Extension of time in certain cases to persons in military and naval service.
2269. Death before consummating claim; who to complete, &c.
2270. Non-compliance with laws caused by vacancy in office of register or receiver not to affect, &c.
2271. No pre-emption of lands sold but not confirmed by Land-Office.
2272. Purchase by private entry after expiration of pre-emption right.
2273. When more than one settler, rights of, appeals to Commissioner.

- Sec.
2274. Settlements of two or more persons on same subdivision before survey.
2275. Settlements before survey on sections 16 or 36, deficiencies thereof.
2276. Selections to supply deficiencies of school-lands.
2277. Military bounty-land warrants receivable for pre-emption payments.
2278. Agricultural-college scrip receivable in payment of pre-emptions.
2279. Pre-emption limit along railroad lines.
2280. Pre-emption rights on lands reserved for grants found invalid.
2281. Pre-emption rights on lands reserved for railroads.
2282. Sale of land not to be delayed, &c.
2283. Certain lands in Kansas, how to be sold.
2284. Transfer of above claims prior to, &c., subsequent right of entry.
2285. Pre-emption restrictions not to apply to certain lands in Kansas.
2286. Pre-emption by counties for seats of justice.
2287. Where claimant of entry becomes register or receiver.
2288. Right of transfer of settlers under homestead or pre-emption laws for certain public purposes.

Lands subject to
pre-emption.

2 June, 1862, c.
94, s. 1, v. 12, p.
413.

11 Feb., 1874, c. 25, v. 18, p. 18. 23 Feb., 1875, c. 99, v. 18, p. 334. 21 April, 1876, c. 72, v. 19, p. 35.—Shepley et al. v. Cowan et al., 91 U. S., 330.

Lands not sub-
ject to pre-emp-
tion.

4 Sept., 1841, c.
16, s. 10, v. 5, p. 455.

SEC. 2257. All lands belonging to the United States, to which the Indian title has been or may hereafter be extinguished, shall be subject to the right of pre-emption, under the conditions, restrictions, and stipulations provided by law.

SEC. 2258. The following classes of lands, unless otherwise specially provided for by law, shall not be subject to the rights of pre-emption, to wit:

First. Lands included in any reservation by any treaty, law, or proclamation of the President, for any purpose.

Second. Lands included within the limits of any incorporated town, or selected as the site of a city or town. 12 Jan., 1877, c. 18, v. 19, p. 221.

Third. Lands actually settled and occupied for purposes of trade and business, and not for agriculture. Wilcox v. Jackson, 13 Pet., 498; Josephs v. U. S., 1 N. and H., 197;

Fourth. Lands on which are situated any known salines or mines.

Turner v. American Baptist Union, 5 McLean, 344; U. S. v. Railroad Bridge Company, 6 McLean, 517; Russell v. Beebe, Hamps., 704.

SEC. 2259. Every person, being the head of a family, or widow, or single person, over the age of twenty-one years, and a citizen of the United States, or having filed a declaration of intention to become such, as required by the naturalization laws, who has made, or hereafter makes, a settlement in person on the public lands subject to pre-emption, and who inhabits and improves the same, and who has erected or shall erect a dwelling thereon, is authorized to enter with the register of the land-office for the district in which such land lies, by legal subdivisions, any number of acres not exceeding one hundred and sixty, or a quarter-section of land, to include the residence of such claimant, upon paying to the United States the minimum price of such land. Persons entitled to pre-emption.

4 Sept., 1841, c. 16, s. 10, v. 5, p. 455.
22 June, 1874, c. 400, r. 18, p. 194.
28 Dec., 1874, c. 10, v. 18, p. 294.
23 Feb., 1875, c. 99, r. 18, p. 334.
21 April, 1876, c. 72, r. 19, p. 35.
3 Mar., 1877, c. 123, r. 19, p. 404. 3 Mar., 1877, c. 127, r. 19, p. 405.—U. S. v. Fitzgerald, 15 Pet., 407; Lytle v. Arkansas, 9 How., 333; Cunningham v. Ashley, 14 How., 377; Barnard's Heirs v. Ashley's Heirs, 18 How., 44; Garland v. Wynn, 20 How., 6; Harkness v. Underhill, 1 Bl., 325; Witherspoon v. Duncan, 4 Wall., 218.

SEC. 2260. The following classes of persons, unless otherwise specially provided for by law, shall not acquire any right of pre-emption under the provisions of the preceding section, to wit: Persons not entitled to pre-emption.

First. No person who is the proprietor of three hundred and twenty acres of land in any State or Territory. 4 Sept., 1841, c. 16, s. 10, v. 5, p. 455.

Second. No person who quits or abandons his residence on his own land to reside on the public lands in the same State or Territory.

SEC. 2261. No person shall be entitled to more than one pre-emptive right by virtue of the provisions of section twenty-two hundred and fifty-nine; nor where a party has filed his declaration of intention to claim the benefits of such provisions, for one tract of land, shall he file, at any future time, a second declaration for another tract. Limitation of pre-emption right.
4 Sept., 1841, c. 16, s. 10, v. 5, p. 455.
3 Mar., 1843, c. 86, s. 4, v. 5, p. 620.

SEC. 2262. Before any person claiming the benefit of this chapter is allowed to enter lands, he shall make oath before the receiver or register of the land-district in which the land is situated that he has never had the benefit of any right of pre-emption under section twenty-two hundred and fifty-nine; that he is not the owner of three hundred and twenty acres of land in any State or Territory; that he has not settled upon and improved such land to sell the same on speculation, but in good faith to appropriate it to his own exclusive use; and that he has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person whatsoever, by which the title which he might acquire from the Government of the United States should inure in whole or in part to the benefit of any person except himself; and if any person taking such oath swears falsely in the premises, he shall forfeit the money which he may have paid for such land, and all right and title to the same; and any grant or conveyance which he may have made, except in the hands of bona-fide purchasers, for a valuable consideration, shall be null and void, except as provided in section twenty-two hundred and eighty-eight. And it shall be the duty of the officer administering such oath to file a certificate thereof in the public land-office of such district, and to transmit a duplicate copy to the General Land-Office, either of which shall be good and sufficient evidence that such oath was administered according to law. Oath of pre-emptionist, where filed, penalty.
4 Sept., 1841, c. 16, s. 13, v. 5, p. 456.

SEC. 2263. Prior to any entries being made under and by virtue of the provisions of section twenty-two hundred and fifty-nine, proof of the settlement and improvement thereby required shall be made to the satisfaction of the register and receiver of the land-district in which such lands lie, agreeably to such rules as may be prescribed by the Secretary of the Proof of settlement, assignment of pre-emption rights.
4 Sept., 1841, c. 16, s. 12, v. 5, p. 456.

Lytle v. Arkansas, 9 How., 333; *Cunningham v. Ashley*, 14 How., 377; *Barnard's Heirs v. Ashley's Heirs*, 18 How., 44; *Garland v. Wynn*, 20 How., 6; *Lytle v. Arkansas*, 22 How., 193; *Harkness v. Underhill*, 1 Bl., 325; *Lindsey v. Hawse*, 2 Bl., 554; *Myers v. Croft*, 13 Wall., 291.

SEC. 2264. When any person settles or improves a tract of land subject by settler with intent to purchase, on lands subject to private entry.

4 Sept., 1841, c. 16, s. 15, v. 5, p. 457.

Claim filed by settler on land not proclaimed for sale.

3 Mar., 1843, c. 86, s. 5, v. 5, p. 620.

Johnson v. Tawseley, 13 Wall., 72.

Declaratory statement of settlers on unsurveyed lands, when filed.

30 May, 1862, c. 86, s. 7, v. 12, p. 410.

Pre-emption claimants; time of making proof and payment.

14 July, 1870, c. 272, s. 2, v. 16, p. 279. 3 Mar., 1871, c. 308, s. 18, p. 81.

Extension of time in certain cases to persons in military and naval service.

21 Mar., 1864, c. 38, s. 3, v. 13, p. 35.

Death before consummating claim; who to complete, &c.

3 Mar., 1843, c. 86, s. 2, v. 5, p. 620.

Non-compliance with laws caused by vacancy in office of register or receiver not to affect, &c.

Interior; and all assignments and transfers of the right hereby secured, prior to the issuing of the patent, shall be null and void.

Lytle v. Arkansas, 22 How., 193; *Harkness v. Underhill*, 1 Bl., 325; *Lindsey v. Hawse*, 2 Bl., 554; *Myers v. Croft*, 13 Wall., 291.

SEC. 2264. When any person settles or improves a tract of land subject at the time of settlement to private entry, and intends to purchase the same under the preceding provisions of this chapter, he shall, within thirty days after the date of such settlement, file with the register of the proper district a written statement, describing the land settled upon and declaring his intention to claim the same under the pre-emption laws; and he shall, moreover, within twelve months after the date of such settlement, make the proof, affidavit, and payment hereinbefore required. If he fails to file such written statement, or to make such affidavit, proof, and payment within the several periods named above, the tract of land so settled and improved shall be subject to the entry of any other purchaser.

SEC. 2265. Every claimant under the pre-emption law for land not yet proclaimed for sale is required to make known his claim in writing to the register of the proper land-office within three months from the time of the settlement, giving the designation of the tract and the time of settlement; otherwise his claim shall be forfeited and the tract awarded to the next settler, in the order of time, on the same tract of land, who has given such notice and otherwise complied with the conditions of the law.

SEC. 2266. In regard to settlements which are authorized upon unsurveyed lands, the pre-emption claimant shall be in all cases required to file his declaratory statement within three months from the date of the receipt at the district land-office of the approved plat of the township embracing such pre-emption settlement.

SEC. 2267. All claimants of pre-emption rights, under the two preceding sections, shall, when no shorter time is prescribed by law, make the proper proof and payment for the lands claimed within thirty months after the date prescribed therein, respectively, for filing their declaratory notices, has expired.

Res. 52, v. 16, p. 604. 3 June, 1874, c. 206, v. 18, p. 52. 18 June, 1874, 23 May, 1876, c. 104, v. 19, p. 55.

SEC. 2268. Where a pre-emptor has taken the initiatory steps required by law in regard to actual settlement, and is called away from such settlement by being engaged in the military or naval service of the United States, and by reason of such absence is unable to appear at the district land-office to make before the register or receiver the affidavit, proof, and payment, respectively, required by the preceding provisions of this chapter, the time for filing such affidavit and making final proof and entry or location shall be extended six months after the expiration of his term of service, upon satisfactory proof by affidavit, or the testimony of witnesses, that such pre-emptor is so in the service, being filed with the register of the land-office for the district in which his settlement is made.

SEC. 2269. Where a party entitled to claim the benefits of the pre-emption laws dies before consummating his claim, by filing in due time all the papers essential to the establishment of the same, it shall be competent for the executor or administrator of the estate of such party, or one of the heirs, to file the necessary papers to complete the same; but the entry in such cases shall be made in favor of the heirs of the deceased pre-emptor, and a patent thereon shall cause the title to inure to such heirs, as if their names had been specially mentioned.

SEC. 2270. Whenever the vacancy of the office either of register or receiver, or of both, renders it impossible for the claimant to comply with any requisition of the pre-emption laws within the appointed time, such vacancy shall not operate to the detriment of the party claiming, in respect to any matter essential to the establishment of his claim; but such

requisition must be complied with within the same period after the disability is removed as would have been allowed had such disability not existed.

3 Mar., 1843, c. 86, s. 6, v. 5, p. 620.

SEC. 2271. The provisions of this chapter shall be so construed as not to confer on any one a right of pre-emption, by reason of a settlement made on a tract theretofore disposed of, when such disposal has not been confirmed by the General Land-Office, on account of any alleged defect therein.

No pre-emption of lands sold but not confirmed by Land-Office.

26 Aug., 1842, c. 205, v. 5, p. 534.

SEC. 2272. Nothing in the provisions of this chapter shall be construed to preclude any person, who may have filed a notice of intention to claim any tract of land by pre-emption, from the right allowed by law to others to purchase such tract by private entry after the expiration of the right of pre-emption.

Purchase by private entry after expiration of pre-emption right.

3 Mar., 1843, c. 86, s. 9, v. 5, p. 621.

SEC. 2273. When two or more persons settle on the same tract of land, the right of pre-emption shall be in him who made the first settlement, provided such person conforms to the other provision of the law; and all questions as to the right of pre-emption arising between different settlers shall be determined by the register and receiver of the district within which the land is situated; and appeals from the decision of district officers, in cases of contest for the right of pre-emption, shall be made to the Commissioner of the General Land-Office, whose decision shall be final, unless appeal therefrom be taken to the Secretary of the Interior.

When more than one settler, rights of, appeals to Commissioner.

4 Sept., 1841, c. 16, s. 11, v. 5, p. 456.

12 June, 1858, c. 154, s. 10, v. 11, p. 326.

Barnard v. Ashley, 18 How., 43; Garland v. Wynn, 20 How., 6; Lindsey v. Hawse, 2 Bl., 554; Minnesota v. Batchelder, 1 Wall., 109; Johnson v. Tawles, 13 Wall., 72.

SEC. 2274. When settlements have been made upon agricultural public lands of the United States, prior to the survey thereof, and it has been or shall be ascertained, after the public surveys have been extended over such lands, that two or more settlers have improvements upon the same legal subdivision, it shall be lawful for such settlers to make joint entry of their lands at the local land-office, or for either of said settlers to enter into contract with his co-settlers to convey to them their portion of said land after a patent is issued to him, and, after making said contract, to file a declaratory statement in his own name, and prove up and pay for said land, and proof of joint occupation by himself and others, and of such contract with them made, shall be equivalent to proof of sole occupation and pre-emption by the applicant: *Provided*, That in no case shall the amount patented under this section exceed one hundred and sixty acres, nor shall this section apply to lands not subject to homestead or pre-emption entry.

Settlements of two or more persons on same subdivision before survey.

3 Mar., 1873, c. 283, s. 1, v. 17, p. 609.

SEC. 2275. Where settlements, with a view to pre-emption, have been made before the survey of the lands in the field, which are found to have been made on sections sixteen or thirty-six, those sections shall be subject to the pre-emption claim of such settler; and if they, or either of them, have been or shall be reserved or pledged for the use of schools or colleges in the State or Territory in which the lands lie, other lands of like quantity are appropriated in lieu of such as may be patented by pre-emptors; and other lands are also appropriated to compensate deficiencies for school purposes, where sections sixteen or thirty-six are fractional in quantity, or where one or both are wanting by reason of the township being fractional, or from any natural cause whatever.

Settlements before survey on sections 16 or 36, deficiencies thereof.

26 Feb., 1859, c. 58, v. 11, p. 385.
22 June, 1874, c. 422, r. 18, p. 202.

SEC. 2276. The lands appropriated by the preceding section shall be selected, within the same land-district, in accordance with the following principles of adjustment, to wit: For each township, or fractional township, containing a greater quantity of land than three-quarters of an entire township, one section; for a fractional township, containing a greater quantity of land than one-half, and not more than three-quarters, of a township, three-quarters of a section; for a fractional township, containing a greater quantity of land than one-quarter, and not more than one-half, of a township, one-half section; and for a fractional township, containing a greater quantity of land than one entire section, and not more than one-quarter of a township, one-quarter section of land.

Selection to supply deficiencies of school lands.

26 Feb., 1859, c. 58, v. 11, p. 385.
20 May, 1826, c. 83, s. 1, v. 4, p. 179.
22 June, 1874, c. 422, r. 18, p. 202.

Military bounty-land warrants receivable for pre-emption payments.

22 Mar., 1852, c. 19, s. 1, v. 10, p. 3.

Agricultural-college scrip receivable in payment of pre-emptions.

1 July, 1870, c. 196, v. 16, p. 186.

Pre-emption limit along railroad lines.

3 Mar., 1853, c. 143, v. 10, p. 244. 3 Mar., 1875, c. 196, v. 18, p. 519.

Pre-emption rights on lands reserved for grants found invalid.

3 Mar., 1853, c. 143, v. 10, p. 244.

Pre-emption rights on lands reserved for railroads.

27 Mar., 1854, c. 25, v. 10, p. 269.

14 July, 1870, c.

272, s. 2, v. 16, p.

279. 3 Mar., 1875, c. 196, v. 18, p. 519.

Sale of land not to be delayed, &c.

4 Sept., 1841, c.

16, s. 14, v. 5, p. 457.

Certain lands in Kansas, how to be sold.

9 May, 1872, c.

149, s. 1, v. 17, p. 90.

23 June, 1874, c.

488, r. 18, p. 283.

11 Aug., 1876, c.

259, r. 19, p. 127.

Transfer of above claims prior to, &c., subsequent right of entry.

9 May, 1872, c.

149, s. 3, v. 17, p. 90.

23 June, 1874, c.

488, r. 18, p. 283.

Pre-emption restrictions not to apply to certain lands in Kansas.

9 May, 1872, c.

149, s. 3, v. 17, p. 90.

Pre-emptions by counties for seats of justice.

26 May, 1824, c.

169, s. 1, v. 4, p. 50.

SEC. 2277. All warrants for military bounty-lands, which are issued under any law of the United States, shall be received in payment of pre-emption rights at the rate of one dollar and twenty-five cents per acre, for the quantity of land therein specified; but where the land is rated at one dollar and twenty-five cents per acre, and does not exceed the area specified in the warrant, it must be taken in full satisfaction thereof.

SEC. 2278. Agricultural-college scrip, issued to any State under the act approved July second, eighteen hundred and sixty-two, or acts amendatory thereof, shall be received from actual settlers in payment of pre-emption claims in the same manner and to the same extent as authorized in case of military bounty-land warrants, by the preceding section.

SEC. 2279. No person shall have the right of pre-emption to more than one hundred and sixty acres along the line of railroads within the limits granted by any act of Congress.

SEC. 2280. Any settler on lands heretofore reserved on account of claims under French, Spanish, or other grants, which have been or may be hereafter declared by the Supreme Court of the United States to be invalid, shall be entitled to all the rights of pre-emption granted by the preceding provisions of this chapter, after the lands have been released from reservation, in the same manner as if no reservation had existed.

SEC. 2281. All settlers on public lands which have been or may be withdrawn from market in consequence of proposed railroads, and who had settled thereon prior to such withdrawal, shall be entitled to pre-emption at the ordinary minimum to the lands settled on and cultivated by them; but they shall file the proper notices of their claims and make proof and payment as in other cases.

SEC. 2282. Nothing contained in this chapter shall delay the sale of any of the public lands beyond the time appointed by the proclamation of the President.

SEC. 2283. The Osage Indian trust and diminished-reserve lands in the State of Kansas, excepting the sixteenth and thirty-sixth sections in each township, shall be subject to disposal, for cash only, to actual settlers, in quantities not exceeding one hundred and sixty acres, or one quarter-section to each, in compact form, in accordance with the general principles of the pre-emption laws, under the direction of the Commissioner of the General Land-Office; but claimants shall file their declaratory statements as prescribed in other cases upon unoffered lands, and shall pay for the tracts, respectively, settled upon within one year from date of settlement where the plat of survey is on file at that date, and within one year from the filing of the township-plat in the district office where such plat is not on file at date of settlement.

SEC. 2284. The sale or transfer of his claim upon any portion of these lands by any settler prior to the twenty-sixth day of April, eighteen hundred and seventy-one, shall not operate to preclude the right of entry, under the provisions of the preceding section, upon another tract settled upon subsequent to such sale or transfer; but satisfactory proof of good faith must be furnished upon such subsequent settlement.

SEC. 2285. The restrictions of the pre-emption laws, contained in sections twenty-two hundred and sixty and twenty-two hundred and sixty-one, shall not apply to any settler on the Osage Indian trust and diminished-reserve lands in the State of Kansas, who was actually residing on his claim on the ninth day of May, eighteen hundred and seventy-two.

SEC. 2286. There shall be granted to the several counties or parishes of each State and Territory, where there are public lands, at the minimum price for which public lands of the United States are sold, the right of pre-emption to one quarter-section of land, in each of the counties or parishes, in trust for such counties or parishes, respectively, for the establishment of seats of justice therein; but the proceeds of the sale of

each of such quarter-section shall be appropriated for the purpose of erecting public buildings in the county or parish for which it is located, after deducting therefrom the amount originally paid for the same. And the seat of justice for such counties or parishes, respectively, shall be fixed previously to a sale of the adjoining lands within the county or parish for which the same is located.

SEC. 2287. Any bona-fide settler under the homestead or pre-emption laws of the United States who has filed the proper application to enter not to exceed one quarter-section of the public lands in any district land-office, and who has been subsequently appointed a register or receiver, may perfect the title to the land under the pre-emption laws by furnishing the proofs and making the payments required by law, to the satisfaction of the Commissioner of the General Land-Office.

SEC. 2288. Any person who has already settled or hereafter may settle on the public lands, either by pre-emption, or by virtue of the homestead law or any amendments thereto, shall have the right to transfer, by warranty against his own acts, any portion of his pre-emption or homestead for church, cemetery, or school purposes, or for the right of way of railroads across such pre-emption or homestead, and the transfer for such public purposes shall in no way vitiate the right to complete and perfect the title to their pre-emptions or homesteads.

Where claimant of entry becomes register or receiver.

20 April, 1871, c. 21, s. 16, v. 17, p. 10.

Right of transfer of settlers under homestead or pre-emption laws for certain public purposes.

Act of 3 Mar., 1873, c. 266, v. 17, p. 602.

CHAPTER FIVE.

HOMESTEADS.

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| Sec. | Sec. |
| 2289. Who may enter certain unappropriated public lands. | 2303. Repeal of section and further disposition of lands. |
| 2290. Mode of procedure. | 2304. Soldiers' and sailors' homestead. |
| 2291. Certificate and patent, when given and issued. | 2305. Deduction of military and naval service from time, &c. |
| Proof of residence. | 2306. Persons who have entered less than 160 acres, rights of. |
| False swearing, penalty for. | 2307. Widows and minor children of persons entitled to homestead, &c. |
| 2292. When rights inure to the benefit of infant children. | 2308. Actual service in the Army or Navy equivalent to residence, &c. |
| 2293. Persons in military or naval service, when and before whom to make affidavit. | 2309. Who may enter by agent. |
| 2294. When persons may make affidavit before clerk of court. | 2310. Chiefs, &c., of Stockbridge Munsees, homestead rights of. |
| 2295. Record of applications. | 2311. Exemptions of homestead of Stockbridge Munsees. |
| 2296. Homestead lands not to be subject to prior debts. | 2312. Stockbridge Munsees becoming citizens. |
| 2297. When lands entered for homestead revert to Government. | 2313. Unsold lands of the Ottawa and Chippewa Indians, how opened for homestead. |
| 2298. Limitation of amount entered for homestead. | 2314. Selection for minors under preceding section. |
| 2299. Existing pre-emption rights not impaired. | 2315. Bona-fide settlers on above lands prior to, &c. |
| 2300. What minors may have the privileges of this chapter. | 2316. Certain lands to be patented to Indians making selection. |
| 2301. Payment before expiration of five years, rights of applicant. | 2317. Cultivation of trees on homestead tracts. |
| 2302. No distinction on account of race or color, &c. | |
| 2303. What lands disposed of only as homesteads. | |

SEC. 2289. Every person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who has filed his declaration of intention to become such, as required by the naturalization laws, shall be entitled to enter one quarter-section or a less quantity of unappropriated public lands, upon which such person may have filed a pre-emption claim, or which may, at the time the application is made, be subject to pre-emption at one dollar and twenty-five cents per acre; or eighty acres or less of such unappropriated lands, at two dollars and fifty cents per acre, to be located in a body, in con-

Who may enter certain unappropriated public lands.

20 May, 1862, c. 75, s. 1, v. 12, p. 392.
11 Feb., 1874, c. 25, v. 18, p. 15.
13 Mar., 1874, c. 55, v. 18, p. 22.

22 *June*, 1874, c. 400, v. 18, p. 194.
 23 *Feb.*, 1875, c. 99, v. 18, p. 334.
 3 *Mar.*, 1875, c. 131, ss. 15, 16, v. 18, p. 420.
 21 *April*, 1875, c. 72, v. 19, p. 35. 3 *Mar.*, 1877, c. 127, v. 19, p. 405.

Mode of procedure.

20 *May*, 1862, c. 75, s. 2, v. 12, p. 392.
 21 *Mar.*, 1864, c. 38, s. 2, v. 13, p. 35.
 21 *June*, 1866, c. 127, s. 2, v. 14, p. 67.
 22 *June*, 1874, c. 394, v. 18, p. 192.
 3 *Mar.*, 1875, c. 131, ss. 15, 16, v. 18, p. 420.

SEC. 2290. The person applying for the benefit of the preceding section shall, upon application to the register of the land-office in which he is about to make such entry, make affidavit before the register or receiver that he is the head of a family, or is twenty-one years or more of age, or has performed service in the Army or Navy of the United States, and that such application is made for his exclusive use and benefit, and that his entry is made for the purpose of actual settlement and cultivation, and not either directly or indirectly for the use or benefit of any other person; and upon filing such affidavit with the register or receiver, on payment of five dollars when the entry is of not more than eighty acres, and on payment of ten dollars when the entry is for more than eighty acres, he shall thereupon be permitted to enter the amount of land specified.

Certificate and patent, when given and issued.

21 *June*, 1866, c. 127, s. 2, v. 14, p. 67.
 18 *June*, 1874, c. 308, v. 18, p. 81.

Proof of residence, &c.

3 *Mar.*, 1877, c. 122, v. 19, p. 403.

False swearing, penalty for.

When rights inure to the benefit of infant children.

21 *June*, 1866, c. 127, s. 2, v. 14, p. 67.

SEC. 2291. No certificate, however, shall be given, or patent issued therefor, until the expiration of five years from the date of such entry; and if at the expiration of such time, or at any time within two years thereafter, the person making such entry; or if he be dead, his widow; or in case of her death, his heirs or devisee; or in case of a widow making such entry, her heirs or devisee, in case of her death, proves by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of five years immediately succeeding the time of filing the affidavit, and makes affidavit that no part of such land has been alienated, except as provided in section twenty-two hundred and eighty-eight, and that he, she, or they will bear true allegiance to the Government of the United States; then, in such case, he, she, or they, if at that time citizens of the United States, shall be entitled to a patent, as in other cases provided by law. [That the proof of residence, occupation, or cultivation, the affidavit of non-alienation, and the oath of allegiance, required to be made by section twenty-two hundred and ninety-one of the Revised Statutes, may be made before the judge, or, in his absence, before the clerk, of any court of record of the county and State, or district and Territory, in which the lands are situated; and if said lands are situated in any unorganized county, such proof may be made in a similar manner in any adjacent county in said State or Territory; and the proof, affidavit, and oath, when so made and duly subscribed, shall have the same force and effect as if made before the register or receiver of the proper land-district; and the same shall be transmitted by such judge, or the clerk of his court, to the register and the receiver, with the fee and charges allowed by law to him; and the register and receiver shall be entitled to the same fees for examining and approving said testimony as are now allowed by law for taking the same. That if any witness making such proof, or the said applicant making such affidavit or oath, swears falsely as to any material matter contained in said proof, affidavits, or oaths, the said false swearing being willful and corrupt, he shall be deemed guilty of perjury, and shall be liable to the same pains and penalties as if he had sworn falsely before the register.]

SEC. 2292. In case of the death of both father and mother, leaving an infant child or children under twenty-one years of age, the right and fee shall inure to the benefit of such infant child or children; and the executor, administrator, or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children, for the time being, have their domicile, sell the land for the benefit of such infants, but for no other purpose; and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States on the payment of the office-fees and sum of money above specified.

SEC. 2293. In case of any person desirous of availing himself of the benefits of this chapter; but who, by reason of actual service in the military or naval service of the United States, is unable to do the personal preliminary acts at the district land-office which the preceding sections require; and whose family, or some member thereof, is residing on the land which he desires to enter, and upon which a bona-fide improvement and settlement have been made, such person may make the affidavit required by law before the officer commanding in the branch of the service in which the party is engaged, which affidavit shall be as binding in law, and with like penalties, as if taken before the register or receiver; and upon such affidavit being filed with the register by the wife or other representative of the party, the same shall become effective from the date of such filing, provided the application and affidavit are accompanied by the fee and commissions as required by law.

SEC. 2294. In any case in which the applicant for the benefit of the homestead, and whose family or some member thereof, is residing on the land which he desires to enter, and upon which a bona-fide improvement and settlement have been made, is prevented, by reason of distance, bodily infirmity, or other good cause, from personal attendance at the district land-office, it may be lawful for him to make the affidavit required by law before the clerk of the court for the county in which the applicant is an actual resident, and to transmit the same, with the fee and commissions, to the register and receiver.

SEC. 2295. The register of the land-office shall note all applications under the provisions of this chapter, on the tract-books and plats of his office, and keep a register of all such entries, and make return thereof to the General Land Office, together with the proof upon which they have been founded.

SEC. 2296. No lands required under the provisions of this chapter shall in any event become liable to the satisfaction of any debt contracted prior to the issuing of the patent therefor.

20 May, 1862, c. 75, s. 4, v. 12, p. 393.—*Seymour v. Saunders*, 3 Dill., 437.

SEC. 2297. If, at any time after the filing of the affidavit, as required in section twenty-two hundred and ninety, and before the expiration of the five years mentioned in section twenty-two hundred and ninety-one, it is proved, after due notice to the settler, to the satisfaction of the register of the land-office, that the person having filed such affidavit has actually changed his residence, or abandoned the land for more than six months at any time, then and in that event the land so entered shall revert to the Government.

SEC. 2298. No person shall be permitted to acquire title to more than one quarter-section under the provisions of this chapter.

SEC. 2299. Nothing contained in this chapter shall be so construed as to impair or interfere in any manner with existing pre-emption rights; and all persons who may have filed their applications for a pre-emption right prior to the twentieth day of May, eighteen hundred and sixty-two, shall be entitled to all the privileges of this chapter.

SEC. 2300. No person who has served, or may hereafter serve, for a period not less than fourteen days in the Army or Navy of the United States, either regular or volunteer, under the laws thereof, during the existence of an actual war, domestic or foreign, shall be deprived of the benefits of this chapter on account of not having attained the age of twenty-one years.

SEC. 2301. Nothing in this chapter shall be so construed as to prevent any person who has availed himself of the benefits of section twenty-two hundred and eighty-nine, from paying the minimum price for the quantity of land so entered, at any time before the expiration of the five years, and obtaining a patent therefor from the Government, as in other cases directed by law, on making proof of settlement and cultivation as provided by law, granting pre-emption rights.

Persons in military or naval service, when and before whom to make affidavit.

21 Mar., 1864, c. 38, s. 4, v. 13, p. 35.

When persons may make affidavit before clerk of court.

21 Mar., 1864, c. 38, s. 3, v. 13, p. 35.
22 June, 1874, c. 394, r. 18, p. 192.

Record of applications.

20 May, 1862, c. 75, s. 3, v. 12, p. 393.

Homestead lands not to be subject to prior debts.

When lands entered for homestead revert to Government.

20 May, 1862, c. 75, s. 5, v. 12, p. 393.
28 Dec., 1874, c. 10, r. 18, p. 294.
21 April, 1876, c. 72, r. 19, p. 36.

Limitation of amount entered for homestead.

20 May, 1862, c. 75, s. 6, v. 12, p. 393.

Existing pre-emption rights not impaired.

20 May, 1862, c. 75, s. 6, v. 12, p. 393.

What minors may have the privileges of this chapter.

20 May, 1862, c. 75, s. 6, v. 12, p. 393.

Payment before expiration of five years; rights of applicant.

20 May, 1862, c. 75, s. 8, v. 12, p. 393.

Nodistinction on account of race or color, &c.

21 June, 1866, c. 127, s. 1, v. 14, p. 67.—Morton v. Nebraska, 21 Wall., 660.

What lands disposed of only as homesteads.

21 June, 1866, c. 127, s. 1, v. 14, p. 67.

4 July, 1876, c. 165, v. 19, p. 73.

3 Mar., 1877, c. 108, v. 19, p. 377.

Disposition of lands in certain States.

Soldiers' and sailors' homestead.

8 June, 1872, c. 338, s. 1, v. 17, p. 333.

Deduction of military and naval service from time, &c.

8 June, 1872, c. 338, s. 1, v. 17, p. 333.

Persons who have entered less than 160 acres, rights of.

8 June, 1872, c. 338, s. 2, v. 17, p. 333.

Widow and minor children of persons entitled to homestead, &c.

8 June, 1872, c. 338, s. 3, v. 17, p. 333.

SEC. 2302. No distinction shall be made in the construction or execution of this chapter, on account of race or color; nor shall any mineral lands be liable to entry and settlement under its provisions.

SEC. 2303. [*All the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, shall be disposed of in no other manner than according to the terms and stipulations contained in the preceding provisions of this chapter.*] [That section two thousand three hundred and three of the Revised Statutes of the United States, confining the disposal of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida to the provisions of the homestead law, be, and the same is hereby, repealed: *Provided*, That the repeal of said section shall not have the effect to impair the right, complete or inchoate, of any homestead settler, and no land occupied by such settler at the time this act shall take effect, shall be subject to entry, pre-emption, or sale: *And provided*, That the public lands affected by this act, shall be offered at public sale, as soon as practicable from time to time, and according to the provisions of existing law, and shall not be subject to private entry until they are so offered.]

SEC. 2304. Every private soldier and officer who has served in the Army of the United States during the recent rebellion, for ninety days, and who was honorably discharged, and has remained loyal to the Government, including the troops mustered into the service of the United States by virtue of the third section of an act approved February thirteen, eighteen hundred and sixty-two, and every seaman, marine, and officer who has served in the Navy of the United States, or in the Marine Corps, during the rebellion, for ninety days, and who was honorably discharged, and has remained loyal to the Government, shall, on compliance with the provisions of this chapter, as hereinafter modified, be entitled to enter upon and receive patents for a quantity of public lands not exceeding one hundred and sixty acres, or one quarter-section, to be taken in compact form, according to legal subdivisions, including the alternate reserved sections of public lands along the line of any railroad or other public work, not otherwise reserved or appropriated, and other lands subject to entry under the homestead laws of the United States; but such homestead settler shall be allowed six months after locating his homestead, and filing his declaratory statement, within which to make his entry and commence his settlement and improvement.

SEC. 2305. The time which the homestead settler has served in the Army, Navy, or Marine Corps shall be deducted from the time heretofore required to perfect title, or if discharged on account of wounds received or disability incurred in the line of duty, then the term of enlistment shall be deducted from the time heretofore required to perfect title, without reference to the length of time he may have served; but no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements.

SEC. 2306. Every person entitled, under the provisions of section twenty-three hundred and four, to enter a homestead who may have heretofore entered, under the homestead laws, a quantity of land less than one hundred and sixty acres, shall be permitted to enter so much land as, when added to the quantity previously entered, shall not exceed one hundred and sixty acres.

SEC. 2307. In case of the death of any person who would be entitled to a homestead under the provisions of section twenty-three hundred and four, his widow, if unmarried, or in case of her death or marriage, then his minor orphan children, by a guardian duly appointed and officially accredited at the Department of the Interior, shall be entitled to all the benefits enumerated in this chapter, subject to all the provisions as to settlement and improvements therein contained; but if such person died during his term of enlistment, the whole term of his enlistment shall be deducted from the time heretofore required to perfect the title.

SEC. 2308. Where a party at the date of his entry of a tract of land under the homestead laws, or subsequently thereto, was actually enlisted and employed in the Army or Navy of the United States, his services therein shall, in the administration of such homestead laws, be construed to be equivalent, to all intents and purposes, to a residence for the same length of time upon the tract so entered. And if his entry has been canceled by reason of his absence from such tract while in the military or naval service of the United States, and such tract has not been disposed of, his entry shall be restored; but if such tract has been disposed of, the party may enter another tract subject to entry under the homestead laws, and his right to a patent therefor may be determined by the proofs touching his residence and cultivation of the first tract and his absence therefrom in such service.

SEC. 2309. Every soldier, sailor, marine, officer, or other person coming within the provisions of section twenty-three hundred and four, may, as well by an agent as in person, enter upon such homestead by filing a declaratory statement, as in pre-emption cases; but such claimant in person shall within the time prescribed make his actual entry, commence settlements and improvements on the same, and thereafter fulfill all the requirements of law.

SEC. 2310. Each of the chiefs, warriors, and heads of families of the Stockbridge Munsee tribes of Indians, residing in the county of Shawana, State of Wisconsin, may, under the direction of the Secretary of the Interior, enter a homestead and become entitled to all the benefits of this chapter, free from any fee or charge; and any part of their present reservation, which is abandoned for that purpose, may be sold, under the direction of the Secretary of the Interior, and the proceeds applied for the benefit of such Indians as may settle on homesteads, to aid them in improving the same.

SEC. 2311. The homestead secured, by virtue of the preceding section, shall not be subject to any tax, levy, or sale; nor shall it be sold, conveyed, mortgaged, or in any manner incumbered, except upon the decree of the district court of the United States, as provided in the following section.

SEC. 2312. Whenever any of the chiefs, warriors, or heads of families of the tribes mentioned in section twenty-three hundred and ten, having filed with the clerk of the district court of the United States a declaration of his intention to become a citizen of the United States, and to dissolve all relations with any Indian tribe, two years previous thereto, appears in such court, and proves to the satisfaction thereof, by the testimony of two citizens, that for five years last past he has adopted the habits of civilized life; that he has maintained himself and family by his own industry; that he reads and speaks the English language; that he is well disposed to become a peaceable and orderly citizen; and that he has sufficient capacity to manage his own affairs; the court may enter a decree admitting him to all the rights of a citizen of the United States, and thenceforth he shall be no longer held or treated as a member of any Indian tribe, but shall be entitled to all the rights and privileges, and be subject to all the duties and liabilities to taxation of other citizens of the United States. But nothing herein contained shall be construed to deprive such chiefs, warriors, or heads of families of annuities to which they are or may be entitled.

SEC. 2313. The unoccupied lands in the reservation made for the Ottawa and Chippewa Indians, of Michigan, by the treaty of July thirty-one, eighteen hundred and fifty-five, shall be open to homestead entry for six months from the tenth day of June, eighteen hundred and seventy-two, by Indians only of those tribes, who have not made selections or purchases under the treaty, including such members of the tribes as have become of age since the expiration of the ten years named in the treaty; and every Indian so entitled shall be permitted to make his homestead entry, at the local land-office, within such six months, of not exceeding one hundred and sixty acres, or one quarter-section of minimum, or eighty acres of double minimum land, on making proper

Actual service in the Army or Navy equivalent to residence, &c.

8 June, 1872, c. 338, s. 4, v. 17, p. 333.

Who may enter by agent.

8 June, 1872, c. 338, s. 5, v. 17, p. 334.

Chiefs, &c., of Stockbridge Munsees, homestead rights of.

3 Mar., 1865, c. 127, s. 4, v. 13, p. 562.

Exemption of homestead of Stockbridge Munsees.

3 Mar., 1865, c. 127, s. 4, v. 13, p. 562.

Stockbridge Munsees becoming citizens.

3 Mar., 1865, c. 127, s. 4, v. 13, p. 562.

Unsold lands of the Ottawa and Chippewa Indians, how opened for homestead.

10 June, 1872, c. 424, s. 2, v. 17, p. 381.

3 Mar., 1875, c. 188, v. 18, p. 516.
23 May, 1876, c. 105, v. 19, p. 55.

proof of his right, under such rules as may be prescribed by the Secretary of the Interior.

Selection for minors under preceding section.

10 June, 1872, c. 424, s. 2, v. 17, p. 381. 3 Mar., 1875, c. 188, v. 18, p. 516.

Bona-fide settlers on above lands prior to, &c.

10 June, 1872, c. 424, s. 3, v. 17, p. 381. 3 Mar., 1875, c. 188, v. 18, p. 516. 23 May, 1876, c. 105, v. 19, p. 55.

Certain lands to be patented to Indians making selection.

10 June, 1872, c. 424, s. 4, v. 17, p. 381. 3 Mar., 1875, c. 188, v. 18, p. 516. 23 May, 1876, c. 105, v. 19, p. 55.

Cultivation of trees on homestead tracts.

3 Mar., 1873, c. 277, s. 4, v. 17, p. 606. 13 Mar., 1874, c. 55, v. 18, p. 21. 3 Mar., 1875, c. 151, v. 18, p. 481.

3 Mar., 1875, c. 188, v. 18, p. 516. 20 May, 1876, c. 102, v. 19, p. 54.

SEC. 2314. The collector of customs for the district in which such land is situated, is authorized, and it is made his duty, to select for such minor children as would be entitled, under the preceding section, as the heirs of any Indian.

SEC. 2315. All actual, permanent, bona-fide settlers on any of such lands who settled prior to the first day of January, eighteen hundred and seventy-two, shall be entitled to enter either under the homestead laws or to pay for at the minimum or double minimum price, as the case may be, not exceeding one hundred and sixty acres of the former or eighty acres of the latter class of land on making proof of his settlement and continued residence before the expiration of six months from the tenth day of June, eighteen hundred and seventy-two.

SEC. 2316. All selections of such lands by Indians heretofore made and regularly reported and recognized as valid and proper by the Secretary of the Interior and Commissioner of Indian Affairs, shall be patented to the respective Indians making the same; and all sales heretofore made and reported, where the same are regular and not in conflict with such selections, or with any other valid adverse right, except of the United States, are confirmed, and patents shall issue thereon as in other cases according to law.

SEC. 2317. Every person having a homestead on the public domain, under the provisions of this chapter, who, at the end of the third year of his residence thereon, shall have had under cultivation, for two years, one acre of timber, the trees thereon not being more than twelve feet apart each way, and in a good, thrifty condition, for each and every sixteen acres of such homestead, shall, upon due proof of the fact by two credible witnesses, receive his patent for such homestead.

CHAPTER SIX.

MINERAL LANDS AND MINING RESOURCES.

Sec.

- 2318. Mineral lands reserved.
- 2319. Mineral lands open to purchase by citizens.
- 2320. Length of mining-claims upon veins or lodes.
- 2321. Proof of citizenship.
- 2322. Locators' rights of possession and enjoyment.
- 2323. Owners of tunnels, rights of.
- 2324. Regulations made by miners. Tunnels, cost of, how treated.
- 2325. Patents for mineral lands, how obtained.
- 2326. Adverse claim, proceedings on.
- 2327. Description of vein-claims on surveyed and unsurveyed lands.
- 2328. Pending applications; existing rights.
- 2329. Conformity of placer-claims to surveys, limit of.
- 2330. Subdivision of ten-acre tracts, maximum of placer locations.
- 2331. Conformity of placer-claims to surveys, limitation of claims.
- 2332. What evidence of possession, &c., to establish a right to a patent.
- 2333. Proceedings for patent for placer-claim, &c.
- 2334. Surveyor-general to appoint surveyors of mining-claims, &c.
- 2335. Verification of affidavits, &c.

Sec.

- 2336. Where veins intersect, &c.
- 2337. Patents for non-mineral lands, &c.
- 2338. What conditions of sale may be made by local legislature.
- 2339. Vested rights to use of water for mining, &c., right of way for canals.
- 2340. Patents, pre-emptions, and homesteads, subject to vested and accrued water-rights.
- 2341. Mineral lands in which no valuable mines are discovered, open to homesteads.
- 2342. Mineral lands how set apart as agricultural lands.
- 2343. Additional land districts and officers, power of the President to provide.
- 2344. Provisions of this chapter not to affect certain rights.
- 2345. Mineral lands in certain States excepted.
- 2346. Grants of lands to States or corporations not to include mineral lands.
- 2347. Entry of coal-lands.
- 2348. Pre-emption of coal-lands.
- 2349. Pre-emption claims of coal-land to be presented within sixty days, &c.
- 2350. Only one entry allowed.
- 2351. Conflicting claims.
- 2352. Rights reserved.

SEC. 2318. In all cases lands valuable for minerals shall be reserved from sale, except as otherwise expressly directed by law. Mineral lands reserved.

4 July, 1866, c. 166, s. 5, v. 14, p. 86. 3 Mar., 1875, c. 139, ss. 11, 15, r. 18, p. 476.—*Morton v. Nebraska*, 21 Wall., 660.

SEC. 2319. All valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase, by citizens of the United States and those who have declared their intention to become such, under regulations prescribed by law, and according to the local customs or rules of miners in the several mining-districts, so far as the same are applicable and not inconsistent with the laws of the United States. Mineral lands open to purchase by citizens.

10 May, 1872, c. 152, s. 1, v. 17, p. 91.
5 May, 1876, c. 91, r. 19, p. 52.

U. S. r. Gear, 3 How., 120; *Forbes v. Gracey*, 94 U. S., 762.

SEC. 2320. Mining-claims upon veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, heretofore located, shall be governed as to length along the vein or lode by the customs, regulations, and laws in force at the date of their location. A mining-claim located after the tenth day of May, eighteen hundred and seventy-two, whether located by one or more persons, may equal, but shall not exceed, one thousand five hundred feet in length along the vein or lode; but no location of a mining-claim shall be made until the discovery of the vein or lode within the limits of the claim located. No claim shall extend more than three hundred feet on each side of the middle of the vein at the surface, nor shall any claim be limited by any mining regulation to less than twenty-five feet on each side of the middle of the vein at the surface, except where adverse rights existing on the tenth day of May, eighteen hundred and seventy-two, render such limitation necessary. The end-lines of each claim shall be parallel to each other. Length of mining-claims upon veins or lodes.

10 May, 1872, c. 152, s. 2, v. 17, p. 91.
5 May, 1876, c. 91, r. 19, p. 52.

SEC. 2321. Proof of citizenship, under this chapter, may consist, in the case of an individual, of his own affidavit thereof; in the case of an association of persons unincorporated, of the affidavit of their authorized agent, made on his own knowledge, or upon information and belief; and in the case of a corporation organized under the laws of the United States, or of any State or Territory thereof, by the filing of a certified copy of their charter or certificate of incorporation. Proof of citizenship.

10 May, 1872, c. 152, s. 7, v. 17, p. 94.
5 May, 1876, c. 91, r. 19, p. 52.

SEC. 2322. The locators of all mining locations heretofore made or which shall hereafter be made, on any mineral vein, lode, or ledge, situated on the public domain, their heirs and assigns, where no adverse claim exists on the tenth day of May, eighteen hundred and seventy-two, so long as they comply with the laws of the United States, and with State, territorial, and local regulations not in conflict with the laws of the United States governing their possessory title, shall have the exclusive right of possession and enjoyment of all the surface included within the lines of their locations, and of all veins, lodes, and ledges throughout their entire depth, the top or apex of which lies inside of such surface-lines extended downward vertically, although such veins, lodes, or ledges may so far depart from a perpendicular in their course downward as to extend outside the vertical side-lines of such surface locations. But their right of possession to such outside parts of such veins or ledges shall be confined to such portions thereof as lie between vertical planes drawn downward as above described, through the end-lines of their locations, so continued in their own direction that such planes will intersect such exterior parts of such veins or ledges. And nothing in this section shall authorize the locator or possessor of a vein or lode which extends in its downward course beyond the vertical lines of his claim to enter upon the surface of a claim owned or possessed by another. Locators' rights of possession and enjoyment.

10 May, 1872, c. 152, s. 3, v. 17, p. 91.
5 May, 1876, c. 91, r. 19, p. 52.

SEC. 2323. Where a tunnel is run for the development of a vein or lode, or for the discovery of mines, the owners of such tunnel shall have the right of possession of all veins or lodes within three thousand feet from the face of such tunnel on the line thereof, not previously known to Owners of tunnels, rights of.

10 May, 1872, c. 152, s. 4, v. 17, p. 92.

5 May, 1876, c. 91, v. 19, p. 52. exist, discovered in such tunnel, to the same extent as if discovered from the surface; and locations on the line of such tunnel of veins or lodes not appearing on the surface, made by other parties after the commencement of the tunnel, and while the same is being prosecuted with reasonable diligence, shall be invalid; but failure to prosecute the work on the tunnel for six months shall be considered as an abandonment of the right to all undiscovered veins on the line of such tunnel.

Regulations made by miners.

10 May, 1872, c. 152, s. 5, v. 17, p. 92.
6 June, 1874, c. 220, v. 18, p. 61.
5 May, 1876, c. 91, v. 19, p. 52.

SEC. 2324. The miners of each mining-district may make regulations not in conflict with the laws of the United States, or with the laws of the State or Territory in which the district is situated, governing the location, manner of recording, amount of work necessary to hold possession of a mining-claim, subject to the following requirements: The location must be distinctly marked on the ground so that its boundaries can be readily traced. All records of mining-claims hereafter made shall contain the name or names of the locators, the date of the location, and such a description of the claim or claims located by reference to some natural object or permanent monument as will identify the claim. On each claim located after the tenth day of May, eighteen hundred and seventy-two, and until a patent has been issued therefor, not less than one hundred dollars' worth of labor shall be performed or improvements made during each year. On all claims located prior to the tenth day of May, eighteen hundred and seventy-two, ten dollars' worth of labor shall be performed or improvements made by the tenth day of June, eighteen hundred and seventy-four, and each year thereafter, for each one hundred feet in length along the vein until a patent has been issued therefor; but where such claims are held in common, such expenditure may be made upon any one claim; and upon a failure to comply with these conditions, the claim or mine upon which such failure occurred shall be open to relocation in the same manner as if no location of the same had ever been made, provided that the original locators, their heirs, assigns, or legal representatives, have not resumed work upon the claim after failure and before such location. Upon the failure of any one of several co-owners to contribute his proportion of the expenditures required hereby, the co-owners who have performed the labor or made the improvements may, at the expiration of the year, give such delinquent co-owner personal notice in writing or notice by publication in the newspaper published nearest the claim, for at least once a week for ninety days, and if at the expiration of ninety days after such notice in writing or by publication such delinquent should fail or refuse to contribute his proportion of the expenditure required by this section, his interest in the claim shall become the property of his co-owners who have made the required expenditures. [That section two thousand three hundred and twenty-four of the revised statutes be, and the same is hereby, amended so that where a person or company has or may run a tunnel for the purposes of developing a lode or lodes, owned by said person or company, the money so expended in said tunnel shall be taken and considered as expended on said lode or lodes, whether located prior to or since the passage of said act; and such person or company shall not be required to perform work on the surface of said lode or lodes in order to hold the same as required by said act.]

Tunnels, cost of, how treated.

11 Feb., 1875, c. 41, v. 18, p. 315.

Patents for mineral lands, how obtained.

10 May, 1872, c. 152, s. 6, v. 7, p. 92.
5 May, 1876, c. 91, v. 19, p. 52.

SEC. 2325. A patent for any land claimed and located for valuable deposits may be obtained in the following manner: Any person, association, or corporation authorized to locate a claim under this chapter, having claimed and located a piece of land for such purposes, who has, or have, complied with the terms of this chapter, may file in the proper land-office an application for a patent, under oath, showing such compliance, together with a plat and field-notes of the claim or claims in common, made by or under the direction of the United States surveyor-general, showing accurately the boundaries of the claim or claims, which shall be distinctly marked by monuments on the ground, and shall post a copy of such plat, together with a notice of such application for a patent, in a conspicuous place on the land embraced in such plat previous to the filing of the application for a patent, and shall file an affi-

davit of at least two persons that such notice has been duly posted, and shall file a copy of the notice in such land-office, and shall thereupon be entitled to a patent for the land, in the manner following: The register of the land-office, upon the filing of such application, plat, field-notes, notices, and affidavits, shall publish a notice that such application has been made, for the period of sixty days, in a newspaper to be by him designated as published nearest to such claim; and he shall also post such notice in his office for the same period. The claimant at the time of filing this application, or at any time thereafter, within the sixty days of publication, shall file with the register a certificate of the United States surveyor-general that five hundred dollars' worth of labor has been expended or improvements made upon the claim by himself or grantors; that the plat is correct, with such further description by such reference to natural objects or permanent monuments as shall identify the claim, and furnish an accurate description, to be incorporated in the patent. At the expiration of the sixty days of publication the claimant shall file his affidavit, showing that the plat and notice have been posted in a conspicuous place on the claim during such period of publication. If no adverse claim shall have been filed with the register and the receiver of the proper land-office at the expiration of the sixty days of publication, it shall be assumed that the applicant is entitled to a patent, upon the payment to the proper officer of five dollars per acre, and that no adverse claim exists; and thereafter no objection from third parties to the issuance of a patent shall be heard, except it be shown that the applicant has failed to comply with the terms of this chapter.

SEC. 2326. Where an adverse claim is filed during the period of publication, it shall be upon oath of the person or persons making the same, and shall show the nature, boundaries, and extent of such adverse claim, and all proceedings, except the publication of notice and making and filing of the affidavit thereof, shall be stayed until the controversy shall have been settled or decided by a court of competent jurisdiction, or the adverse claim waived. It shall be the duty of the adverse claimant, within thirty days after filing his claim, to commence proceedings in a court of competent jurisdiction, to determine the question of the right of possession, and prosecute the same with reasonable diligence to final judgment; and a failure so to do shall be a waiver of his adverse claim. After such judgment shall have been rendered, the party entitled to the possession of the claim, or any portion thereof, may, without giving further notice, file a certified copy of the judgment-roll with the register of the land-office, together with the certificate of the surveyor-general that the requisite amount of labor has been expended or improvements made thereon, and the description required in other cases, and shall pay to the receiver five dollars per acre for his claim, together with the proper fees, whereupon the whole proceedings and the judgment-roll shall be certified by the register to the Commissioner of the General Land-Office, and a patent shall issue thereon for the claim, or such portion thereof as the applicant shall appear, from the decision of the court, to rightly possess. If it appears from the decision of the court that several parties are entitled to separate and different portions of the claim, each party may pay for his portion of the claim, with the proper fees, and file the certificate and description by the surveyor-general, whereupon the register shall certify the proceedings and judgment-roll to the Commissioner of the General Land-Office, as in the preceding case, and patents shall issue to the several parties according to their respective rights. Nothing herein contained shall be construed to prevent the alienation of the title conveyed by a patent for a mining-claim to any person whatever.

SEC. 2327. The description of vein or lode claims, upon surveyed lands, shall designate the location of the claim with reference to the lines of the public surveys, but need not conform therewith; but where a patent shall be issued for claims upon unsurveyed lands, the surveyor-general, in extending the surveys, shall adjust the same to the boundaries of such patented claim, according to the plat or description thereof, but so as in no case to interfere with or change the location of any such patented claim.

Adverse claim,
proceedings on.

10 May, 1872, c.
152, s. 7, v. 17, p. 93.
5 May, 1876, c.
91, v. 19, p. 52.

Description of
vein-claims on sur-
veyed and unsur-
veyed lands.

10 May, 1872, c.
152, s. 8, v. 17, p. 94.
5 May, 1876, c.
91, v. 19, p. 52.

Pending applications; existing rights.

10 May, 1872, c. 152, s. 9, v. 17, p. 94.
5 May, 1876, c. 91, v. 19, p. 52.

Conformity of placer-claims to surveys, limit of.

9 July, 1870, c. 235, s. 12, v. 16, p. 217.

Subdivisions of ten-acre tracts; maximum of placer locations.

9 July, 1870, c. 235, s. 12, v. 16, p. 217.

Conformity of placer-claims to surveys, limitation of claims.

10 May, 1872, c. 152, s. 10, v. 17, p. 94.
5 May, 1876, c. 91, v. 19, p. 52.

What evidence of possession, &c., to establish a right to a patent.

9 July, 1870, c. 235, s. 13, v. 16, p. 217.

Proceedings for patent for placer-claim, &c.

10 May, 1872, c. 152, s. 11, v. 17, p. 94.
5 May, 1876, c. 91, v. 19, p. 52.

SEC. 2328. Applications for patents for mining-claims under former laws now pending may be prosecuted to a final decision in the General Land-Office; but in such cases where adverse rights are not affected thereby, patents may issue in pursuance of the provisions of this chapter; and all patents for mining-claims upon veins or lodes heretofore issued shall convey all the rights and privileges conferred by this chapter where no adverse rights existed on the tenth day of May, eighteen hundred and seventy-two.

SEC. 2329. Claims usually called "placers," including all forms of deposit, excepting veins of quartz, or other rock in place, shall be subject to entry and patent, under like circumstances and conditions, and upon similar proceedings, as are provided for vein or lode claims; but where the lands have been previously surveyed by the United States, the entry in its exterior limits shall conform to the legal subdivisions of the public lands.

SEC. 2330. Legal subdivisions of forty acres may be subdivided into ten-acre tracts; and two or more persons, or associations of persons, having contiguous claims of any size, although such claims may be less than ten acres each, may make joint entry thereof; but no location of a placer-claim, made after the ninth day of July, eighteen hundred and seventy, shall exceed one hundred and sixty acres for any one person or association of persons, which location shall conform to the United States surveys; and nothing in this section contained shall defeat or impair any bona-fide pre-emption or homestead claim upon agricultural lands, or authorize the sale of the improvements of any bona-fide settler to any purchaser.

SEC. 2331. Where placer-claims are upon surveyed lands, and conform to legal subdivisions, no further survey or plat shall be required, and all placer-mining claims located after the tenth day of May, eighteen hundred and seventy-two, shall conform as near as practicable with the United States system of public-land surveys, and the rectangular sub-divisions of such surveys, and no such location shall include more than twenty acres for each individual claimant; but where placer-claims cannot be conformed to legal subdivisions, survey and plat shall be made as on unsurveyed lands; and where by the segregation of mineral land in any legal subdivision a quantity of agricultural land less than forty acres remains, such fractional portion of agricultural land may be entered by any party qualified by law, for homestead or pre-emption purposes.

SEC. 2332. Where such person or association, they and their grantors, have held and worked their claims for a period equal to the time prescribed by the statute of limitations for mining-claims of the State or Territory where the same may be situated, evidence of such possession and working of the claims for such period shall be sufficient to establish a right to a patent thereto under this chapter, in the absence of any adverse claim; but nothing in this chapter shall be deemed to impair any lien which may have attached in any way whatever to any mining-claim or property thereto attached prior to the issuance of a patent.

SEC. 2333. Where the same person, association, or corporation is in possession of a placer-claim, and also a vein or lode included within the boundaries thereof, application shall be made for a patent for the placer-claim, with the statement that it includes such vein or lode, and in such case a patent shall issue for the placer-claim, subject to the provisions of this chapter, including such vein or lode, upon the payment of five dollars per acre for such vein or lode claim, and twenty-five feet of surface on each side thereof. The remainder of the placer-claim, or any placer-claim not embracing any vein or lode-claim, shall be paid for at the rate of two dollars and fifty cents per acre, together with all costs of proceedings; and where a vein or lode, such as is described in section twenty-three hundred and twenty, is known to exist within the boundaries of a placer-claim, an application for a patent for such placer-claim which does not include an application for the vein or lode claim shall be construed as a conclusive declaration that the claimant of the placer-claim has no right of possession of the vein or lode claim; but where the existence of a vein or lode in a placer-claim is not known, a patent

for the placer-claim shall convey all valuable mineral and other deposits within the boundaries thereof.

SEC. 2334. The surveyor-general of the United States may appoint in each land-district containing mineral lands as many competent surveyors as shall apply for appointment to survey mining-claims. The expenses of the survey of vein or lode claims, and the survey and subdivision of placer-claims into smaller quantities than one hundred and sixty acres, together with the cost of publication of notices, shall be paid by the applicants, and they shall be at liberty to obtain the same at the most reasonable rates, and they shall also be at liberty to employ any United States deputy surveyor to make the survey. The Commissioner of the General Land-Office shall also have power to establish the maximum charges for surveys and publication of notices under this chapter; and, in case of excessive charges for publication, he may designate any newspaper published in a land-district where mines are situated for the publication of mining-notices in such district, and fix the rates to be charged by such paper; and, to the end that the Commissioner may be fully informed on the subject, each applicant shall file with the register a sworn statement of all charges and fees paid by such applicant for publication and surveys, together with all fees and money paid the register and the receiver of the land-office, which statement shall be transmitted, with the other papers in the case, to the Commissioner of the General Land-Office.

SEC. 2335. All affidavits required to be made under this chapter may be verified before any officer authorized to administer oaths within the land-district where the claims may be situated, and all testimony and proofs may be taken before any such officer, and, when duly certified by the officer taking the same, shall have the same force and effect as if taken before the register and receiver of the land-office. In cases of contest as to the mineral or agricultural character of land, the testimony and proofs may be taken as herein provided on personal notice of at least ten days to the opposing party; or if such party cannot be found, then by publication of at least once a week for thirty days in a newspaper, to be designated by the register of the land-office as published nearest to the location of such land; and the register shall require proof that such notice has been given.

SEC. 2336. Where two or more veins intersect or cross each other, priority of title shall govern, and such prior location shall be entitled to all ore or mineral contained within the space of intersection; but the subsequent location shall have the right of way through the space of intersection for the purposes of the convenient working of the mine. And where two or more veins unite, the oldest or prior location shall take the vein below the point of union, including all the space of intersection.

SEC. 2337. Where non-mineral land not contiguous to the vein or lode is used or occupied by the proprietor of such vein or lode for mining or milling purposes, such non-adjacent surface-ground may be embraced and included in an application for a patent for such vein or lode, and the same may be patented therewith, subject to the same preliminary requirements as to survey and notice as are applicable to veins or lodes; but no location hereafter made of such non-adjacent land shall exceed five acres, and payment for the same must be made at the same rate as fixed by this chapter for the superficies of the lode. The owner of a quartz-mill or reduction-works, not owning a mine in connection therewith, may also receive a patent for his mill-site, as provided in this section.

SEC. 2338. As a condition of sale, in the absence of necessary legislation by Congress, the local legislature of any State or Territory may provide rules for working mines, involving easements, drainage, and other necessary means to their complete development; and those conditions shall be fully expressed in the patent.

SEC. 2339. Whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes, have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and

Surveyor-general to appoint surveyors of mining-claims, &c.

10 May, 1872, c. 152, s. 12, v. 17, p. 95.

5 May, 1876, c. 91, v. 19, p. 52.

Verification of affidavits, &c.

10 May, 1872, c. 152, s. 13, v. 17, p. 95.

5 May, 1876, c. 91, v. 19, p. 52.

Where veins intersect, &c.

10 May, 1872, c. 152, s. 14, v. 17, p. 96.

5 May, 1876, c. 91, v. 19, p. 52.

Patents for non-mineral lands, &c.

10 May, 1872, c. 152, s. 15, v. 17, p. 96.

5 May, 1876, c. 91, v. 19, p. 52.

What conditions of sale may be made by local legislature.

26 July, 1866, c. 262, s. 5, v. 14, p. 252.

5 May, 1876, c. 91, v. 19, p. 52.

Vested rights to use of water for mining, &c.; right of way for canals.

26 July, 1866, c. 262, s. 9, v. 14, p. 253.—*Basey v. Gallagher*, 20 Wall., 670; *Union M. & M. Co. v. Ferris*, 2 Saw., 176.

Patents, pre-emption, and homesteads subject to vested and accrued water-rights.

9 July, 1870, c. 235, s. 17, v. 16, p. 218.

Mineral lands in which no valuable mines are discovered open to homesteads.

26 July, 1866, c. 262, s. 10, v. 14, p. 253.

Heydenfeldt v. Daney Gold, &c., Co., 93 U.S., 634.

Mineral lands how set apart as agricultural lands.

26 July, 1866, c. 262, s. 11, v. 14, p. 253.

Additional land-districts and officers, power of the President to provide.

26 July, 1866, c. 262, s. 7, v. 14, p. 252.

Provisions of this chapter not to affect certain rights.

9 July, 1870, c. 235, s. 17, v. 16, p. 218.

10 May, 1872, c. 152, s. 16, v. 17, p. 96.

5 May, 1876, c. 91, v. 19, p. 52.

Mineral lands in certain States excepted.

18 Feb., 1873, c. 159, v. 17, p. 465.

Grants of lands to States or corporations not to include mineral lands.

30 Jan., 1865, Res. No. 10, v. 13, p. 567.

owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals for the purposes herein specified is acknowledged and confirmed; but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

SEC. 2340. All patents granted, or pre-emption or homesteads allowed, shall be subject to any vested and accrued water-rights, or rights to ditches and reservoirs used in connection with such water-rights, as may have been acquired under or recognized by the preceding section.

SEC. 2341. Wherever, upon the lands heretofore designated as mineral lands, which have been excluded from survey and sale, there have been homesteads made by citizens of the United States, or persons who have declared their intention to become citizens, which homesteads have been made, improved, and used for agricultural purposes, and upon which there have been no valuable mines of gold, silver, cinnabar, or copper discovered, and which are properly agricultural lands, the settlers or owners of such homesteads shall have a right of pre-emption thereto, and shall be entitled to purchase the same at the price of one dollar and twenty-five cents per acre, and in quantity not to exceed one hundred and sixty acres; or they may avail themselves of the provisions of chapter five of this Title, relating to "HOMESTEADS."

SEC. 2342. Upon the survey of the lands described in the preceding section, the Secretary of the Interior may designate and set apart such portions of the same as are clearly agricultural lands, which lands shall thereafter be subject to pre-emption and sale as other public lands, and be subject to all the laws and regulations applicable to the same.

SEC. 2343. The President is authorized to establish additional land-districts, and to appoint the necessary officers under existing laws, wherever he may deem the same necessary for the public convenience in executing the provisions of this chapter.

SEC. 2344. Nothing contained in this chapter shall be construed to impair, in any way, rights or interests in mining property acquired under existing laws; nor to affect the provisions of the act entitled "An act granting to A. Sutro the right of way and other privileges to aid in the construction of a draining and exploring tunnel to the Comstock lode, in the State of Nevada," approved July twenty-five, eighteen hundred and sixty-six.

SEC. 2345. The provisions of the preceding sections of this chapter shall not apply to the mineral lands situated in the States of Michigan, Wisconsin, and Minnesota, which are declared free and open to exploration and purchase, according to legal subdivisions, in like manner as before the tenth day of May, eighteen hundred and seventy-two. And any bona-fide entries of such lands within the States named since the tenth day of May, eighteen hundred and seventy-two, may be patented without reference to any of the foregoing provisions of this chapter. Such lands shall be offered for public sale in the same manner, at the same minimum price, and under the same rights of pre-emption as other public lands.

SEC. 2346. No act passed at the first session of the Thirty-eighth Congress, granting lands to States or corporations to aid in the construction of roads or for other purposes, or to extend the time of grants made prior to the thirtieth day of January, eighteen hundred and sixty-five, shall be so construed as to embrace mineral lands, which in all cases are reserved exclusively to the United States, unless otherwise specially provided in the act or acts making the grant.

SEC. 2347. Every person above the age of twenty-one years, who is a citizen of the United States, or who has declared his intention to become such, or any association of persons severally qualified as above, shall, upon application to the register of the proper land-office, have the right to enter, by legal subdivisions, any quantity of vacant coal-lands of the United States not otherwise appropriated or reserved by competent authority, not exceeding one hundred and sixty acres to such individual person, or three hundred and twenty acres to such association, upon payment to the receiver of not less than ten dollars per acre for such lands, where the same shall be situated more than fifteen miles from any completed railroad, and not less than twenty dollars per acre for such lands as shall be within fifteen miles of such road.

Entry of coal-lands.

3 Mar., 1873, c. 279, s. 1, v. 17, p. 607.

SEC. 2348. Any person or association of persons severally qualified, as above provided, who have opened and improved, or shall hereafter open and improve, any coal mine or mines upon the public lands, and shall be in actual possession of the same, shall be entitled to a preference-right of entry, under the preceding section, of the mines so opened and improved: *Provided*, That when any association of not less than four persons, severally qualified as above provided, shall have expended not less than five thousand dollars in working and improving any such mine or mines, such association may enter not exceeding six hundred and forty acres, including such mining improvements.

Pre-emption of coal-lands.

Ibid., s. 2.

SEC. 2349. All claims under the preceding section must be presented to the register of the proper land-district within sixty days after the date of actual possession and the commencement of improvements on the land, by the filing of a declaratory statement therefor; but when the township plat is not on file at the date of such improvement, filing must be made within sixty days from the receipt of such plat at the district office; and where the improvements shall have been made prior to the expiration of three months from the third day of March, eighteen hundred and seventy-three, sixty days from the expiration of such three months shall be allowed for the filing of a declaratory statement, and no sale under the provisions of this section shall be allowed until the expiration of six months from the third day of March, eighteen hundred and seventy-three.

Pre-emption claims of coal-land to be presented within sixty days, &c.

Ibid., s. 3.

SEC. 2350. The three preceding sections shall be held to authorize only one entry by the same person or association of persons; and no association of persons any member of which shall have taken the benefit of such sections, either as an individual or as a member of any other association, shall enter or hold any other lands under the provisions thereof; and no member of any association which shall have taken the benefit of such sections shall enter or hold any other lands under their provisions; and all persons claiming under section twenty-three hundred and forty-eight shall be required to prove their respective rights and pay for the lands filed upon within one year from the time prescribed for filing their respective claims; and upon failure to file the proper notice, or to pay for the land within the required period, the same shall be subject to entry by any other qualified applicant.

Only one entry allowed.

Ibid., s. 4.

SEC. 2351. In case of conflicting claims upon coal-lands where the improvements shall be commenced, after the third day of March, eighteen hundred and seventy-three, priority of possession and improvement, followed by proper filing and continued good faith, shall determine the preference-right to purchase. And also where improvements have already been made prior to the third day of March, eighteen hundred and seventy-three, division of the land claimed may be made by legal subdivisions, to include, as near as may be, the valuable improvements of the respective parties. The Commissioner of the General Land-Office is authorized to issue all needful rules and regulations for carrying into effect the provisions of this and the four preceding sections.

Conflicting claim.

Ibid., s. 5.

SEC. 2352. Nothing in the five preceding sections shall be construed to destroy or impair any rights which may have attached prior to the third day of March, eighteen hundred and seventy-three, or to authorize the sale of lands valuable for mines of gold, silver, or copper.

Rights reserved.

Ibid., s. 6.

CHAPTER SEVEN.

SALE AND DISPOSAL OF THE PUBLIC LANDS.

- Sec.
2353. Public sale of lands in half quarter-sections.
2354. Private sales, in what bodies.
2355. Private sales, proceedings in.
2356. No credit on sales of public lands.
2357. Price of lands \$1.25 per acre.
2358. Public lands may be offered for sale in such proportions as the President chooses.
2359. Advertisement of sales.
2360. Duration of sales.
2361. Several certificates issued to two or more purchasers of same section.
2362. Purchase-money refunded where sale cannot be confirmed.
2363. Refunding in certain cases, how done.
2364. Minimum price, how fixed when reservations sold.
2365. Highest bidder when preferred in private sales.
2366. What coins receivable in payment for public lands.
2367. Lands in California subject to private entry and withdrawn, how to be opened to entry.

- Sec.
2368. Certain lands located in good faith by claims arising under treaty of September 30, 1854, may be purchased, &c.
2369. Mistakes in entry of lands, provisions for.
2370. Mistakes in patent lands.
2371. Mistakes in location of warrants.
2372. Error in entry by mistake of numbers, proceedings upon.
2373. Agreement and acts intended to prevent bids, penalty.
2374. Agreements to pay premium to purchasers at public sales.
2375. Recovery of premiums paid to purchasers at public sales.
2376. Discovery of agreements to pay premiums by bill in equity.
2377. Limitation of entries by agricultural-college scrip.
2378. Grant to new States.
2379. Selections and locations of lands granted in last section.

Public sale of lands in half quarter-sections. SEC. 2353. All the public lands, the sale of which is authorized by law, shall, when offered at public sale to the highest bidder, be offered in half quarter-sections.

24 April, 1820, c. 51, s. 1, v. 3, p. 566.—U. S. v. Gratiot, 14 Pet., 526; Oliver v. Piatt, 3 How., 333; Brown's Lessee v. Clements, 3 How., 650; Gazzam v. Phillips, 20 How., 372. Eldred v. Septon, 19 Wall., 189.

Private sales in what bodies. SEC. 2354. All the public lands, when offered at private sale, may be purchased, at the option of the purchaser, in entire sections, half-sections, quarter-sections, half quarter-sections, or quarter quarter-sections.

5 April, 1832, c. 65, v. 4, p. 503.

Private sales, proceedings in. SEC. 2355. Every person making application at any of the land-offices of the United States for the purchase at private sale of a tract of land shall produce to the register a memorandum in writing, describing the tract, which he shall enter by the proper number of the section, half-section, quarter-section, half quarter-section, or quarter quarter-section, as the case may be, and of the township and range, subscribing his name thereto, which memorandum the register shall file and preserve in his office.

24 Feb., 1810, c. 11, s. 1, v. 2, p. 556.

No credit on sales of public lands. SEC. 2356. Credit shall not be allowed for the purchase-money on the sale of any of the public lands, but every purchaser of land sold at public sale shall, on the day of purchase, make complete payment therefor; and the purchaser at private sale shall produce to the register of the land-office a receipt from the Treasurer of the United States, or from the receiver of public moneys of the district, for the amount of the purchase-money on any tract, before he enters the same at the land-office; and if any person, being the highest bidder at public sale for a tract of land, fails to make payment therefor on the day on which the same was purchased, the tract shall be again offered at public sale on the next day of sale, and such person shall not be capable of becoming the purchaser of that or any other tract offered at such public sales.

24 April, 1820, c. 51, s. 2, v. 3, p. 566.
Chotard v. Pope, 12 Wh., 589.
U. S. v. Boyd, 5 How., 49; Bell v. Hearne, 19 How., 260.

Price of lands, \$1.25 per acre. SEC. 2357. The price at which the public lands are offered for sale shall be one dollar and twenty-five cents an acre; and at every public sale, the highest bidder, who makes payment as provided in the preceding section, shall be the purchaser; but no land shall be sold, either at public or private sale, for a less price than one dollar and twenty-five cents an acre; and all the public lands which are hereafter offered at public sale, according to law, and remain unsold at the close of such

24 April, 1820, c. 51, s. 3, v. 3, p. 566.
3 Mar., 1877, c. 107, v. 19, p. 377.

public sales, shall be subject to be sold at private sale, by entry at the land-office, at one dollar and twenty-five cents an acre, to be paid at the time of making such entry: *Provided*, That the price to be paid for alternate reserved lands, along the line of railroads within the limits granted by any act of Congress, shall be two dollars and fifty cents per acre.

SEC. 2358. Whenever the President is authorized to cause the public lands, in any land-district, to be offered for sale, he may offer for sale, at first, only a part of the lands contained in such district, and at any subsequent time or times he may offer for sale in the same manner any other part, or the remainder of the lands contained in the same.

40, s. 1, v. 2, p. 479. 12 Jan., 1877, c. 18, s. 2, v. 19, p. 221. 3 Mar., 1877, c. 107, v. 19, p. 377.

SEC. 2359. The public lands which are exposed to public sale by order of the President shall be advertised for a period of not less than three nor more than six months prior to the day of sale, unless otherwise specially provided.

12 Jan., 1877, c. 18, s. 2, v. 19, p. 221. 3 Mar., 1877, c. 107, v. 19, p. 377.

SEC. 2360. The public sales of lands shall, respectively, be kept open for two weeks, and no longer, unless otherwise specially provided by law.

SEC. 2361. Where two or more persons have become purchasers of a section or fractional section, the register of the land-office of the district in which the lands lie shall, on application of the parties, and a surrender of the original certificate, issue separate certificates, of the same date with the original, to each of the purchasers, or their assignees, in conformity with the division agreed on by them; but in no case shall the fractions so purchased be divided by other than north and south, or east and west, lines; nor shall any certificate issue for less than eighty acres.

SEC. 2362. The Secretary of the Interior is authorized, upon proof being made, to his satisfaction, that any tract of land has been erroneously sold by the United States, so that from any cause the sale cannot be confirmed, to repay to the purchaser, or to his legal representatives or assignees, the sum of money which was paid therefor, out of any money in the Treasury not otherwise appropriated.

SEC. 2363. Where any tract of land has been erroneously sold, as described in the preceding section, and the money which was paid for the same has been invested in any stocks held in trust, or has been paid into the Treasury to the credit of any trust-fund, it is lawful, by the sale of such portion of the stocks as may be necessary for the purpose, or out of such trust-fund, to repay the purchase-money to the parties entitled thereto.

SEC. 2364. Whenever any reservation of public lands is brought into market, the Commissioner of the General Land-Office shall fix a minimum price, not less than one dollar and twenty-five cents per acre, below which such lands shall not be disposed of.

SEC. 2365. Where two or more persons apply for the purchase, at private sale, of the same tract, at the same time, the register shall determine the preference, by forthwith offering the tract to the highest bidder.

SEC. 2366. The gold coins of Great Britain and other foreign coins shall be received in all payments on account of public lands, at the value estimated annually by the Director of the Mint, and proclaimed by the Secretary of the Treasury, in accordance with the provisions of section thirty-five hundred and sixty-four, Title, "THE COINAGE." [See § 8474.]

21 Feb., 1857, c. 56, s. 1, v. 11, p. 163.

SEC. 2367. Wherever lands in California subject to private entry have been or are hereafter withdrawn from market for any cause, such lands shall not thereafter be held subject to private entry until they have first been open for at least ninety days to homestead and pre-emption settlers, and again offered at public sale.

Public lands may be offered for sale in such proportions as the President chooses.

31 Mar., 1808, c. 102, v. 19, p. 377.

Advertisement of sales.

28 June, 1834, c. 102, v. 4, p. 702.

Duration of sales.

24 April, 1820, c. 51, s. 5, v. 3, p. 567.

Several certificates issued to two or more purchasers of same section.

23 May, 1828, c. 71, s. 7, v. 4, p. 287.

Purchase-money refunded where sale cannot be confirmed.

12 Jan., 1825, c. 5, v. 4, p. 80.

28 Feb., 1859, c. 64, s. 1, v. 11, p. 387. Refunding in certain cases; how done.

28 Feb., 1859, c. 64, s. 2, v. 11, p. 388.

Minimum price, how fixed when reservations sold.

2 July, 1864, c. 221, v. 13, p. 374.

Highest bidder, when preferred in private sales.

24 April, 1820, c. 51, s. 6, v. 3, p. 567.

What coins receivable in payment for public lands.

3 Mar., 1823, c. 53, s. 1, v. 3, p. 779.

Lands in California subject to private entry and withdrawn, how to be opened to entry.

15 July, 1870, c. 160, v. 18, p. 497.

Certain lands located in good faith by claims arising under treaty of Sept. 30, 1854, may be purchased, &c.

8 June, 1872, c. 357, v. 17, p. 340.

Mistakes in entry of lands, provisions for.

3 Mar., 1819, c. 98, v. 3, p. 526.

Mistakes in patent lands.

24 May, 1828, c. 96, v. 4, p. 301.

Mistakes in location of warrants.

3 Mar., 1853, c. 147, s. 2, v. 10, p. 257.

Error in entry by mistake of numbers, proceedings upon.

24 May, 1824, c. 138, s. 1, v. 4, p. 31.

Agreement and acts intended to prevent bids, penalty.

SEC. 2368. The Secretary of the Interior is authorized to permit the purchase, with cash or military bounty-land warrants, of such lands as may have been located with claims arising under the seventh clause of the second article of the treaty of September thirty, eighteen hundred and fifty-four, at such price per acre as he deems equitable and proper, but not at a less price than one dollar and twenty-five cents per acre, and the owners and holders of such claims in good faith are also permitted to complete their entries, and to perfect their titles under such claims upon compliance with the terms above mentioned; but it must be shown to the satisfaction of the Secretary of the Interior that such claims are held by innocent parties in good faith, and that the locations made under such claims have been made in good faith and by innocent holders of the same.

SEC. 2369. In every case of a purchaser of public lands, at private sale, having entered at the land-office, a tract different from that he intended to purchase, and being desirous of having the error in his entry corrected, he shall make his application for that purpose to the register of the land-office; and if it appears from testimony satisfactory to the register and receiver, that an error in the entry has been made, and that the same was occasioned by original incorrect marks made by the surveyor, or by the obliteration or change of the original marks and numbers at corners of the tract of land; or that it has in any otherwise arisen from mistake or error of the surveyor, or officers of the land-office, the register and receiver shall report the case, with the testimony, and their opinion thereon, to the Secretary of the Interior, who is authorized to direct that the purchaser is at liberty to withdraw the entry so erroneously made, and that the moneys which have been paid shall be applied in the purchase of other lands in the same district, or credited in the payment for other lands which have been purchased at the same office.

SEC. 2370. The provisions of the preceding section are declared to extend to all cases where patents have issued or may hereafter issue; upon condition, however, that the party concerned surrenders his patent to the Commissioner of the General Land-Office, with a relinquishment of title thereon, executed in a form to be prescribed by the Secretary of the Interior.

SEC. 2371. The provisions of the two preceding sections are made applicable in all respects to errors in the location of land-warrants.

SEC. 2372. In all cases of an entry hereafter made, of a tract of land not intended to be entered, by a mistake of the true numbers of the tract intended to be entered, where the tract, thus erroneously entered, does not, in quantity, exceed one half-section, and where the certificate of the original purchaser has not been assigned, or his right in any way transferred, the purchaser, or, in case of his death, the legal representatives, not being assignees or transferees, may, in any case coming within the provisions of this section, file his own affidavit, with such additional evidence as can be procured, showing the mistake of the numbers of the tract intended to be entered, and that every reasonable precaution and exertion had been used to avoid the error, with the register and receiver of the land-district within which such tract of land is situated, who shall transmit the evidence submitted to them in each case, together with their written opinion, both as to the existence of the mistake and the credibility of each person testifying thereto, to the Commissioner of the General Land-Office, who, if he be entirely satisfied that the mistake has been made, and that every reasonable precaution and exertion had been made to avoid it, is authorized to change the entry, and transfer the payment from the tract erroneously entered, to that intended to be entered, if unsold; but, if sold, to any other tract liable to entry; but the oath of the person interested shall in no case be deemed sufficient, in the absence of other corroborating testimony, to authorize any such change of entry; nor shall anything herein contained affect the right of third persons.

SEC. 2373. Every person who, before or at the time of the public sale of any of the lands of the United States, bargains, contracts, or agrees, or attempts to bargain, contract, or agree with any other person, that the last-named person shall not bid upon or purchase the land so offered for

sale, or any parcel thereof, or who by intimidation, combination, or unfair management, hinders, or prevents, or attempts to hinder or prevent, any person from bidding upon or purchasing any tract of land so offered for sale, shall be fined not more than one thousand dollars, or imprisoned not more than two years, or both.

SEC. 2374. If any person before, or at the time of the public sale of any of the lands of the United States, enters into any contract, bargain, agreement, or secret understanding with any other person, proposing to purchase such land, to pay or give to such purchasers for such land a sum of money or other article of property, over and above the price at which the land is bid off by such purchasers, every such contract, bargain, agreement, or secret understanding, and every bond, obligation, or writing of any kind whatsoever, founded upon or growing out of the same, shall be utterly null and void.

SEC. 2375. Every person being a party to such contract, bargain, agreement, or secret understanding, who pays to such purchaser any sum of money or other article of value, over and above the purchase-money of such land, may sue for and recover such excess from such purchaser in any court having jurisdiction of the same.

SEC. 2376. If the party aggrieved have no legal evidence of such contract, bargain, agreement, or secret understanding, or of the payment of the excess, he may, by bill in equity, compel such purchaser to make discovery thereof; and if in such case the complainant shall ask for relief, the court in which the bill is pending may proceed to final decree between the parties to the same; but every such suit either in law or equity shall be commenced within six years next after the sale of such land by the United States.

SEC. 2377. In no case shall more than three sections of public lands be entered at private entry in any one township by scrip issued to any State under the act approved July two, eighteen hundred and sixty-two, for the establishment of an agricultural college therein.

SEC. 2378. There is granted, for purposes of internal improvement, to each new State hereafter admitted into the Union, upon such admission, so much public land as, including the quantity that was granted to such State before its admission and while under a territorial government, will make five hundred thousand acres.

SEC. 2379. The selections of lands, granted in the preceding section, shall be made within the limits of each State so admitted into the Union, in such manner as the legislatures thereof, respectively, may direct; and such lands shall be located in parcels conformably to sectional divisions and subdivisions of not less than three hundred and twenty acres in any one location, on any public land not reserved from sale by law of Congress or by proclamation of the President. The locations may be made at any time after the public lands in any such new State have been surveyed according to law.

31 Mar., 1830, c. 48, s. 4, v. 4, p. 392.

Fackler v. Ford, 24 How., 331.

Agreements to pay premium to purchasers at public sales.

31 Mar., 1830, c. 48, s. 5, v. 4, p. 392.

Fackler v. Ford, 24 How., 331.

Recovery of premiums paid to purchasers at public sales.

31 Mar., 1830, c. 48, s. 5, v. 4, p. 392.

Discovery of agreements to pay premium by bill in equity.

31 Mar., 1830, c. 48, s. 5, v. 4, p. 392.

Limitation of entries by agricultural-college scrip.

27 July, 1868, c. 256, v. 15, p. 227.

Grant to new States.

4 Sept., 1841, c. 16, s. 8, v. 5, p. 455.

Foley v. Harrison, 15 How., 433.

Selections and locations of lands granted in last section.

4 Sept., 1841, c. 16, s. 8, v. 5, p. 455.

CHAPTER EIGHT.

RESERVATION AND SALE OF TOWN-SITES ON THE PUBLIC LANDS.

Sec.	Sec.
2380. Town-sites to be reserved.	2387. Entry of town authorities in trust for occupants.
2381. Reservations to be surveyed into lots.	2388. Entry under preceding section when to be made.
2382. Town or city sites in public lands.	2389. Entry in proportion to number of inhabitants.
2383. When towns established upon unsurveyed lands, extension limits, how adjusted.	2390. Authorities of Salt Lake City, rights of, as to entry.
2384. When transcript-maps of town are not filed in twelve months, proceedings by Secretary of Interior.	2391. Certain acts of trustees to be void.
2385. Where size of lots or town plats vary from general rule.	2392. No title acquired to gold mines, &c., or to mining claim, &c.
2386. Title to lots subject to mineral rights.	2393. Military or other reservations, &c.
	2394. Inhabitants of towns on public lands, rights of, to enter.

Town-sites to be reserved.

3 Mar., 1863, c. 80, s. 1, v. 12, p. 754.

3 Mar., 1877, c. 113, v. 19, p. 392.

Reservations to be surveyed into lots.

3 Mar., 1863, c. 80, s. 2, v. 12, p. 754.

Town or city sites in public lands.

1 July, 1864, c. 205, s. 2, v. 13, p. 343.

When towns established upon unsurveyed lands, extension limits, how adjusted.

1 July, 1864, c. 205, s. 3, v. 13, p. 344.

When transcript maps of town are not filed in twelve months, proceedings by Secretary of Interior.

1 July, 1864, c. 205, s. 4, v. 13, p. 344.

SEC. 2380. The President is authorized to reserve from the public lands, whether surveyed or unsurveyed, town-sites on the shores of harbors, at the junction of rivers, important portages, or any natural or prospective centers of population.

SEC. 2381. When, in the opinion of the President, the public interests require it, it shall be the duty of the Secretary of the Interior to cause any of such reservations, or part thereof, to be surveyed into urban or suburban lots of suitable size, and to fix by appraisement of disinterested persons their cash value, and to offer the same for sale at public outcry to the highest bidder, and thence afterward to be held subject to sale at private entry according to such regulations as the Secretary of the Interior may prescribe; but no lot shall be disposed of at public sale or private entry for less than the appraised value thereof. And all such sales shall be conducted by the register and receiver of the land-office in the district in which the reservations may be situated, in accordance with the instructions of the Commissioner of the General Land-Office.

SEC. 2382. In any case in which parties have already founded, or may hereafter desire to found, a city or town on the public lands, it may be lawful for them to cause to be filed with the recorder for the county in which the same is situated, a plat thereof, for not exceeding six hundred and forty acres, describing its exterior boundaries according to the lines of the public surveys, where such surveys have been executed; also giving the name of such city or town, and exhibiting the streets, squares, blocks, lots, and alleys, the size of the same, with measurements and area of each municipal subdivision, the lots in which shall each not exceed four thousand two hundred square feet, with a statement of the extent and general character of the improvements; such map and statement to be verified under oath by the party acting for and in behalf of the persons proposing to establish such city or town; and within one month after such filing there shall be transmitted to the General Land-Office a verified transcript of such map and statement, accompanied by the testimony of two witnesses that such city or town has been established in good faith, and when the premises are within the limits of an organized land-district, a similar map and statement shall be filed with the register and receiver, and at any time after the filing of such map, statement, and testimony in the General Land-Office it may be lawful for the President to cause the lots embraced within the limits of such city or town to be offered at public sale to the highest bidder, subject to a minimum of ten dollars for each lot; and such lots as may not be disposed of at public sale shall thereafter be liable to private entry at such minimum, or at such reasonable increase or diminution thereafter as the Secretary of the Interior may order from time to time, after at least three months' notice, in view of the increase or decrease in the value of the municipal property. But any actual settler upon any one lot, as above provided, and upon any additional lot in which he may have substantial improvements shall be entitled to prove up and purchase the same as a pre-emption, at such minimum, at any time before the day fixed for the public sale.

SEC. 2383. When such cities or towns are established upon unsurveyed lands, it may be lawful, after the extension thereto of the public surveys, to adjust the extension limits of the premises according to those lines, where it can be done without interference with rights which may be vested by sale; and patents for all lots so disposed of at public or private sale shall issue as in ordinary cases.

SEC. 2384. If within twelve months from the establishment of a city or town on the public domain, the parties interested refuse or fail to file in the General Land-Office a transcript map, with the statement and testimony called for by the provisions of section twenty-three hundred and eighty-two, it may be lawful for the Secretary of the Interior to cause a survey and plat to be made of such city or town, and thereafter the lots in the same shall be disposed of as required by such provisions, with this exception, that they shall each be at an increase of fifty per centum on the minimum of ten dollars per lot.

SEC. 2385. In the case of any city or town, in which the lots may be variant as to size from the limitation fixed in section twenty-three hundred and eighty-two, and in which the lots and buildings, as municipal improvements, cover an area greater than six hundred and forty acres, such variance as to size of lots or excess in area shall prove no bar to such city or town claim under the provisions of that section; but the minimum price of each lot in such city or town, which may contain a greater number of square feet than the maximum named in that section, shall be increased to such reasonable amount as the Secretary of the Interior may by rule establish.

SEC. 2386. Where mineral veins are possessed, which possession is recognized by local authority, and to the extent so possessed and recognized, the title to town-lots to be acquired shall be subject to such recognized possession and the necessary use thereof; but nothing contained in this section shall be so construed as to recognize any color of title in possessors for mining purposes as against the United States.

SEC. 2387. Whenever any portion of the public lands have been or may be settled upon and occupied as a town-site, not subject to entry under the agricultural pre-emption laws, it is lawful, in case such town be incorporated, for the corporate authorities thereof, and, if not incorporated, for the judge of the county court for the county in which such town is situated, to enter at the proper land-office, and at the minimum price, the land so settled and occupied in trust for the several use and benefit of the occupants thereof, according to their respective interests; the execution of which trust, as to the disposal of the lots in such town, and the proceeds of the sales thereof, to be conducted under such regulations as may be prescribed by the legislative authority of the State or Territory in which the same may be situated.

SEC. 2388. The entry of the land provided for in the preceding section shall be made, or a declaratory statement of the purpose of the inhabitants to enter it as a town-site shall be filed with the register of the proper land-office, prior to the commencement of the public sale of the body of land in which it is included, and the entry or declaratory statement shall include only such land as is actually occupied by the town, and the title to which is in the United States; but in any Territory in which a land-office may not have been established, such declaratory statements may be filed with the surveyor-general of the surveying-district in which the lands are situated; who shall transmit the same to the General Land-Office.

SEC. 2389. If upon surveyed lands the entry shall in its exterior limit be made in conformity to the legal subdivisions of the public lands authorized by law; and where the inhabitants are in number one hundred, and less than two hundred, shall embrace not exceeding three hundred and twenty acres; and in cases where the inhabitants of such town are more than two hundred, and less than one thousand, shall embrace not exceeding six hundred and forty acres; and where the number of inhabitants is one thousand and over one thousand, shall embrace not exceeding twelve hundred and eighty acres; but for each additional one thousand inhabitants, not exceeding five thousand in all, a further grant of three hundred and twenty acres shall be allowed.

SEC. 2390. The words "not exceeding five thousand in all," in the preceding section, shall not apply to Salt Lake City, in the Territory of Utah; but such section shall be so construed in its application to that city that lands may be entered for the full number of inhabitants contained therein, not exceeding fifteen thousand; and as that city covers school-section number thirty-six, in township number one north, of range number one west, the same may be embraced in such entry, and indemnity shall be given therefor when a grant is made by Congress of sections sixteen and thirty-six, in the Territory of Utah, for school purposes.

SEC. 2391. Any act of the trustees not made in conformity to the regulations alluded to in section twenty-three hundred and eighty-seven shall be void.

Where size of lots or town plat vary from general rule.

3 Mar., 1865, c. 107, s. 2, v. 13, p. 530.

Title to lots subject to mineral rights.

3 Mar., 1865, c. 107, s. 2, v. 13, p. 530.

Entry of town authorities in trust for occupants.

2 Mar., 1867, c. 177, v. 14, p. 541.
23 June, 1874, c. 469, s. 3, v. 18, p. 254.

Entry under preceding section, when to be made.

2 Mar., 1867, c. 177, v. 14, p. 541.
23 June, 1874, c. 469, s. 3, v. 18, p. 254.

Entry in proportion to number of inhabitants.

2 Mar., 1867, c. 177, v. 14, p. 541.
23 June, 1874, c. 469, s. 3, v. 18, p. 254.
3 Mar., 1877, c. 113, ss. 2, 4, v. 19, p. 392.

Authorities of Salt Lake City, rights of, as to entry.

1 July, 1870, c. 193, v. 16, p. 183.
23 June, 1874, c. 469, s. 3, v. 18, p. 254.

Certain acts of trustees to be void.

2 Mar., 1867, c. 177, v. 14, p. 541. 23 June, 1874, c. 469, s. 3, v. 18, p. 254.

Notitle acquired to gold-mines, &c., or to mining-claim, &c.

2 Mar., 1867, c. 177, v. 14, p. 541. 8 June, 1868, c. 53, v. 15, p. 67. 23 June, 1874, c. 469, s. 3, v. 18, p. 254.

Military or other reservations, &c.

2 Mar., 1867, c. 177, v. 14, p. 541.
28 Feb., 1877, c. 74, v. 19, p. 264.

Inhabitants of towns on public lands, right of, to enter.

8 June, 1868, c. 53, v. 15, p. 67.
23 June, 1874, c. 469, s. 3, v. 18, p. 254.

SEC. 2392. No title shall be acquired, under the foregoing provisions of this chapter, to any mine of gold, silver, cinnabar, or copper; or to any valid mining-claim or possession held under existing laws.

SEC. 2393. The provisions of this chapter shall not apply to military or other reservations heretofore made by the United States, nor to reservations for light-houses, custom-houses, mints, or such other public purposes as the interests of the United States may require, whether held under reservations through the Land-Office by title derived from the Crown of Spain, or otherwise.

SEC. 2394. The inhabitants of any town located on the public lands may avail themselves, if the town authorities choose to do so, of the provisions of sections twenty-three hundred and eighty-seven, twenty-three hundred and eighty-eight, and twenty-three hundred and eighty-nine; and in addition to the minimum price of the lands embracing any town-site so entered, there shall be paid by the parties availing themselves of such provisions all costs of surveying and platting any such town-site, and expenses incident thereto incurred by the United States, before any patent issues therefor; but nothing contained in the sections herein cited shall prevent the issuance of patents to persons who have made or may hereafter make entries, and elect to proceed under other laws relative to town-sites in this chapter set forth.

CHAPTER NINE.

SURVEY OF THE PUBLIC LANDS.

Sec.

- 2395. Rules of survey.
- 2396. Boundaries and contents of public lands, how ascertained.
- 2397. Lines of division of half quarter-sections, how run.
- 2398. Contracts for surveys of public lands, when binding.
- 2399. What instructions to be deemed part of contract.
- 2400. Prices of surveys, how established.
- 2401. When survey may be had by settlers in township.
- 2402. Deposit for expenses of surveys deemed an appropriation, &c.
- 2403. Deposits made by settlers for public surveys to go in part payment of lands.

Sec.

- 2404. Augmented rates for surveys of lands covered with forests, &c., in Oregon.
- 2405. *Ibid.* for California and Washington.
- 2406. Geological surveys, extension of public surveys, expenses of subdividing.
- 2407. Surveys on rivers in certain cases.
- 2408. Lines of surveys in Nevada.
- 2409. Geodetic method of survey in Oregon and California.
- 2410. Rectangular mode of survey, when may be departed from.
- 2411. Compensation for surveying by the day in Oregon and California.
- 2412. Penalty for interrupting surveys.
- 2413. Protection of surveyor by marshal of district.

Rules of survey.

18 May, 1796, c. 29, s. 2, v. 1, p. 465.
10 May, 1800, c. 55, s. 3, v. 2, p. 73.
3 Mar., 1877, c. 105, v. 19, p. 348.

SEC. 2395. The public lands shall be divided by north and south lines run according to the true meridian, and by others crossing them at right angles, so as to form townships of six miles square, unless where the line of an Indian reservation, or of tracts of land heretofore surveyed or patented, or the course of navigable rivers, may render this impracticable; and in that case this rule must be departed from no further than such particular circumstances require.

Second. The corners of the townships must be marked with progressive numbers from the beginning; each distance of a mile between such corners must be also distinctly marked with marks different from those of the corners.

Third. The township shall be subdivided into sections, containing, as nearly as may be, six hundred and forty acres each, by running through the same, each way, parallel lines at the end of every two miles; and by making a corner on each of such lines, at the end of every mile. The

sections shall be numbered respectively, beginning with the number one in the northeast section and proceeding west and east alternately through the township with progressive numbers till the thirty-six be completed.

Fourth. The deputy surveyors, respectively, shall cause to be marked on a tree near each corner established in the manner described, and within the section, the number of such section, and over it the number of the township within which such section may be; and the deputy surveyors shall carefully note, in their respective field-books, the names of the corner-trees marked and the numbers so made.

Fifth. Where the exterior lines of the townships which may be subdivided into sections or half-sections exceed, or do not extend six miles, the excess or deficiency shall be specially noted, and added to or deducted from the western and northern ranges of sections or half-sections in such township, according as the error may be in running the lines from east to west, or from north to south; the sections and half-sections bounded on the northern and western lines of such townships shall be sold as containing only the quantity expressed in the returns and plats respectively, and all others as containing the complete legal quantity.

Sixth. All lines shall be plainly marked upon trees, and measured with chains, containing two perches of sixteen and one-half feet each, subdivided into twenty-five equal links; and the chain shall be adjusted to a standard to be kept for that purpose.

Seventh. Every surveyor shall note in his field-book the true situations of all mines, salt licks, salt springs, and mill-seats which come to his knowledge; all water-courses over which the line he runs may pass; and also the quality of the lands.

Eighth. These field-books shall be returned to the surveyor-general, who shall cause therefrom a description of the whole lands surveyed to be made out and transmitted to the officers who may superintend the sales. He shall also cause a fair plat to be made of the townships and fractional parts of townships contained in the lands, describing the subdivisions thereof, and the marks of the corners. This plat shall be recorded in books to be kept for that purpose; and a copy thereof shall be kept open at the surveyor-general's office for public information, and other copies shall be sent to the places of the sale, and to the General Land-Office.

SEC. 2396. The boundaries and contents of the several sections, half-sections, and quarter-sections of the public lands shall be ascertained in conformity with the following principles:

First. All the corners marked in the surveys, returned by the surveyor-general, shall be established as the proper corners of sections, or subdivisions of sections, which they were intended to designate; and the corners of half and quarter sections, not marked on the surveys, shall be placed as nearly as possible equidistant from two corners which stand on the same line.

Second. The boundary-lines, actually run and marked in the surveys returned by the surveyor-general, shall be established as the proper boundary-lines of the sections, or subdivisions, for which they were intended, and the length of such lines, as returned, shall be held and considered as the true length thereof. And the boundary-lines which have not been actually run and marked shall be ascertained, by running straight lines from the established corners to the opposite corresponding corners; but in those portions of the fractional townships where no such opposite corresponding corners have been or can be fixed, the boundary-lines shall be ascertained by running from the established corners due north and south or east and west lines, as the case may be, to the water-course, Indian boundary-line, or other external boundary of such fractional township.

Third. Each section or subdivision of section, the contents whereof have been returned by the surveyor-general, shall be held and considered as containing the exact quantity expressed in such return; and the half-sections and quarter-sections, the contents whereof shall not have been

Boundaries and contents of public lands, how ascertained.

11 Feb., 1805, c. 14, s. 2, v. 2, p. 313.

Bates v. Illinois Central R.R., 1 Bl., 208; Railroad Commissioners v. Schurmeir, 7 Wall., 272.

thus returned, shall be held and considered as containing the one-half or the one-fourth part, respectively, of the returned contents of the section of which they may make part.

Lines of division of half quarter-sections, how run.

24 April, 1820, c. 51, s. 1, v. 3, p. 566.
5 April, 1832, c. 65, v. 4, p. 503.

SEC. 2397. In every case of the division of a quarter-section the line for the division thereof shall run north and south, and the corners and contents of half quarter-sections which may thereafter be sold, shall be ascertained in the manner and on the principles directed and prescribed by the section preceding, and fractional sections containing one hundred and sixty acres or upwards shall in like manner as nearly as practicable be subdivided into half quarter-sections, under such rules and regulations as may be prescribed by the Secretary of the Interior, and in every case of a division of a half quarter-section, the line for the division thereof shall run east and west, and the corners and contents of quarter quarter-sections, which may thereafter be sold, shall be ascertained as nearly as may be, in the manner, and on the principles, directed and prescribed by the section preceding; and fractional sections containing fewer or more than one hundred and sixty acres shall in like manner, as nearly as may be practicable, be subdivided into quarter quarter-sections, under such rules and regulations as may be prescribed by the Secretary of the Interior.

Contracts for surveys of public lands when binding.

30 May, 1862, c. 86, s. 1, v. 12, p. 409.

Magwire v. Tyler, 1 Bl., 201.

What instructions to be deemed part of contract.

30 May, 1862, c. 86, s. 2, v. 12, p. 409.

SEC. 2398. Contracts for the survey of the public lands shall not become binding upon the United States until approved by the Commissioner of the General Land-Office, except in such cases as the Commissioner may otherwise specially order.

SEC. 2399. The printed manual of instructions relating to the public surveys, prepared at the General Land-Office, and bearing date February twenty-second, eighteen hundred and fifty-five, the instructions of the Commissioner of the General Land-Office, and the special instructions of the surveyor-general, when not in conflict with such printed manual, or the instructions of the Commissioner, shall be taken and deemed to be a part of every contract for surveying the public lands.

Prices of surveys, how established.

30 May, 1862, c. 86, s. 3, v. 12, p. 409.
3 Mar., 1875, c. 130, v. 18, p. 384.

SEC. 2400. The Commissioner of the General Land-Office has power, and it shall be his duty, to fix the prices per mile for public surveys, which shall in no case exceed the maximum established by law; and, under instructions to be prepared by the Commissioner, an accurate account shall be kept by each surveyor-general of the cost of surveying and platting private land-claims, to be reported to the General Land-Office, with the map of such claim, and patents shall not issue for any such private claim until the cost of survey and platting has been paid into the Treasury by the claimant.

When survey may be had by settlers in township.

30 May, 1862, c. 86, s. 10, v. 12, p. 410.

SEC. 2401. When the settlers in any township, not mineral or reserved by Government, desire a survey made of the same, under the authority of the surveyor-general, and file an application therefor in writing, and deposit in a proper United States depository, to the credit of the United States, a sum sufficient to pay for such survey, together with all expenses incident thereto, without cost or claim for indemnity on the United States, it may be lawful for the surveyor-general, under such instructions as may be given him by the Commissioner of the General Land-Office, and in accordance with law, to survey such township and make return thereof to the general and proper local land-office, provided the township so proposed to be surveyed is within the range of the regular progress of the public surveys embraced by existing standard lines or bases for the township and subdivisional surveys.

Deposit for expenses of surveys deemed an appropriation, &c.

1 July, 1864, Res. No. 60, v. 13, p. 414.

SEC. 2402. The deposit of money in a proper United States depository, under the provisions of the preceding section, shall be deemed an appropriation of the sums so deposited for the objects contemplated by that section, and the Secretary of the Treasury is authorized to cause the sums so deposited to be placed to the credit of the proper appropriations for the surveying-service; but any excesses in such sums over and above the actual cost of the surveys, comprising all expenses incident thereto, for which they were severally deposited, shall be repaid to the depositors respectively.

SEC. 2403. Where settlers make deposits in accordance with the provisions of section twenty-four hundred and [seven] [one,] the amount so deposited shall go in part payment for their lands situated in the townships, the surveying of which is paid for out of such deposits.

The statute of amendment provides that the amendment shall have the same force and effect as though originally so enacted.

3 Mar., 1871, c. 127, v. 16, p. 581.

27 April, 1876, c. 84, c. 19, p. 38.

SEC. 2404. The Commissioner of the General Land-Office may authorize, in his discretion, public lands in Oregon, densely covered with forests or thick undergrowth, to be surveyed at augmented rates, not exceeding eighteen dollars per mile for standard parallels, fifteen dollars for townships, and twelve dollars for section lines.

Augmented rates for surveys of lands covered with forests, &c., in Oregon.

15 July, 1870, c. 292, s. 1, v. 16, pp. 304, 305.

Ibid. for California and Washington.

10 June, 1872, c. 415, s. 1, v. 17, p. 358.

SEC. 2405. The Commissioner of the General Land-Office, in his discretion, may hereafter authorize public lands in California and in Washington Territory, densely covered with forests or thick undergrowth, to be surveyed at augmented rates, not exceeding eighteen dollars per linear mile for standard parallels, sixteen dollars for townships, and fourteen dollars for section lines.

SEC. 2406. There shall be no further geological survey by the Government, unless hereafter authorized by law. The public surveys shall extend over all mineral lands; and all subdividing of surveyed lands into lots less than one hundred and sixty acres may be done by county and local surveyors at the expense of claimants; but nothing in this section contained shall require the survey of waste or useless lands.

Geological surveys, extension of public surveys, expenses of subdividing.

21 July, 1852, c. 66, s. 1, v. 10, pp. s. 16, v. 16, p. 218.

Surveys on rivers in certain cases.

24 May, 1824, c. 141, v. 4, p. 34.

SEC. 2407. Whenever, in the opinion of the President, a departure from the ordinary method of surveying land on any river, lake, bayou, or water-course would promote the public interest, he may direct the surveyor-general in whose district such land is situated, and where the change is intended to be made, to cause the lands thus situated to be surveyed in tracts of two acres in width, fronting on any river, bayou, lake, or water-course, and running back the depth of forty acres; which tracts of land so surveyed shall be offered for sale entire, instead of in half-quarter sections, and in the usual manner and on the same terms in all respects as the other public lands of the United States.

SEC. 2408. In extending the surveys of the public lands in the State of Nevada, the Secretary of the Interior may vary the lines of the subdivisions from a rectangular form, to suit the circumstances of the country.

Lines of surveys in Nevada.

4 July, 1866, c. 166, s. 5, v. 14, p. 86.

Geodetic method of survey in Oregon and California.

27 Sept., 1850, c. 76, s. 3, v. 9, p. 496.

3 Mar., 1853, c. 145, s. 4, v. 10, p. 245.

SEC. 2409. The Secretary of the Interior, if he deems it advisable, is authorized to continue the surveys in Oregon and California, to be made after what is known as the geodetic method, under such regulations and upon such terms as have been or may hereafter be prescribed by the Commissioner of the General Land-Office; but none other than township-lines shall be run where the land is unfit for cultivation; nor shall any deputy surveyor charge for any line except such as may be actually run and marked, or for any line not necessary to be run.

Rectangular mode of survey, when may be departed from.

3 Mar., 1853, c. 145, s. 4, v. 10, p. 245.

SEC. 2410. Whenever, in the opinion of the Secretary of the Interior, a departure from the rectangular mode of surveying and subdividing the public lands in California would promote the public interests, he may direct such change to be made in the mode of surveying and designating such lands as he deems proper, with reference to the existence of mountains, mineral deposits, and the advantages derived from timber and water privileges; but such lands shall not be surveyed into less than one hundred and sixty acres, or subdivided into less than forty acres.

SEC. 2411. Whenever the public surveys, or any portion of them, in the States of Oregon and California, are so required to be made as to render it expedient to make compensation for the surveying thereof by the day instead of by the mile, it shall be lawful for the Commissioner of the General Land-Office, under the direction of the Secretary of the Interior, to make such fair and reasonable allowance as, in his judgment, may be necessary to insure the accurate and faithful execution of the work.

Compensation for surveying by the day in Oregon and California.

3 Mar., 1853, c. 145, s. 8, v. 10, p. 247.

Penalty for interrupting surveys.

29 May, 1830, c. 163, s. 1, v. 4, p. 417.

Protection of surveyor by marshal of district.

29 May, 1830, c. 163, s. 2, v. 4, p. 417.

SEC. 2412. Every person who in any manner, by threats or force, interrupts, hinders, or prevents the surveying of the public lands, or of any private land-claim which has been or may be confirmed by the United States, by the persons authorized to survey the same, in conformity with the instructions of the Commissioner of the General Land-Office, shall be fined not less than fifty dollars nor more than three thousand dollars, and be imprisoned not less than one nor more than three years.

SEC. 2413. Whenever the President is satisfied that forcible opposition has been offered, or is likely to be offered, to any surveyor or deputy surveyor in the discharge of his duties in surveying the public lands, it may be lawful for the President to order the marshal of the State or district, by himself or deputy, to attend such surveyor or deputy surveyor with sufficient force to protect such officer in the execution of his duty, and to remove force should any be offered.

CHAPTER TEN.

BOUNTY-LANDS.

Sec.
2414. Military bounty-land warrants and locations assignable.
2415. Warrants located at \$1.25; excess paid in cash.
2416. Claims for bounty-lands in virtue of certain acts named, &c.
2417. Same subject.
2418. Bounty-lands for soldiers in certain wars.
2419. Certain classes of persons in the Mexican war, their widows, &c., entitled to forty acres.
2420. Militia and volunteers in service since 1812.
2421. Persons not entitled under preceding sections.
2422. Period of captivity added to actual service.
2423. Warrant and patent, to issue when.
2424. Widows of persons entitled.
2425. Additional bounty-lands, &c.
2426. Classes under last section specified.
2427. What classes of persons entitled under section 2425, without regard to length of service.
2428. Widows and children of persons entitled under section 2425.
2429. Subsequent marriage of widow.
2430. Minors under section 2428.
2431. Proof of service.
2432. Former evidence of right to bounty-land to be received in certain cases.

Sec.
2433. Allowance of time of service for distance from home to place of muster or discharge.
2434. Indians included.
2435. Former evidence of right to a pension to be received in certain cases, on application for bounty-land.
2436. Sales, mortgages, letters of attorney, &c., made before issue of warrant to be void.
2437. Warrants to be located free of expense by Commissioner of Land-Office, &c.
2438. Deserters not entitled to bounty-land.
2439. Lost warrants, provisions for.
2440. Discharges, omissions, and loss of, provided for.
2441. New warrant issued in lieu of lost warrant.
2442. Regulations by Secretary of Interior.
2443. Mode of issuing patents to the heirs of persons entitled to bounty-lands.
2444. Death of claimant after establishing right, and before issuing of warrant.
2445. When proofs may be filed by legal representatives.
2446. Relocation of military bounty-land warrants in cases of error.

Military bounty-land warrants and locations assignable.

22 Mar., 1852, c. 19, s. 1, v. 10, p. 3.

3 June, 1858, c. 84, s. 2, v. 11, p. 309.

Warrants located at \$1.25; excess paid in cash.

22 Mar., 1852, c. 19, s. 1, v. 10, p. 3.

SEC. 2414. All warrants for military bounty-lands which have been or may hereafter be issued under any law of the United States, and all valid locations of the same which have been or may hereafter be made, are declared to be assignable by deed or instrument of writing, made and executed according to such form and pursuant to such regulations as may be prescribed by the Commissioner of the General Land-Office, so as to vest the assignee with all the rights of the original owner of the warrant or location.

SEC. 2415. The warrants which have been or may hereafter be issued in pursuance of law may be located according to the legal subdivisions of the public lands in one body upon any lands of the United States subject to private entry at the time of such location at the minimum price. When such warrant is located on lands which are subject to entry at a greater minimum than one dollar and twenty-five cents per acre, the

locator shall pay to the United States in cash the difference between the value of such warrants at one dollar and twenty-five cents per acre and the tract of land located on. But where such tract is rated at one dollar and twenty-five cents per acre, and does not exceed the area specified in the warrant, it must be taken in full satisfaction thereof.

SEC. 2416. In all cases of warrants for bounty-lands, issued by virtue of an act approved July twenty-seven, one thousand eight hundred and forty-two, and of two acts approved January twenty-seven, one thousand eight hundred and thirty-five, therein and thereby revised, and of two acts to the same intent, respectively, approved June twenty-six, eighteen hundred and forty-eight, and February eight, eighteen hundred and fifty-four, for military services in the revolutionary war, or in the war of eighteen hundred and twelve with Great Britain, which remained unsatisfied on the second day of July, eighteen hundred and sixty-four, it is lawful for the person in whose name such warrant issued, his heirs or legal representatives, to enter in quarter-sections, at the proper local land-office in any of the States or Territories, the quantity of the public lands subject to private entry which he is entitled to under such warrant.

SEC. 2417. All warrants for bounty-lands referred to in the preceding section may be located at any time, in conformity with the general laws in force at the time of such location.

SEC. 2418. Each of the surviving, or the widow or minor children of deceased commissioned and non-commissioned officers, musicians, or privates, whether of regulars, volunteers, rangers, or militia, who performed military service in any regiment, company, or detachment, in the service of the United States, in the war with Great Britain, declared on the eighteenth day of June, eighteen hundred and twelve, or in any of the Indian wars since seventeen hundred and ninety, and prior to the third of March, eighteen hundred and fifty, and each of the commissioned officers who was engaged in the military service of the United States in the war with Mexico, shall be entitled to lands as follows: Those who engaged to serve twelve months or during the war, and actually served nine months, shall receive one hundred and sixty acres, and those who engaged to serve six months, and actually served four months, shall receive eighty acres, and those who engaged to serve for any or an indefinite period, and actually served one month, shall receive forty acres; but wherever any officer or soldier was honorably discharged in consequence of disability contracted in the service, before the expiration of his period of service, he shall receive the amount to which he would have been entitled if he had served the full period for which he had engaged to serve. All the persons enumerated in this section who enlisted in the regular army, or were mustered in any volunteer company for a period of not less than twelve months, and who served in the war with Mexico and received an honorable discharge, or who were killed or died of wounds received or sickness incurred in the course of such service, or were discharged before the expiration of the term of service in consequence of wounds received or sickness incurred in the course of such service, shall be entitled to receive a certificate or warrant for one hundred and sixty acres of land: or at option Treasury scrip for one hundred dollars bearing interest at six per cent. per annum, payable semi-annually, at the pleasure of the Government. In the event of the death of any one of the persons mentioned in this section during service, or after his discharge, and before the issuing of a certificate or warrant, the warrant or scrip shall be issued in favor of his family or relatives; first, to the widow and his children: second, his father; third, his mother; fourth, his brothers and sisters.

SEC. 2419. The persons enumerated in the preceding section received into service after the commencement of the war with Mexico, for less than twelve months, and who served such term, or were honorably discharged are entitled to receive a certificate or warrant for forty acres, or scrip for twenty-five dollars if preferred, and in the event of the death of such person during service, or after honorable discharge before the eleventh of February, eighteen hundred and forty-seven, the warrant or scrip

Claims for bounty-lands in virtue of certain acts named, &c.

2 July, 1864, c. 226, s. 1, v. 13, p. 378.

Same subject.

2 July, 1864, c. 226, s. 2, v. 13, p. 379.

Bounty-lands for soldiers in certain wars.

11 Feb., 1847, c. 8, s. 9, v. 9, pp. 125, 126.

28 Sept., 1850, c. 85, s. 1, v. 9, p. 520.

Certain classes of persons in the Mexican war, their widows, &c., entitled to forty acres.

Ibid., p. 126.

shall issue to the wife, child, or children, if there be any, and if none, to the father, and if no father, to the mother of such soldier.

Militia and volunteers in service since 1812.

22 Mar., 1852, c. 19, s. 4, v. 10, p. 4.

Persons not entitled under preceding sections.

28 Sept., 1850, c. 85, s. 1, v. 9, p. 520.

Period of captivity added to actual service.

28 Sept., 1850, c. 85, s. 2, v. 9, p. 520.

Warrant and patent to issue, when.

28 Sept., 1850, c. 85, s. 3, v. 9, p. 520.

Widows of persons entitled.

28 Sept., 1850, c. 85, s. 3, v. 9, p. 520.

Additional bounty-lands, &c.

3 Mar., 1855, c. 207, ss. 1, 3, v. 10, pp. 701, 702.

Classes under last section specified.

3 Mar., 1855, c. 207, ss. 1, 8, 10, v. 10, p. 701.

14 May, 1856, c. 26, ss. 4, 5, v. 11, pp. 8, 9.

SEC. 2420. Where the militia, or volunteers, or State troops of any State or Territory, subsequent to the eighteenth day of June, eighteen hundred and twelve, and prior to March twenty-second, eighteen hundred and fifty-two, were called into service, the officers and soldiers thereof shall be entitled to all the benefits of section two thousand four hundred and eighteen upon proof of length of service as therein required.

SEC. 2421. No person shall take any benefit under the provisions of the three preceding sections, if he has received, or is entitled to receive, any military land-bounty under any act of Congress passed prior to the twenty-second March, eighteen hundred and fifty-two.

SEC. 2422. The period during which any officer or soldier remained in captivity with the enemy shall be estimated and added to the period of his actual service, and the person so retained in captivity shall receive land under the provisions of sections twenty-four hundred and eighteen and twenty-four hundred and twenty, in the same manner that he would be entitled in case he had entered the service for the whole term made up by the addition of the time of his captivity, and had served during such term.

SEC. 2423. Every person for whom provision is made by sections twenty-four hundred and eighteen and twenty-four hundred and twenty shall receive a warrant from the Department of the Interior for the quantity of land to which he is entitled; and, upon the return of such warrant, with evidence of the location thereof having been legally made to the General Land-Office, a patent shall be issued therefor.

SEC. 2424. In the event of the death of any person, for whom provision is made by sections twenty-four hundred and eighteen and twenty-four hundred and twenty, and who did not receive bounty-land for his services, a like warrant shall issue in favor of his widow, who shall be entitled to one hundred and sixty acres of land in case her husband was killed in battle; nor shall a subsequent marriage impair the right of any widow to such warrant, if she be a widow at the time of making her application.

SEC. 2425. Each of the surviving persons specified in the classes enumerated in the following section, who has served for a period of not less than fourteen days, in any of the wars in which the United States have been engaged since the year seventeen hundred and ninety, and prior to the third day of March, eighteen hundred and fifty-five, shall be entitled to receive a warrant from the Department of the Interior, for one hundred and sixty acres of land; and, where any person so entitled has, prior to the third day of March, eighteen hundred and fifty-five, received a warrant for any number of acres less than one hundred and sixty, he shall be allowed a warrant for such quantity of land only as will make, in the whole, with what he may have received prior to that date, one hundred and sixty acres.

SEC. 2426. The classes of persons embraced as beneficiaries under the preceding section, are as follows, namely:

First. Commissioned and non-commissioned officers, musicians, and privates, whether of the regulars, volunteers, rangers, or militia, who were regularly mustered into the service of the United States.

Second. Commissioned and non-commissioned officers, seamen, ordinary seamen, flotilla-men, marines, clerks, and landsmen in the Navy.

Third. Militia, volunteers, and State troops of any State or Territory, called into military service, and regularly mustered therein, and whose services have been paid by the United States.

Fourth. Wagon-masters and teamsters who have been employed under the direction of competent authority, in time of war, in the transportation of military stores and supplies.

Fifth. Officers and soldiers of the revolutionary war, and marines, seamen, and other persons in the naval service of the United States during that war.

Sixth. Chaplains who served with the Army.

Seventh. Volunteers who served with the armed forces of the United States in any of the wars mentioned, subject to military orders, whether regularly mustered into the service of the United States or not.

SEC. 2427. The following class of persons are included as beneficiaries under section twenty-four hundred and twenty-five, without regard to the length of service rendered.

First. Any of the classes of persons mentioned in section twenty-four hundred and twenty-six who have been actually engaged in any battle in any of the wars in which this country has been engaged since seventeen hundred and ninety, and prior to March third, eighteen hundred and fifty-five.

Second. Those volunteers who served at the invasion of Plattsburgh, in September, eighteen hundred and fourteen.

Third. The volunteers who served at the battle of King's Mountain, in the revolutionary war.

Fourth. The volunteers who served at the battle of Nickojack against the confederate savages of the South.

Fifth. The volunteers who served at the attack on Lewistown, in Delaware, by the British fleet, in the war of eighteen hundred and twelve.

SEC. 2428. In the event of the death of any person who would be entitled to a warrant, as provided in section twenty-four hundred and twenty-five, leaving a widow, or, if no widow, a minor child, such widow or such minor child shall receive a warrant for the same quantity of land that the decedent would be entitled to receive, if living on the third day of March, eighteen hundred and fifty-five.

SEC. 2429. A subsequent marriage shall not impair the right of any widow, under the preceding section, if she be a widow at the time of her application.

SEC. 2430. Persons within the age of twenty-one years on the third day of March, eighteen hundred and fifty-five, shall be considered minors within the intent of section twenty-four hundred and twenty-eight.

SEC. 2431. Where no record evidence of the service for which a warrant is claimed exists, parol evidence may be admitted to prove the service performed, under such regulations as the Commissioner of Pensions may prescribe.

SEC. 2432. Where certificate or a warrant for bounty-land for any less quantity than one hundred and sixty acres has been issued to any officer or soldier, or to the widow or minor child of any officer or soldier, the evidence upon which such certificate or warrant was issued shall be received to establish the service of such officer or soldier in the application of himself, or of his widow or minor child, for a warrant for so much land as may be required to make up the full sum of one hundred and sixty acres, to which he may be entitled under the preceding section, on proof of the identity of such officer or soldier, or, in case of his death, of the marriage and identity of his widow, or, in case of her death, of the identity of his minor child. But if, upon a review of such evidence, the Commissioner of Pensions is not satisfied that the former warrant was properly granted, he may require additional evidence, as well of the term as of the fact of service.

SEC. 2433. When any company, battalion, or regiment, in an organized form, marched more than twenty miles to the place where they were mustered into the service of the United States, or were discharged more than twenty miles from the place where such company, battalion, or regiment was organized, in all such cases, in computing the length of service of the officers and soldiers of any such company, battalion, or regiment, there shall be allowed one day for every twenty miles from the place where the company, battalion, or regiment was organized to the place where the same was mustered into the service of the United States, and one day for every twenty miles from the place where such company, battalion, or regiment was discharged, to the place where it was organized, and from whence it marched to enter the service, provided that such march was in obedience

What classes of persons entitled under section 2425, without regard to length of service.

3 Mar., 1855, c. 207, ss. 3, 9, 11, v. 10, p. 702.

Widows and children, of persons entitled under section 2425.

3 Mar., 1855, c. 207, s. 2, v. 10, p. 702.

Subsequent marriage of widow.

3 Mar., 1855, c. 207, s. 2, v. 10, p. 702.

Minors under section 2428.

3 Mar., 1855, c. 207, s. 2, v. 10, p. 702.

Proof of service.

3 Mar., 1855, c. 207, s. 3, v. 10, p. 702.

14 May, 1856, c. 26, s. 3, v. 11, p. 8.

Former evidence of right to bounty-land to be received in certain cases.

14 May, 1856, c. 26, s. 1, v. 11, p. 8.

Allowance of time of service for distance from home to place of muster or discharge.

14 May, 1856, c. 26, s. 7, v. 11, p. 9.

22 Mar., 1852, c. 19, s. 5, v. 10, p. 4.

to the command or direction of the President, or some general officer of the United States, commanding an army or department, or the chief executive officer of the State or Territory by which such company, battalion, or regiment was called into service.

SEC. 2434. The provisions of all the bounty-land laws shall be extended to Indians, in the same manner and to the same extent as to white persons.

SEC. 2435. Where a pension has been granted to any officer or soldier, the evidence upon which such pension was granted shall be received to establish the service of such officer or soldier in his application for bounty-land; and upon proof of his identity as such pensioner, a warrant may be issued to him for the quantity of land to which he is entitled; and in case of the death of such pensioned officer or soldier, his widow shall be entitled to a warrant for the same quantity of land to which her husband would have been entitled, if living, upon proof that she is such widow; and in case of the death of such officer or soldier, leaving a minor child and no widow, or where the widow may have deceased before the issuing of any warrant, such minor child shall be entitled to a warrant for the same quantity of land as the father would have been entitled to receive if living, upon proof of the decease of father and mother. But if, upon a review of such evidence, the Commissioner of Pensions is not satisfied that the pension was properly granted, he may require additional evidence, as well of the term as of the fact of service.

SEC. 2436. All sales, mortgages, letters of attorney, or other instruments of writing, going to affect the title or claim to any warrant issued, or to be issued, or any land granted, or to be granted, under the preceding provisions of this chapter, made or executed prior to the issue of such warrant, shall be null and void to all intents and purposes whatsoever; nor shall such warrant, or the land obtained thereby, be in anywise affected by, or charged with, or subject to, the payment of any debt or claim incurred by any officer or soldier, prior to the issuing of the patent.

SEC. 2437. It shall be the duty of the Commissioner of the General Land-Office, under such regulations as may be prescribed by the Secretary of the Interior, to cause to be located, free of expense, any warrant which the holder may transmit to the General Land-Office for that purpose, in such State or land-district as the holder or warrantee may designate, and upon good farming-land, so far as the same can be ascertained from the maps, plats, and field-notes of the surveyor, or from any other information in the possession of the local office, and, upon the location being made, the Secretary shall cause a patent to be transmitted to such warrantee or holder.

SEC. 2438. No person who has been in the military service of the United States shall, in any case, receive a bounty-land warrant if it appears by the muster-rolls of his regiment or corps that he deserted or was dishonorably discharged from service.

3 Mar., 1855, c. 207, s. 1, v. 10, p. 701.

SEC. 2439. When a soldier of the Regular Army, who has obtained a military land-warrant, loses the same, or such warrant is destroyed by accident, he shall, upon proof thereof to the satisfaction of the Secretary of the Interior, be entitled to a patent in like manner as if the warrant was produced.

SEC. 2440. In all cases of discharge from the military service of the United States of any soldier of the Regular Army, when it appears to the satisfaction of the Secretary of War that a certificate of faithful services has been omitted by the neglect of the discharging officer, by misconstruction of the law, or by any other neglect or casualty, such omission shall not prevent the issuing of the warrant and patent as in other cases. And when it is proved that any soldier of the Regular Army has lost his discharge and certificate of faithful service, the Secretary of War shall cause such papers to be furnished such soldier as will entitle him to his land-warrant and patent, provided such measure is justified by the

Indians included.

3 Mar., 1855, c. 207, s. 7, v. 10, p. 702.

Former evidence of right to a pension to be received in certain cases on application for bounty-land.

14 May, 1856, c. 26, s. 2, v. 11, p. 8.

Sales, mortgages, letters of attorney, &c., made before issue of warrant to be void.

28 Sept., 1850, c. 85, s. 4, v. 9, p. 521.

Warrants to be located free of expense by Commissioner of Land-Office, &c.

28 Sept., 1850, c. 85, s. 4, v. 9, p. 521.

Deserters not entitled to bounty-land.

28 Sept., 1850, c. 85, s. 1, v. 9, p. 520.

Lost warrants, provisions for.

27 April, 1816, c. 127, s. 1, v. 3, p. 317.

Discharges, omissions, and loss of, provided for.

27 April, 1816, c. 127, s. 2, v. 3, p. 317.

time of his enlistment, the period of service, and the report of some officer of the corps to which he was attached.

SEC. 2441. Whenever it appears that any certificate or warrant, issued in pursuance of any law granting bounty-land, has been lost or destroyed, whether the same has been sold and assigned by the warrantee or not, the Secretary of the Interior is required to cause a new certificate or warrant of like tenor to be issued in lieu thereof; which new certificate or warrant may be assigned, located, and patented in like manner as other certificates or warrants for bounty-land are now authorized by law to be assigned, located, and patented; and in all cases where warrants have been, or may be, re-issued, the original warrant, in whose hands it may be, shall be deemed and held to be null and void, and the assignment thereof, if any there be, fraudulent; and no patent shall ever issue for any land located therewith, unless such presumption of fraud in the assignment be removed by due proof that the same was executed by the warrantee in good faith and for a valuable consideration.

SEC. 2442. The Secretary of the Interior is required to prescribe such regulations for carrying the preceding section into effect as he may deem necessary and proper in order to protect the Government against imposition and fraud by persons claiming the benefit thereof; and all laws and parts of laws for the punishment of frauds against the United States are made applicable to frauds under that section.

SEC. 2443. In all cases where an officer or soldier of the revolutionary war, or a soldier of the war of eighteen hundred and twelve, was entitled to bounty-land, has died before obtaining a patent for the land, and where application is made by a part only of the heirs of such deceased officer or soldier for such bounty-land, it shall be the duty of the Secretary of the Interior to issue the patent in the name of the heirs of such deceased officer or soldier, without specifying each; and the patent so issued in the name of the heirs, generally, shall inure to the benefit of the whole, in such portions as they are severally entitled to by the laws of descent in the State or Territory where the officer or soldier belonged at the time of his death.

SEC. 2444. When proof has been or hereafter is filed in the Pension Office, during the life-time of a claimant, establishing, to the satisfaction of that office, his right to a warrant for military services, and such warrant has not been, or may not be, issued until after the death of the claimant, and all such warrants as have been heretofore issued subsequent to the death of the claimant, the title to such warrants shall vest in his widow, if there be one, and if there be no widow, then in the heirs or legatees of the claimant; and all military bounty-land warrants issued pursuant to law shall be treated as personal chattels, and may be conveyed by assignment of such widow, heirs, or legatees, or by the legal representatives of the deceased claimant, for the use of such heirs or legatees only.

SEC. 2445. The legal representatives of a deceased claimant for a bounty-land warrant, whose claim was filed prior to his death, may file the proofs necessary to perfect such claim.

SEC. 2446. Where an actual settler on the public lands has sought, or hereafter attempts, to locate the land settled on and improved by him, with a military bounty-land warrant, and where, from any cause, an error has occurred in making such location, he is authorized to relinquish the land so erroneously located, and to locate such warrant upon the land so settled upon and improved by him, if the same then be vacant, and if not, upon any other vacant land, on making proof of those facts to the satisfaction of the land-officers, according to such rules and regulations as may be prescribed by the Commissioner of the General Land-Office, and subject to his final adjudication.

New warrant issued in lieu of lost warrant.

23 June, 1860, c. 203, s. 1, v. 12, p. 90.
20 June, 1874, c. 330, v. 18, p. 111.

Regulations by Secretary of Interior.

23 June, 1860, c. 203, s. 2, v. 12, p. 91.
20 June, 1874, c. 330, v. 18, p. 111.

Mode of issuing patents to the heirs of persons entitled to bounty-lands.

3 Mar., 1843, Res. No. 7, v. 5, p. 650.

Death of claimant after establishing right and before issuing of warrant.

3 June, 1858, c. 84, s. 1, v. 11, p. 308.

When proofs may be filed by legal representatives.

3 Mar., 1869, c. 138, v. 15, p. 336.

Relocation of military bounty-land warrants in cases of error.

3 Mar., 1853, c. 147, s. 1, v. 10, p. 256.

CHAPTER ELEVEN.

MISCELLANEOUS PROVISIONS RELATING TO THE PUBLIC LANDS.

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| <p>Sec.</p> <p>2447. Patents to issue for claims heretofore confirmed.</p> <p>2448. Patents issued to persons who had died before issue, effect of.</p> <p>2449. Fee-simple to pass in all grants of land to States and Territories.</p> <p>2450. Cases of suspended entries of public lands and suspended pre-emption land-claims.</p> <p>2451. Adjudications under above, how approved.</p> <p>2452. Report of adjudications under preceding sections.</p> <p>2453. Decisions to be arranged into classes.</p> <p>2454. Patents to issue for lands in the first class, and lands in second class to revert to the United States.</p> <p>2455. Commissioner to order into market lands of second class.</p> <p>2456. Patents surrendered and new ones issued in certain cases.</p> <p>2457. Extent of foregoing provisions.</p> <p>2458. Live-oak and red-cedar lands.</p> <p>2459. Selection of live-oak and red-cedar tracts.</p> <p>2460. Protection of live-oak and red-cedar timber.</p> <p>2461. Cutting or destruction of live-oak or red-cedar, penalty.</p> <p>2462. Vessels employed in carrying away live-oak and red-cedar, forfeiture of.</p> <p>2463. Clearance of vessels laden with live-oak, prosecution of depredators.</p> <p>2464. Growth of timber on public lands.</p> <p>2465. Mode of application for benefit of preceding section.</p> <p>2466. Certificate or patent to issue after ten years.</p> <p>2467. Effect of an abandonment or failure to cultivate.</p> <p>2468. Land in cultivation for timber not liable to be taken for debt.</p> <p>2469. Copies of records, &c., to be certified.</p> <p>2470. Exemplifications valid without names of officers signing and countersigning.</p> <p>2471. The false making, altering, &c., of any instrument in writing, &c., concerning lands, &c., in California, penalty.</p> | <p>Sec.</p> <p>2472. Falsely dating any evidence of title under Mexican authority, &c., to lands in California, penalty.</p> <p>2473. Presenting false or counterfeited evidences of title, &c., to lands in California, and prosecuting suits thereon, penalty.</p> <p>2474. Public park established near the headwaters of the Yellowstone River.</p> <p>2475. Secretary of the Interior to have exclusive control of the park; removal of trespassers.</p> <p>2476. Navigable rivers within public lands to be public highways.</p> <p>2477. Right of way for highways over public lands.</p> <p>2478. Power of Commissioner of Land-Office to enforce this Title.</p> <p>2479. Grant of swamp and overflowed lands to certain States to aid in construction of levees, &c.</p> <p>2480. Secretary of the Interior to make lists of such lands, for transmission to the governors of the States.</p> <p>2481. Legal subdivisions mostly wet and unfit for cultivation.</p> <p>2482. Indemnity to States where lands have been sold by United States.</p> <p>2483. Patents to issue for swamp-lands to purchasers and locators prior to issuing of patents to States, &c.</p> <p>2484. Selection of swamp and overflowed lands confirmed.</p> <p>2485. Certain lands selected by California confirmed to that State.</p> <p>2486. Where selections are on lands already surveyed.</p> <p>2487. Where selections are upon lands surveyed only by State authority.</p> <p>2488. Swamp and overflowed lands to be certified to State within one year in certain cases.</p> <p>2489. List of lands selected to be sent to General Land-Office.</p> <p>2490. Act of 1850, c. 84, v. 9, p. 519, extended to Minnesota and Oregon.</p> |
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Patents to issue for claims heretofore confirmed.

22 Dec., 1854, c. 10, v. 10, p. 599.

SEC. 2447. In case of any claim to land in any State or Territory which has heretofore been confirmed by law, and in which no provision is made by the confirmatory statute for the issue of a patent, it may be lawful, where surveys for the land have been or may hereafter be made, to issue patents for the claims so confirmed, upon the presentation to the Commissioner of the General Land-Office of plats of survey thereof, duly approved by the surveyor-general of any State or Territory, if the same be found correct by the Commissioner. But such patents shall only operate as a relinquishment of title on the part of the United States, and shall in no manner interfere with any valid adverse right to the same land, nor be construed to preclude a legal investigation and decision by the proper judicial tribunal between adverse claimants to the same land.

Patents issued to persons who had died before issue, effect of.

SEC. 2448. Where patents for public lands have been or may be issued, in pursuance of any law of the United States, to a person who had died, or who hereafter dies, before the date of such patent, the title to the land designated therein shall inure to and become vested in the heirs, devisees,

or assignees of such deceased patentee as if the patent had issued to the deceased person during life.

SEC. 2449. Where lands have been or may hereafter be granted by any law of Congress to any one of the several States and Territories, and where such law does not convey the fee-simple title of the lands, or require patents to be issued therefor, the list of such lands which have been or may hereafter be certified by the Commissioner of the General Land-Office, under the seal of his office, either as originals or copies of the originals or records shall be regarded as conveying the fee-simple of all the lands embraced in such lists that are of the character contemplated by such act of Congress, and intended to be granted thereby; but where lands embraced in such lists are not of the character embraced by such acts of Congress, and are not intended to be granted thereby, the lists, so far as these lands are concerned, shall be perfectly null and void, and no right, title, claim, or interest shall be conveyed thereby.

SEC. 2450. The Commissioner of the General Land-Office is authorized to decide upon principles of equity and justice, as recognized in courts of equity, and in accordance with regulations to be settled by the Secretary of the [Treasury], [Interior] the Attorney-General, and the Commissioner, conjointly, consistently with such principles, all cases of suspended entries of public lands and of suspended pre-emption land-claims, and to adjudge in what cases patents shall issue upon the same.

3 Mar., 1853, c. 152, s. 1, v. 10, p. 258. 26 June, 1856, c. 47, v. 11, p. 200, r. 18, p. 50. 27 Feb., 1877, c. 69, r. 19, p. 244.

SEC. 2451. Every such adjudication shall be approved by the Secretary of the [Treasury] [Interior] and the Attorney-General, acting as a board; and shall operate only to divest the United States of the title of the lands embraced thereby, without prejudice to the rights of conflicting claimants.

SEC. 2452. The Commissioner is directed to report to Congress at the first session after any such adjudications have been made a list of the same under the classes prescribed by law, with a statement of the principles upon which each class was determined.

SEC. 2453. The Commissioner shall arrange his decisions into two classes; the first class to embrace all such cases of equity as may be finally confirmed by the board, and the second class to embrace all such cases as the board reject and decide to be invalid.

SEC. 2454. For all lands covered by claims which are placed in the first class, patents shall issue to the claimants; and all lands embraced by claims placed in the second class shall ipso facto revert to, and become part of, the public domain.

SEC. 2455. It may be lawful for the Commissioner of the General Land-Office to order into market, after due notice, without the formality and expense of a proclamation of the President, all lands of the second class, though heretofore unproclaimed and unoffered, and such other isolated or disconnected tracts or parcels of unoffered lands which, in his judgment, it would be proper to expose to sale in like manner. But public notice of at least thirty days shall be given by the land-officers of the district in which such lands may be situated, pursuant to the directions of the Commissioner.

SEC. 2456. Where patents have been already issued on entries which are confirmed by the officers who are constituted the board of adjudication, the Commissioner of the General Land-Office, upon the canceling of the outstanding patent, is authorized to issue a new patent, on such confirmation, to the person who made the entry, his heirs or assigns.

SEC. 2457. The preceding provisions from section twenty-four hundred and fifty to section twenty-four hundred and fifty-six, inclusive, shall be

20 May, 1836, c. 76, v. 5, p. 31.

Fee-simple to pass in all grants of land to States and Territories.

3 Aug., 1854, c. 201, v. 10, p. 346.

3 Mar., 1875, c. 139, s. 8, r. 18, p. 475.

Cases of "suspended entries of public lands" and "suspended pre-emption land-claims."

3 Aug., 1846, c. 78, s. 1, v. 9, p. 51.

22. 1 June, 1874,

Adjudications under above, how approved.

3 Aug., 1846, c. 78, s. 1, v. 9, p. 51.

27 Feb., 1877, c. 69, v. 19, p. 244.

Report of adjudications under preceding sections.

3 Aug., 1846, c. 78, s. 3, v. 9, p. 51.

Decisions to be arranged into classes.

3 Aug., 1846, c. 78, s. 3, v. 9, p. 51.

Patents to issue for lands in the first class, and lands in second class to revert to the United States.

3 Aug., 1846, c. 78, s. 4, v. 9, p. 51.

Commissioner to order into market lands of second class.

3 Aug., 1846, c. 78, s. 5, v. 9, p. 51.

Patents surrendered and new ones issued in certain cases.

3 Mar., 1853, c. 152, s. 2, v. 10, p. 258.

Extent of foregoing provisions.

26 June, 1856, c. 47, v. 11, p. 22.

applicable to all cases of suspended entries and locations, which have arisen in the General Land-Office since the twenty-sixth day of June, eighteen hundred and fifty-six, as well as to all cases of a similar kind which may hereafter occur, embracing as well locations under bounty-land warrants as ordinary entries or sales, including homestead entries and pre-emption locations or cases; where the law has been substantially complied with, and the error or informality arose from ignorance, accident, or mistake which is satisfactorily explained; and where the rights of no other claimant or pre-emptor are prejudiced, or where there is no adverse claim.

Live-oak and red-cedar lands.

1 Mar., 1817, c. 22, s. 1, v. 3, p. 347.

15 May, 1820, c. 136, v. 3, p. 607.

3 Mar., 1827, c. 94, s. 3, v. 4, p. 242.

Selection of live-oak and red-cedar tracts.

1 Mar., 1817, c. 22, s. 1, v. 3, p. 347.

1 Mar., 1817, c. 22, s. 1, v. 3, p. 347.

Protection of live-oak and red-cedar timber.

23 Feb., 1822, c. 9, v. 3, p. 651.

23 Feb., 1822, c. 9, v. 3, p. 651.

Cutting or destruction of live-oak or red-cedar, penalty.

2 Mar., 1831, c. 66, s. 1, v. 4, p. 472.

2 Mar., 1831, c. 66, s. 1, v. 4, p. 472.

Vessel employed in carrying away live-oak and red-cedar, forfeiture of.

2 Mar., 1831, c. 66, s. 2, v. 4, p. 472.

2 Mar., 1831, c. 66, s. 2, v. 4, p. 472.

SEC. 2458. The Secretary of the Navy is authorized, under the direction of the President, to cause such vacant and unappropriated lands of the United States as produce the live-oak and red-cedar timbers to be explored, and selection to be made of such tracts or portions thereof, where the principal growth is of either of such timbers, as in his judgment may be necessary to furnish for the Navy a sufficient supply of the same.

SEC. 2459. The President is authorized to appoint surveyors of public lands, who shall perform the duties prescribed in the preceding section, and report to him the tracts by them selected, with the boundaries ascertained and accurately designated by actual survey or water-courses; and the tracts of land thus selected with the approbation of the President shall be reserved, unless otherwise directed by law, from any future sale of the public lands, and be appropriated to the sole purpose of supplying timber for the Navy of the United States; but nothing in this section contained shall be construed to prejudice the prior rights of any person claiming lands, which may be reserved in the manner herein provided.

SEC. 2460. The President is authorized to employ so much of the land and naval forces of the United States as may be necessary effectually to prevent the felling, cutting down, or other destruction of the timber of the United States in Florida, and to prevent the transportation or carrying away any such timber as may be already felled or cut down; and to take such other and further measures as may be deemed advisable for the preservation of the timber of the United States in Florida.

SEC. 2461. If any person shall cut, or cause or procure to be cut, or aid, assist, or be employed in cutting, or shall wantonly destroy, or cause or procure to be wantonly destroyed, or aid, assist, or be employed in wantonly destroying any live-oak or red-cedar trees, or other timber standing, growing, or being on any lands of the United States, which, in pursuance of any law passed, or hereafter to be passed, have been reserved or purchased for the use of the United States, for supplying or furnishing therefrom timber for the Navy of the United States; or if any person shall remove, or cause or procure to be removed, or aid, or assist, or be employed in removing from any such lands which have been reserved or purchased, any live-oak or red-cedar trees, or other timber, unless duly authorized so to do, by order, in writing, of a competent officer, and for the use of the Navy of the United States; or if any person shall cut, or cause or procure to be cut, or aid, or assist, or be employed in cutting any live-oak or red-cedar trees, or other timber on, or shall remove, or cause or procure to be removed, or aid, or assist, or be employed in removing any live-oak or red-cedar trees or other timber, from any other lands of the United States, acquired, or hereafter to be acquired, with intent to export, dispose of, use, or employ the same in any manner whatsoever, other than for the use of the Navy of the United States; every such person shall pay a fine not less than triple the value of the trees or timber so cut, destroyed, or removed, and shall be imprisoned not exceeding twelve months. [See § 4751.]

SEC. 2462. If the master, owner, or consignee of any vessel shall knowingly take on board any timber cut on lands which have been reserved or purchased as in the preceding section prescribed, without proper authority, and for the use of the Navy of the United States; or shall take on board any live-oak or red-cedar timber cut on any other lands of the United States, with intent to transport the same to any port or place

within the United States, or to export the same to any foreign country, the vessel on board of which the same shall be taken, transported, or seized, shall, with her tackle, apparel, and furniture, be wholly forfeited to the United States, and the captain or master of such vessel wherein the same was exported to any foreign country against the provisions of this section shall forfeit and pay to the United States a sum not exceeding one thousand dollars. [See § 4751.]

SEC. 2463. It shall be the duty of all collectors of the customs within the States of Alabama, Mississippi, Louisiana, and Florida, before allowing a clearance to any vessel laden in whole or in part with live-oak timber, to ascertain satisfactorily that such timber was cut from private lands, or, if from public ones, by consent of the Navy Department. And it is also made the duty of all officers of the customs, and of the land officers within those States, to cause prosecutions to be seasonably instituted against all persons known to be guilty of depredations on, or injuries to, the live oak growing on the public lands. [See §§ 4205, 4751.]

SEC. 2464. Every person who plants, protects, and keeps in a healthy growing condition for ten years forty acres of timber, the trees thereon not being more than twelve feet apart each way, on any quarter-section of any of the public lands, shall be entitled to a patent for the whole of such quarter-section at the expiration of the ten years, on making proof of such fact by not less than two credible witnesses: *Provided*, That only one quarter in any section shall be thus granted.

151, v. 18, p. 481. 20 May, 1876, c. 102, v. 19, p. 54. 19 June, 1876,

SEC. 2465. Every person applying for the benefit of the preceding section shall, upon application to the register of the land-office in which he is about to make such entry, make affidavit before the register or receiver that such entry is made for the cultivation of timber, and upon filing his affidavit with the register and receiver, and on payment of ten dollars, he shall thereupon be permitted to enter the quantity of land specified.

151, v. 18, p. 481. 20 May, 1876, c. 102, v. 19, p. 54. 19 June, 1876,

SEC. 2466. No certificate shall be given or patent issue therefor until the expiration of at least ten years from the date of such entry; and if at the expiration of such time, or at any time within three years thereafter, the person making such entry, or, if he be dead, his heirs or legal representatives, shall prove by two credible witnesses that he has planted and for not less than ten years has cultivated and protected such quantity and character of timber, he shall receive the patent for such quarter-section of land.

SEC. 2467. If at any time after the filing of such affidavit, and prior to the issuing of the patent for the land, it is proved, after due notice to the party making such entry and claiming to cultivate such timber, to the satisfaction of the register of the land-office, that such person has abandoned or failed to cultivate, protect, and keep in good condition such timber, then, and in that event, the land shall revert to the United States.

SEC. 2468. No land acquired under the provisions of the four preceding sections shall, in any event, become liable to the satisfaction of any debt or debts contracted prior to the issuing of a patent therefor.

SEC. 2469. The Commissioner of the General Land-Office shall cause to be prepared, and shall certify, under the seal of the office, such copies of records, books, and papers on file in his office, as may be applied for, to be used in evidence in courts of justice. [See § 591.]

SEC. 2470. Literal exemplifications of any records which have been or may be granted in virtue of the preceding section shall be deemed of the same validity in all proceedings, whether at law or in equity, wherein such exemplifications are adduced in evidence, as if the names of the

Clearance of vessels laden with live-oak; prosecution of depredators.

2 Mar., 1833, c. 67, s. 3, v. 4, p. 647.

Growth of timber on public lands.

3 Mar., 1873, c. 277, s. 1, v. 17, pp. 605, 606.

13 Mar., 1874, c. 55, v. 18, p. 21.

3 Mar., 1875, c. 134, v. 19, p. 59.

Mode of application for benefit of preceding section.

3 Mar., 1873, c. 277, s. 2, v. 17, p. 606.

13 Mar., 1874, c. 55, v. 18, p. 21.

3 Mar., 1875, c. 134, v. 19, p. 59.

Certificate or patent to issue after ten years.

3 Mar., 1873, c. 277, s. 2, v. 17, p. 606.

13 Mar., 1874, c. 55, v. 18, p. 21.

3 Mar., 1875, c. 151, v. 18, p. 481.

19 June, 1876, c. 134, v. 19, p. 59.

Effect of an abandonment or failure to cultivate.

3 Mar., 1873, c. 277, s. 3, v. 17, p. 606.

13 Mar., 1874, c. 55, v. 18, p. 21.

3 Mar., 1875, c. 151, v. 18, p. 481.

Land in cultivation for timber not liable to be taken for debt.

3 Mar., 1873, c. 277, s. 5, v. 17, p. 606.

Copies of records, &c., to be certified.

4 July, 1836, c. 352, s. 7, v. 5, p. 111.

c. 151, v. 18, p. 481.

Exemplifications valid without names of officers signing and countersigning.

3 Mar., 1843, c. 95, s. 1, v. 5, p. 627.

The false making, altering, &c., of any instrument in writing, &c., concerning lands, &c., in California, penalty.

18 May, 1858, c. 40, s. 1, v. 11, p. 290.

Falsely dating any evidence of title under Mexican authority, &c., to lands in California, penalty.

18 May, 1858, c. 40, s. 2, v. 11, p. 291.

Presenting false or counterfeited evidences of title, &c., to lands in California and prosecuting suits thereon, penalty.

18 May, 1858, c. 40, s. 3, v. 11, p. 291.

officers signing and countersigning the same had been fully inserted in such record.

SEC. 2471. Every person who falsely makes, alters, forges, or counterfeits, or causes or procures to be falsely made, altered, forged, or counterfeited; or willingly aids and assists in the false making, altering, forging, or counterfeiting any petition, certificate, order, report, decree, concession, denouncement, deed, patent, confirmation, diseño, map, expediente or part of an expediente, or any title-paper, or evidence of right, title, or claim to lands, mines, or minerals in California, or any instrument of writing whatever in relation to lands or mines or minerals in the State of California, for the purpose of setting up or establishing against the United States any claim, right, or title to lands, mines, or minerals within the State of California, or for the purpose of enabling any person to set up or establish any such claim; and every person, who, for such purpose, utters or publishes as true and genuine any such false, forged, altered, or counterfeited petition, certificate, order, report, decree, concession, denouncement, deed, patent, confirmation, diseño, map, expediente or part of an expediente, title-paper, evidence of right, title, or claim to lands or mines or minerals in the State of California, or any instrument of writing whatever in relation to lands or mines or minerals in the State of California, shall be punishable by imprisonment at hard labor not less than three years and not more than ten years, and by a fine of not more than ten thousand dollars. [See §§ 5411, 5412.]

SEC. 2472. Every person who makes, or causes or procures to be made, or willingly aids and assists in making any falsely dated petition, certificate, order, report, decree, concession, denouncement, deed, patent, confirmation, diseño, map, expediente or part of an expediente, or any title-paper, or written evidence of right, title, or claim, under Mexican authority, to any lands, mines, or minerals in the State of California, or any instrument of writing in relation to lands or mines or minerals in the State of California, having a false date, or falsely purporting to be made by any Mexican officer or authority prior to the seventh day of July, eighteen hundred and forty-six, for the purpose of setting up or establishing any claim against the United States to lands or mines or minerals within the State of California, or of enabling any person to set up or establish any such claim; and every person who signs his name as governor, secretary, or other public officer acting under Mexican authority, to any instrument of writing falsely purporting to be a grant, concession, or denouncement under Mexican authority, and during its existence in California, of lands, mines, or minerals, or falsely purporting to be an informe, report, record, confirmation, or other proceeding on an application for a grant, concession, or denouncement under Mexican authority, during its existence in California, of lands, mines, or minerals, shall be punishable as prescribed in the preceding section. [See §§ 5411, 5412.]

SEC. 2473. Every person who, for the purpose of setting up or establishing any claim against the United States to lands, mines, or minerals within the State of California, presents, or causes or procures to be presented, before any court, judge, commission, or commissioner, or other officer of the United States, any false, forged, altered, or counterfeited petition, certificate, order, report, decree, concession, denouncement, deed, patent, diseño, map, expediente or part of an expediente, title-paper, or written evidence of right, title, or claim to lands, mines, or minerals in the State of California, knowing the same to be false, forged, altered, or counterfeited, or any falsely dated petition, certificate, order, report, decree, concession, denouncement, deed, patent, confirmation, diseño, map, expediente or part of an expediente, title-paper, or written evidence of right, title, or claim to lands, mines, or minerals in California, knowing the same to be falsely dated; and every person who prosecutes in any court of the United States, by appeal or otherwise, any claim against the United States for lands, mines, or minerals in California, which claim is founded upon, or evidenced by, any petition, certificate, order, report, decree, concession, denouncement, deed, patent, confirmation, diseño, map, expediente or part of an expediente, title-paper, or written evidence

of right, title, or claim, which has been forged, altered, counterfeited, or falsely dated, knowing the same to be forged, altered, counterfeited, or falsely dated, shall be punishable as prescribed in section twenty-four hundred and seventy-one. [See §§ 5411, 5412.]

SEC. 2474. The tract of land in the Territories of Montana and Wyoming, lying near the head-waters of the Yellowstone River and described as follows, to wit, commencing at the junction of Gardiner's River, with the Yellowstone River, and running east to the meridian passing ten miles to the eastward of the most eastern point of Yellowstone Lake; thence south along said meridian to the parallel of latitude passing ten miles south of the most southern point of Yellowstone Lake; thence west along said parallel to the meridian passing fifteen miles west of the most western point of Madison Lake; thence north along said meridian to the latitude of the junction of the Yellowstone and Gardiner's Rivers; thence east to the place of beginning, is reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a public park or pleasuring ground for the benefit and enjoyment of the people; and all persons who locate, or settle upon, or occupy any part of the land thus set apart as a public park, except as provided in the following section, shall be considered trespassers and removed therefrom.

SEC. 2475. Such public park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation, from injury or spoliation, of all timber, mineral deposits, natural curiosities, or wonders, within the park, and their retention in their natural condition. The Secretary may, in his discretion, grant leases for building purposes for terms not exceeding ten years, of small parcels of ground, at such places in the park as may require the erection of buildings for the accommodation of visitors; all of the proceeds of such leases, and all other revenues that may be derived from any source connected with the park, to be expended under his direction in the management of the same, and the construction of roads and bridle-paths therein. He shall provide against the wanton destruction of the fish and game found within the park, and against their capture or destruction for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same to be removed therefrom, and generally is authorized to take all such measures as may be necessary or proper to fully carry out the objects and purposes of this section.

SEC. 2476. All navigable rivers, within the territory occupied by the public lands, shall remain and be deemed public highways; and, in all cases where the opposite banks of any streams not navigable belong to different persons, the stream and the bed thereof shall become common to both.

SEC. 2477. The right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted.

SEC. 2478. The Commissioner of the General Land-Office, under the direction of the Secretary of the Interior, is authorized to enforce and carry into execution, by appropriate regulations, every part of the provisions of this Title not otherwise specially provided for.

SEC. 2479. To enable the several States (but not including the States of Kansas, Nebraska, and Nevada) to construct the necessary levees and drains, to reclaim the swamp and overflowed lands therein—the whole of the swamp and overflowed lands, made unfit thereby for cultivation, and remaining unsold on or after the twenty-eighth day of September, A. D. eighteen hundred and fifty, are granted and belong to the several States respectively, in which said lands are situated: *Provided, however,*

Public park established near the head-waters of the Yellowstone River.

1 Mar., 1872, c. 24, s. 1, v. 17, p. 32.

Secretary of the Interior to have exclusive control of the park; removal of trespassers.

Ibid., s. 2, p. 33.

Navigable rivers within public lands to be public highways.

18 May, 1796, c. 29, s. 9, v. 1, p. 468.

3 Mar., 1803, c. 27, s. 17, v. 2, p. 235.

Right of way for highways over public lands.

26 July, 1866, c. 262, s. 8, v. 14, p. 253.

Power of Commissioner of Land-Office to enforce this Title.

Grant of swamp and overflowed lands to certain States to aid in construction of levees, &c.

28 Sept., 1850, c. 84, ss. 1, 4, v. 9, p. 520.

12 Mar., 1860, c.
5, s. 1, v. 12, p. 3.
19 Feb., 1874, c.
30, r. 18, p. 16.

Secretary of the Interior to make lists of such lands, for transmission to the governors of the States.

28 Sept., 1850, c.
84, s. 2, v. 9, p. 519.

French v. Fyan et al., 93 U. S., 169.

Legal subdivisions mostly wet and unfit for cultivation.

Ibid., s. 3, p. 519.

Indemnity to States where lands have been sold by United States.

2 Mar., 1855, c.
147, s. 2, v. 10, pp.
634, 635.

Patents to issue for swamp-lands to purchasers and locators, prior to issuing of patents to States, &c.

2 Mar., 1855, c.
147, s. 1, v. 10, p.
634.

Selection of swamp and overflowed lands confirmed.

3 Mar., 1857, c.
117, v. 11, p. 251.

Certain lands selected by California confirmed to that State.

23 July, 1866, c.
219, s. 1, v. 14, p. 218.

3 Mar., 1875, c.
139, s. 7, v. 18, p. 475.

That said grant of swamp and overflowed lands, as to the State of California, Minnesota, and Oregon, is subject to the limitations, restrictions and conditions hereinafter named and specified, as applicable to said three last-named States respectively.

SEC. 2480. It shall be the duty of the Secretary of the Interior, to make accurate lists and plats of all such lands, and transmit the same to the governors of the several States in which such lands may lie, and at the request of the governor of any State in which said swamp and overflowed lands may be, to cause patents to be issued to said State therefor, conveying to said State the fee-simple of said land.

The proceeds of said lands, whether from sale or by direct appropriation in kind, shall be applied exclusively, as far as necessary, to the reclaiming said lands, by means of levees and drains.

SEC. 2481. In making out lists and plats of the lands aforesaid all legal subdivisions, the greater part whereof is wet and unfit for cultivation, shall be included in said lists and plats, but when the greater part of a subdivision is not of that character, the whole of it shall be excluded therefrom.

SEC. 2482. Upon proof by the authorized agent of the State, before the Commissioner of the General Land-Office, that any of the lands purchased by any person from the United States, prior to March 2d, 1855, were "swamp-lands," within the true intent and meaning of the act entitled "An act to enable the State of Arkansas and other States to reclaim the swamp-lands within their limits," approved September twenty-eight, eighteen hundred and fifty, the purchase-money shall be paid over to the State wherein said land is situate; and when the lands have been located by warrant or scrip, the said State shall be authorized to locate a like quantity of any of the public lands subject to entry, at one dollar and twenty-five cents per acre, or less, and patents shall issue therefor. The decision of the Commissioner of the General Land-Office shall be first approved by the Secretary of the Interior.

SEC. 2483. The President of the United States shall cause patents to be issued to the purchaser or purchasers, locator or locators, who made entries of the public lands claimed as swamp lands, either with cash or land-warrants, or scrip, or under any homestead or pre-emption laws prior to the issue of patents to the State or States: *Provided*, That in all cases where any State through its constituted authorities, may have sold or disposed of any tract or tracts of land prior to the entry sale or location of the same under the pre-emption or other laws of the United States, no patent shall be issued by the President for such tract or tracts of land, until such State through its constituted authorities, shall release its claim thereto in such form as shall be prescribed by the Secretary of the Interior. In all cases where such State did not within ninety days from the second day of March, 1855, the date of an act entitled, "An act for the relief of purchasers and locators of swamp and overflowed lands" through its constituted authorities, return to the General Land-Office of the United States, a list of all the lands sold as aforesaid, together with the dates of such sales and the names of the purchasers, the President shall issue patents to persons who made such entries of the public lands so claimed as swamp-land.

SEC. 2484. All lands selected and reported to the General Land-Office as swamp and overflowed land by the several States entitled to the provisions of said act of Sept. 28, 1850, prior to March third, A. D. eighteen hundred and fifty-seven, are confirmed to said States respectively so far as the same remained vacant and unappropriated and not interfered with by an actual settlement under any law of the United States.

SEC. 2485. All selections of any portion of the public domain, to which no homestead, pre-emption or other right had been acquired by any settler under the laws of the United States, and not being mineral land, nor reserved for naval, military or Indian purposes nor held or claimed under any valid Mexican or Spanish grant, and not included within the limits of any city, town or village or of the county of San Francisco, made prior to the twenty-third day of July, one thousand eight hundred and sixty-

six, and theretofore sold to bona-fide purchasers by the State of California are confirmed to the State of California: *Provided, however*, That said State shall not receive any greater quantity of land for school or improvement purposes than she is entitled to by law.

SEC. 2486. When selections named in the foregoing section have been made upon lands already surveyed by authority of the United States, the authorities of said States, where the same has not been already done, shall notify the register of the land-office, for the district in which the land is situated, which notice shall be regarded as the date of the State selection; and the said registers of the several land-offices, after investigation and decision, shall, under the instruction of the Commissioner of the General Land-Office, forward all such selections to the General Land-Office, and the Commissioner of the General Land-Office shall certify the same over to the State in the usual manner.

SEC. 2487. When the State of California has made such selections from the lands not surveyed by the authority of the United States, but which selections have been surveyed by the authority of said State, and the land sold to purchasers in good faith, under the laws of the State, such selections, from said twenty-third of July, eighteen hundred and sixty-six, when marked off and designated in the field, shall have the same force and effect as the pre-emption rights of a settler upon unsurveyed public lands; and if upon a survey of such lands by the United States, the lines of the two surveys shall be found not to agree, the selection shall be so changed as to include those legal subdivisions which nearest conform to the identical land included in the State survey and selection. Upon filing with the register of the proper United States land-office of the township plat, in which any such selection of unsurveyed land is located, the holder of the State title shall be allowed the same time to present and prove up his purchase and claim as is allowed pre-emptors under existing laws—and if found in accordance with the law the land embraced therein shall be certified over to the State by the Commissioner of the General Land-Office.

SEC. 2488. It shall be the duty of the Commissioner of the General Land-Office, to certify over to the State of California as swamp and overflowed lands, all the lands represented as such upon the approved township surveys and plats, whether made before or after the 23d day of July, 1866, under the authority of the United States.

The surveyor-general of the United States for California, shall under the direction of the Commissioner of the General Land-Office, examine the segregation maps and surveys of the swamp and overflowed lands, made by said State; and where he shall find them to conform to the system of surveys adopted by the United States, he shall construct and approve township plats accordingly, and forward to the General Land-Office for approval.

In segregating large bodies of land, notoriously and obviously swamp and overflowed, it shall not be necessary to subdivide the same, but to run the exterior lines of such body of land.

In case such State surveys are found not to be in accordance with the system of United States surveys, and in such other townships as no survey has been made by the United States, the Commissioner shall direct the surveyor-general, to make segregation surveys, upon application to the surveyor-general, by the governor of said State, within one year of such application, of all the swamp and overflowed lands in such townships, and to report the same to the General Land-Office, representing and describing what land was swamp and overflowed, under the grant, according to the best evidence he can obtain.

If the authorities of said State, shall claim as swamp and overflowed, any land not represented as such upon the map or in the returns of the surveyors, the character of such land at the date of the grant September twenty-eight, eighteen hundred and fifty, and the right to the same shall be determined by testimony, to be taken before the surveyor-general, who shall decide the same, subject to the approval of the Commissioner of the General Land-Office.

1 Mar., 1877, c. 81, r. 19, p. 267.

Huff v. Doyle et al., 93 U. S., 558. Where selections are on lands already surveyed.

23 July, 1866, c. 219, s. 2, v. 14, p. 219.

Where selections are upon land surveyed only by State authority.

Ibid., s. 3, p. 219.

Swamp and overflowed lands to be certified to State within one year, in certain cases.

Ibid., s. 4, p. 219.

List of lands selected to be sent to General Land-Office.

Ibid., s. 5, p. 220.

Act of 1850, c. 84, v. 9, p. 519, extended to Minnesota and Oregon.

12 Mar., 1860, c. 5, ss. 1, 2, v. 12, p. 3.

SEC. 2489. It shall be the duty of the Commissioner of the General Land-Office, to require the officers of the local land-offices in said State (in case the same has not already been done) and the surveyor-general immediately to forward lists of all selections made by the State hereinbefore specified and lists and maps of all swamp and overflowed lands, claimed by said State or surveyed as provided in the ten preceding sections, for final disposition and determination, which final disposition shall be made by the Commissioner of the General Land-Office without delay.

SEC. 2490. The provisions of the act of Congress entitled "An act to enable the State of Arkansas and other States to redeem" the swamp lands within their limits, approved September 28, A. D. 1850, extend to the States of Minnesota and Oregon: *Provided*, That the grant shall not include any lands which the Government of the United States may have sold or disposed of under any law, enacted prior to March 12, 1860, prior to the confirmation of title to be made under the authority of said act—and the selections to be made from lands already surveyed in each of the States last named, under the authority of the act aforesaid, shall have been made within two years from the adjournment of the legislature of each State, at its next session after the 12th day of March, A. D. 1860—and as to all lands surveyed or to be surveyed, thereafter, within two years from such adjournment, at the next session after notice by the Secretary of the Interior to the governor of the State, that the surveys have been completed and confirmed.