

examined same; that there is not to my knowledge within the limits thereof any vein or lode of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, or copper, nor any deposit of coal, placer, cement, gravel, salt spring, or deposit of salt, nor other valuable mineral deposit; that no portion of said land is claimed for mining purposes under the local customs or rules of miners, or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially nonmineral land, and that my application therefor is not made for the purpose of fraudulently obtaining title to mineral land; that the land is not occupied and improved by any Indian.

(Sign here, with full Christian name.)

Note.—Every person swearing falsely to the above affidavit will be punished as provided by law for such offense. (See sec. 5392, R. S.)

I hereby certify that the foregoing affidavit was read to or by affiant in my presence before affiant affixed signature thereto; that affiant is to me personally known (or has been satisfactorily identified before me by .....); that I verily believe

(Give full name and post-office address.)

affiant to be a qualified applicant and the identical person hereinbefore described; and that said affidavit was duly subscribed and sworn to before me, at my office, in....., within the.....

(Town.)

(County and State.)

land district, this.....day of....., 19....

(Official designation of officer.)

We, ....., of ....., and ....., of ....., do solemnly swear that we are acquainted with the above-named applicant and know that he is the owner of and residing upon the land embraced in his original entry above described.

I hereby certify that the foregoing affidavit was read to or by affiants in my presence before affiants affixed signatures thereto; that affiants are to me personally known (or have been satisfactorily identified before me by.....); and that said affidavit was duly

(Give full name and post-office address.)

subscribed and sworn to before me at.....this..... day of....., 19....

(Official designation of officer.)

United States Land Office at.....

....., 19....

I hereby certify that the foregoing application is for surveyed land of the class which the applicant is legally entitled to enter under section 2289, Revised Statutes of the United States; that there is no prior valid adverse right to the same, and has this day been allowed.

Register.

Revised Statutes of the United States. Title LXX.—Crimes.—Chap. 4.

Sec. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury and shall be punished by a fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than five years; and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. (See Sec. 1750.)

Note.—In addition to the above penalty, every person who knowingly or willfully in any wise procures the making or presentation of any false or fraudulent affidavit pertaining to any matter within the jurisdiction of the Secretary of the Interior may be punished by fine or imprisonment.

[4-018a.]

DEPARTMENT OF THE INTERIOR,  
United States Land Office,

....., 190.....  
.....

By authority of General Land Office letter "P" of....., 190....., you are hereby notified that a special agent of that office has filed the following charges against the validity of your.....Entry No....., made....., for.....  
to wit: .....

You are notified that if you fail to file in this office, within thirty days of date of service of this notice, a written or printed answer, under oath, denying each of said charges, or showing a state of facts rendering said charges immaterial, and applying for a hearing to determine the truth of said charges and answer, or if you fail to appear at a hearing applied for, your said above entry or claim will be rejected, and, if of record, will be canceled.

Very respectfully,  
.....  
Register.

INSTRUCTIONS.

Manner of Proceeding upon Special Agents' Reports.  
DEPARTMENT OF THE INTERIOR,  
General Land Office,

Washington, D. C., November 25, 1907.

To Special Agents and Registers and Receivers, United States Land Offices:

The following rules are prescribed for the government of proceedings had upon the reports of special agents of this office. All existing instructions in conflict herewith are superseded.

1. The purpose hereof is to secure speedy action upon claims to the public lands, and to allow claimant, entryman, or other claimant of record, opportunity to file a denial of the charges against the entry or claim, and to be heard thereon if he so desires.
2. Upon receipt of the special agent's report this office will consider the same and determine therefrom whether the charges, if true, would warrant the rejection or cancellation of the entry or claim.
3. Should the charges, if not disputed, justify the rejection or cancellation of the entry or claim the local officers will be duly notified thereof and directed to issue notice of such charges in the manner and form hereinafter provided for, which notice must be served upon the entryman and other parties in interest shown to be entitled to notice.
4. The notice must be written or printed and must state fully the charges as contained in the letter of this office, the number of the entry or claim, subdivision of land involved, name of entryman or claimant or other known parties in interest.
5. The notice must also state that the charges will be accepted as true, (a) unless the entryman or claimant files in the local office within thirty days from receipt of notice a written denial, under oath, of said charges, with an application for a hearing, (b) or if he fails to appear at any hearing that may be ordered in the case.
6. Notice of the charges may in all cases be served personally upon the proper party by any officer or person, or by registered letter mailed to the last address of the party to be notified, as shown by the record, and to the postoffice nearest to the land. Proof of personal service shall be the written

acknowledgment of the person served, or the affidavit of the person who served the notice attached thereto, stating the time, place, and manner of service. Proof of service of notice by registered mail shall consist of the affidavit of the person who mailed the notices, attached to the postoffice registry return receipts, or the returned unclaimed registered letters.

7. If a hearing is asked for, the local officers will consider the same and confer with the special agent relative thereto and fix a date for the hearing, due notice of which must be given entryman or claimant. The above notice may be served by registered mail.

8. The chief of field division will duly submit, upon the form provided therefor, to this office, an estimate of the probable expense required on behalf of the Government. He will also cause to be served subpoenas upon the Government witnesses and take such other steps as are necessary to prepare the case for prosecution.

9. The special agent must appear with his witnesses on the date and at the place fixed for said hearing, unless he has reason to believe that no appearance for the defense will be made, in which event no appearance on behalf of the Government will be required. The special agent must, therefore, keep advised as to whether the defendant intends to appear at the hearing. The chief of field division may, when present, conduct the hearing on behalf of the Government.

10. If the entryman or claimant fails to deny the charges under oath and apply for a hearing, or fails to appear at the hearing ordered, without showing good cause therefor, such failure will be taken as an admission of the truth of the charges contained in the special agent's report and will obviate any necessity for the Government's submitting evidence in support thereof.

11. Upon the day set for the hearing and the day to which it may be continued the testimony of witnesses for either party may be submitted, and both parties, if present, may examine and cross-examine the witnesses, under the rules, the Government to assume the burden of proving the special agent's charges.

12. If the entryman or claimant fails to apply for a hearing or to appear at a hearing applied for, as provided in paragraph 10, or if a hearing is had, as provided in paragraph 11, the local officers will render their decision upon the record, giving due notice thereof in the usual manner.

13. Appeals or briefs must be filed under the rules and served upon the special agent in charge of hearing. The special agent will not file any appeal or brief unless directed to do so by this office, or the chief of field division.

14. The above proceedings will be governed by the Rules of Practice. All notices served on claimants or entrymen must likewise be served upon transferees or mortgagee, as provided in Rule 8½ of Practice.

15. At the conclusion of the hearing the chief of field division will pay all proper charges for the Government's case, upon proper vouchers when required; and he will at once make return thereon to this office, showing the amount of authorization expended.

Very respectfully,

R. A. Ballinger,  
Commissioner.

Approved:  
G. W. Woodruff,  
Acting Secretary.

[4-019]

Form C. Department of the Interior.

WATER-RIGHT APPLICATION.

Act June 17, 1902 (32 Stat., 388).

.....Project.  
U. S. Land Office, ..... No.....  
Lands Allotted to Indians.

(Date.)

I, ....., an Indian allottee subject to the jurisdiction of the....., in charge of the.....

Indian....., do hereby apply for a water right under the.....Project, subject to the provisions of the Act of Congress approved June 17, 1902 (32 Stat., 388), known as the Reclamation Act, and the rules and regulations established thereunder, the water supplied in pursuance thereof to be used for the irrigation of, and to be appurtenant to,..... acres of irrigable land, as shown on plats on file in this office approved by the Secretary of the Interior, within the area described as follows: .....

....., Section....., Township....., Range....., Meridian, an area of..... acres.

The amount of water to be furnished hereunder shall be..... acre-feet of water per annum per acre of irrigable land, as aforesaid, measured at the land; or so much thereof as shall constitute the proportionate share per acre from the water supply actually available for the lands under said project: Provided, That the supply furnished shall be limited to the amount of water beneficially used on said irrigable land.

I hereby agree that the Commissioner of Indian Affairs shall pay from any funds in his hands or subject to his control belonging to me for said water right the estimated cost of construction as fixed by the Secretary of the Interior, namely, the sum of \$..... per acre for the said area of irrigable land, in..... annual installments, and shall pay promptly when due the annual installments and the maintenance and operating charges duly assessed against said land on account of said water right.

It is further agreed that, upon failure to comply with the terms of said Reclamation Act and the regulations thereunder, so far as applicable, this application shall be subject to cancellation by the Secretary of the Interior, with the forfeiture of all rights acquired thereunder and of all payments made thereon.

This application must bear the certificate, as hereto attached, of the water users' association under this project, which has entered into contract with the Secretary of the Interior.

If the Secretary of the Interior has made no contract with a water users' association under this project, I agree to file, upon direction of the Secretary of the Interior, evidence of membership in the water users' association organized under the said project; in default of which, this application shall be subject to cancellation by the Secretary of the Interior, with the forfeiture of all rights acquired thereunder and of all payments made thereon.

And I hereby certify that my postoffice address is....., that the postoffice address of said..... is.....; that I am..... years of age and a bona fide resident upon said land (or an occupant thereof, residing in the neighborhood, namely, upon Section....., Township....., Range....., Meridian, a distance in a direct line of..... miles therefrom); that I hold the following interest in the said tract: .....

..... as duly shown upon the records of..... County,.....; that I have made no other application, now uncanceled, for a water right under said Act of Congress, appurtenant to land now owned or claimed by me, except as follows:

Application No....., Project,, ..... for..... Section....., Township..... Range....., Meridian, an area of..... acres, and containing..... acres or irrigable land, as determined by the Secretary of the Interior; and that the present application is made on my behalf, and not at the instance or for the benefit of any other person or any association or corporation, either directly or indirectly.

It is further understood and agreed that if the interest of the applicant in said land shall cease and said interest shall be held by a party who is not qualified to apply for or hold a water right under the provisions of the Reclamation Act, this application shall be subject to cancellation by the Secretary of the Interior, with the forfeiture of all rights acquired thereunder and of all payments made thereon.

It is further understood and agreed that the evidence of ownership of this water right shall not be issued by the United States until fee simple title to said land is vested in the allottee and after final payment hereon is made,

in default of which this application shall be subject to such action as may be deemed proper by the Secretary of the Interior.

.....  
(Applicant sign here.)

By.....in charge of said  
.....

(If the Secretary of the Interior has entered into a contract with a water users' association under the project, the following certificate must be filled out.)

.....  
(Place.)  
.....  
(Date.)

I hereby certify that the applicant for this water right has.....  
duly subscribed for the stock of this association for the lands described herein,  
and that all assessments levied against said stock by said association have  
been fully paid up to date.

.....  
Secretary,  
.....Water Users' Association.

(Corporate seal)

4-020.

Department of the Interior.

WATER-RIGHT APPLICATION.

Act June 17, 1902 (32 Stat., 388).

..... Project. Serial No. ....  
U. S. Land Office.....  
Lands in Private Ownership.

(Date.)

....., hereinafter called the applicant,  
hereby applies for a water right under the ..... Unit,  
..... Project, subject to the provisions of the Act of Congress approved June 17, 1902 (32 Stat., 388), known as the Reclamation Act, and the rules and regulations established thereunder, the water supplied in pursuance thereof to be used for the irrigation of, and to be appurtenant to, ..... acres of irrigable land, as shown on plats approved by the Secretary of the Interior, within the area described as follows: .....

....., Section .....,  
Township ....., Range ....., Meridian,  
an area of ..... acres.

The quantity of water to be furnished hereunder shall be ..... acre-feet of water per annum per acre of irrigable land, as aforesaid, measured at the land; .....

..... or so much thereof as shall constitute the proportionate share per acre from the water supply actually available for the lands under such project: Provided, That the supply furnished shall be limited to the amount of water beneficially used on said irrigable land: Provided, however, that if measuring devices are not installed at the land, an increase deemed reasonable by the Reclamation Service official in charge of the project shall be made for losses of water after passing the point of measurement.

The applicant hereby agrees on behalf of himself, his heirs, administrators, and assigns to pay for said water right the estimated cost of construction as fixed by the Secretary of the Interior, namely, the sum of \$..... per acre for ..... acres of irrigable land, .....

..... in not more than ..... annual installments, and to pay promptly when due the annual installments and the operation and maintenance charges duly assessed against said land on account of said water right, each and all of which installments and operation and maintenance charges are hereby made and shall be a lien against the above-described premises, such liens attaching immediately upon the execution hereof and being enforceable as to each and every installment, or charge, or portion thereof at such time as the same shall become due in pursuance of public notice issued by the Secretary of the Interior.

It is further agreed and provided that such lien or liens shall have the full force and effect of a mortgage or deed of trust and vest in the United States all the rights and powers which might be exercised and all benefits which might be claimed by the mortgagee in a real estate mortgage given to secure the payment of a loan or debt, including the right of foreclosure by or on behalf of the United States in any court of competent jurisdiction and the applicant grants to the United States or its transferee all the rights, powers and, authority in and over the above-described premises which might be exercised by the trustee named in a deed of trust given to secure the payment of a loan or debt.

The applicant further agrees and binds himself, his heirs, administrators, and assigns to pay all taxes and other liens and encumbrances which are now or may hereafter (during the life of the lien herein given to the United States) become a superior lien or encumbrance to that of the United States, and if the applicant, his administrators, executors, heirs, or assigns fail to pay any such tax, lien, or encumbrance when due, the United States may pay the same and add the amount

thereof to the lien held by the United States under this agreement and recover the same.

It is further agreed that upon failure of the applicant to comply with the terms of said Reclamation Act and the regulations thereunder, this application shall be subject to cancellation by the Secretary of the Interior, with the forfeiture of all rights acquired thereunder and of all payments made thereon.

This application must bear the certificate, as hereto attached, of the water users' association under this project, which has entered into contract with the Secretary of the Interior, and the liens which the United States holds against the above-described land for the payment of the building and operation and maintenance charges, may be enforced, at the option of the United States, either directly by the United States or through the medium of the water users' association.

If the Secretary of the Interior has made no contract with a water users' association under this project, the applicant agrees to file, upon his direction, evidence of membership in the water users' association organized under the said project; in default of which, this application shall be subject to cancellation by the Secretary of the Interior, with the forfeiture of all rights acquired thereunder and of all payments made thereon.

And, being duly sworn, the applicant further deposes and says that the post-office address of the undersigned is.....; that the undersigned is a bona fide resident upon said land (or an occupant thereof, residing in the neighborhood, namely, upon Section..... Township....., Range..... Meridian, a distance in a direct line of..... miles therefrom); that the undersigned holds the following interest in the said tract:

..... as duly shown upon the records of..... County,.....; that no other application, now uncanceled, has been made for a water right under said Act of Congress, appurtenant to land now owned or claimed by the undersigned, except as follows:

Application No....., Project,..... of..... for....., Section....., Township....., Range..... Meridian, an area of..... acres and containing..... acres of irrigable land, as determined by the Secretary of the Interior; and that the present application is made in behalf of the undersigned and not at the instance or for the benefit of any other person or any association or corporation, either directly or indirectly. No Member of or Delegate to Congress, or Resident Commissioner, after his election or appointment or either before or after he has qualified and during his continuance in office, shall be admitted to any share or part of this contract or agreement, or to any benefit to arise thereupon. Nothing, however, herein contained shall be construed to extend to any incorporated company, where such contract or agreement is made for the general benefit of such incorporation or company, as provided in Section 116 of the Act of Congress approved March 4, 1909 (35 Stat., 1109).

It is further understood and agreed that if the interest of the applicant in said land shall cease and said interest shall be held by a party who is not qualified to apply for or hold a water right under the provisions of the Reclamation Act, this application shall be subject to cancellation by the Secretary of the Interior, with the forfeiture of all rights acquired thereunder and of all payments made thereon.

It is further understood and agreed that the evidence of ownership of this water right shall not be issued by the United States unless fee simple title to said land is vested in the application, or in a qualified assignee hereof, whose aggregate water rights under the said Reclamation Act shall not exceed one hundred and sixty acres, or the maximum limit of area fixed by the Secretary of the Interior, at the time when final payment hereon is due, in default of which this application shall be subject to cancellation by the Secretary of the Interior, with the forfeiture of all rights thereunder and of all moneys paid thereon.

.....  
.....  
Applicant.

ACKNOWLEDGMENT.

The above application must be signed and sealed in duplicate, acknowledged before a duly authorized officer in the manner provided by local law and duly recorded in the records of the county in which the lands are situated.

Filed in the United States Land Office at....., and accepted..... on behalf of the United States, (Date.)

Register.

[SEAL]

If the Secretary of the Interior has entered into a contract with a water users' association under the project, the following certificate must be filled out: ....., 19....

I HEREBY CERTIFY that the applicant for this water right has duly subscribed (or is the successor in interest of one who has subscribed) for the stock of this association for the lands described herein, and that all assessments levied against said stock by said association have been fully paid up to date.

Secretary.....Water Users' Association.

[Corporate Seal.]

OATH OF DISINTERESTEDNESS.

(Section 3745, U. S. Revised Statutes.)

I do solemnly swear that the copy of contract hereunto annexed is an exact copy of contract made by me personally with..... that I made the same fairly, without any benefit or advantage to myself, or allowing any such benefit or advantage corruptly to the said..... or any other person; and that the papers accompanying include all those relating to the said contract, as required by the statute in such case made and provided.

Sworn to and subscribed before me at..... this.....day of....., 191...

Notary Public.

Recorded this.....day of....., 191.., in Volume..... Page..... Records of..... County, State of.....

(Signature of Officer.)



[4-020a]

Form B-1.

Department of the Interior.

WATER-RIGHT APPLICATION.

Act June 17, 1902 (32 Stat., 388).

.....Project.
U. S. Land Office..... No.....
Lands in Private Ownership.
(With Assignment of Credits.)

(Date.)

I, ....., do hereby apply for a water right under the.....Project, subject to the provisions of the Act of Congress approved June 17, 1902 (32 Stat., 388), known as the Reclamation Act, and the rules and regulations established thereunder, the water supplied in pursuance thereof to be used for the irrigation of, and to be appurtenant to, ..... acres of irrigable land, as shown on plats on file in this office approved by the Secretary of the Interior, within the area described as follows: .....

.....Section....., Township....., Range....., Meridian, an area of..... acres.

The said land, with all the rights and interests of..... to the water right appurtenant thereto and to the payments made thereon has been obtained by me from.....in the following manner: .....

(Give dates of conveyances or other instruments.)

The amount of water to be furnished hereunder shall be.....acre-feet of water per annum per acre of irrigable land, as aforesaid, measured at the land; or so much thereof as shall constitute the proportionate share per acre from the water supply actually available for the lands under said project: Provided, That the supply furnished shall be limited to the amount of water beneficially used on said irrigable land.

I ask to be allowed credit for any and all payments heretofore made by the prior owner under his Water Right Application No....., dated....., and subject to such credit, I agree to pay for said water right the estimated cost of construction as fixed by the Secretary of the Interior, namely, the sum of \$..... per acre for the said area of irrigable land, in.....annual installments, inclusive of all annual installments due under the public notice, and to pay promptly when due the annual installments and the maintenance and operating charges duly assessed against said land on account of said water right.

I further agree that upon my failure to comply with the terms of said Reclamation Act and the regulations thereunder, this application shall be subject to cancellation by the Secretary of the Interior, with the forfeiture of all rights acquired thereunder and of all payments made thereon.

This application must bear the certificate, as hereto attached, of the water users' association under this project, which has entered into contract with the Secretary of the Interior.

If the Secretary of the Interior has made no contract with a water users' association under this project, I agree to file, upon his direction, evidence of membership in the water users' association organized under the said project; in default of which this application shall be subject to cancellation by the Secretary of the Interior, with the forfeiture of all rights acquired thereunder and of all payments made thereon.

And, being duly sworn, I further depose and say that my postoffice address is.....; that I am a bona fide resident upon said land (or an occupant thereof, residing in the neighborhood, namely, upon Section....., Township....., Range....., Meridian, a distance in a direct line of..... miles therefrom); that I hold the following interest in the said tract: ..... as duly shown upon the records of.....County, .....; that I have made no other application, now

uncanceled, for a water right under said Act of Congress, appurtenant to land now owned or claimed by me, except as follows: Application No. ...., Project, ...., for ....., Township ....., Range ....., Meridian, an area of ..... acres, and containing ..... acres of irrigable land, as determined by the Secretary of the Interior; and that the present application is made in my own behalf, and not at the instance or for the benefit of any other person or any association or corporation, either directly or indirectly.

It is further understood and agreed that if the interest of the applicant in said land shall cease and said interest shall be held by a party who is not qualified to apply for or hold a water right under the provisions of the Reclamation Act, this application shall be subject to cancellation by the Secretary of the Interior, with the forfeiture of all rights acquired thereunder and of all payments made thereon.

It is further understood and agreed that the evidence of ownership of this water right shall not be issued by the United States unless fee simple title to said land is vested in me at the time when final payment hereon is due, in default of which this application shall be subject to cancellation by the Secretary of the Interior, with the forfeiture of all rights thereunder and of all moneys paid thereon.

.....  
(Applicant sign here.)

State of .....  
County of .....

ss. Subscribed and sworn to before me this ..... day of ....., 19.....

(Seal.)

My commission expires.....  
(Official designation of officer.)

(This affidavit may be sworn to by any officer authorized to administer an oath.)  
(If the Secretary of the Interior has entered into a contract with a water users' association under the project, the following certificate must be filled out.)

.....  
(Place.)  
.....  
(Date.)

I hereby certify that the applicant for this water right has..... duly subscribed for the stock of this association for the lands described herein, and that all assessments levied against said stock by said association have been fully paid up to date.

.....  
Secretary,  
..... Water Users' Association.

(Corporate seal.)

Form A. [4-021.]

HOMESTEADS UNDER THE RECLAMATION ACT.

Application No..... Water Right, ..... Project, .....  
Act of June 17, 1902 (32 Stat., 388).

Department of the Interior,  
Land Office at.....

....., 190..  
I, ....., do hereby apply for a water right under the..... Project, subject to the provisions of the Act of Congress approved June 17, 1902 (32 Stat., 388), known as the Reclamation Act, and the rules and regulations established thereunder, the water supplied in pursuance thereof to be used for the irrigation of, and to be appurtenant to, ..... acres of irrigable land, as shown on plats on file in this office approved by the Secretary of the Interior, within the area described as follows: .....

Section....., Township....., Range....., .....  
Meridian, an area of.....acres; the said land having been entered by  
me under the said Reclamation Act by Homestead Application No.....,  
on the.....day of....., 19...

The amount of water to be furnished hereunder shall be.....acre-  
feet of water per annum per acre of irrigable land, as aforesaid, measured at  
the land, or so much thereof as shall constitute the proportionate share per  
acre from the water supply actually available for the lands under said  
project: Provided, That the supply furnished shall be limited to the amount  
of water beneficially used on said irrigable land.

I agree to pay for said water right the estimated cost of construction  
as fixed by the Secretary of the Interior, namely, the sum of \$.....per acre  
for the said area of irrigable land, in.....annual installments, and to  
pay promptly when due the annual installments and the maintenance and  
operating charges duly assessed against said land on account of said water  
right.

I further agree that, upon my failure to comply with the terms of said  
Reclamation Act and the regulations thereunder, this application shall be  
subject to cancellation by the Secretary of the Interior, with the forfeiture  
of all rights acquired thereunder and of all payments made thereon.

This application must bear the certificate, as hereto attached, of the  
water users' association under this project, which has entered into contract  
with the Secretary of the Interior.

If the Secretary of the Interior has made no contract with a water users'  
association under this project, I agree to file, upon his direction, evidence  
of membership in the water users' association organized under the said  
project; in default of which, this application shall be subject to cancellation  
by the Secretary of the Interior, with the forfeiture of all rights acquired  
thereunder and of all payments made thereon.

And, being duly sworn, I further depose and say that I have made no  
application, now unanceled, for a water right under said Act of Congress,  
appurtenant to land now owned or claimed by me, except as follows:

Application No. ...., .....Project, of.....  
for.....Section....., Township.....,  
Range.....Meridian, an area of.....  
acres and containing.....acres of irrigable land, as determined by the  
Secretary of the Interior; and that the present application is made in my own  
behalf and not at the instance or for the benefit of any other person or any  
association or corporation, either directly or indirectly.

Applicant.

State of.....  
County of .....

ss.

Subscribed and sworn to before me this.....day of....., 19...

(Seal.)

My commission expires.....

(This affidavit may be sworn to before any officer authorized to administer an oath.)

If the Secretary of the Interior has entered into a contract with a water  
users' association under the project, the following certificate must be filled out:  
....., 19...

I hereby certify that the applicant for this water right has duly sub-  
scribed for the stock of this association for the lands described herein, and  
that all assessments levied against said stock by said association have been  
fully paid up to date.

Secretary,

(Corporate seal.)

.....Water Users' Association.

[4—021a.]

Form A—1.

Department of the Interior.

## WATER-RIGHT APPLICATION.

Act June 17, 1902 (32 Stat., 388).

.....Project.

U. S. Land Office.....No.....

(With assignment of credits.)

I, ....., do hereby apply for a water right under the.....Project, subject to the provisions of the Act of Congress approved June 17, 1902 (32 Stat., 388), known as the Reclamation Act, and the rules and regulations established thereunder, the water supplied in pursuance thereof to be used for the irrigation of, and to be appurtenant to, .....acres of irrigable land, as shown on plats on file in this office approved by the Secretary of the Interior, within the area described as follows: .....

Section....., Township....., Range....., Meridian, an area of ..... acres; the said land having been entered by me under the said Reclamation Act by Homestead Application, No....., on the.....day of....., 19....., upon relinquishment by.....of his Homestead Entry, No....., for the same land and of assignment to me of credits for payments made by said entryman under his Water-Right Application, No....., dated ..... 19....., under assignment noted hereon.

The amount of water to be furnished hereunder shall be.....acre-feet of water per annum per acre of irrigable land, as aforesaid, measured at the land; or so much thereof as shall constitute the proportionate share per acre from the water supply actually available for the lands under said project: Provided, That the supply furnished shall be limited to the amount of water beneficially used on said irrigable land.

I ask to be allowed credit for all payments heretofore made for the water right appurtenant to the above-described land and hereon assigned to me, and, subject to such credit, I agree to pay for said water right the estimated cost of construction as fixed by the Secretary of the Interior, namely, the sum of \$..... per acre for the said area of irrigable land, in.....annual installments, inclusive of all annual installments due under the public notice, and to pay promptly when due the annual installments and the maintenance and operating charges duly assessed against said land on account of said water right.

I further agree that upon my failure to comply with the terms of said Reclamation Act and the regulations thereunder, this application shall be subject to cancellation by the Secretary of the Interior, with the forfeiture of all rights acquired thereunder and of all payments made thereon.

This application must bear the certificate, as hereto attached, of the water users' association under this project, which has entered into contract with the Secretary of the Interior.

If the Secretary of the Interior has made no contract with a water users' association under this project, I agree to file, upon his direction, evidence of membership in the water users' association organized under the said project, in default of which this application shall be subject to cancellation by the Secretary of the Interior, with the forfeiture of all rights acquired thereunder and of all payments made thereon.

And, being duly sworn, I further depose and say that I have made no application, now uncanceled, for a water right under said Act of Congress, appurtenant to land now owned or claimed by me, except as follows:

Application No. ...., Project, ..... for.....Section....., Township....., Range....., Meridian, an area of ..... acres, and containing ..... acres of irrigable land, as determined by the Secretary of the Interior; and that the present application is made in

my own behalf, and not at the instance or for the benefit of any other person or any association or corporation, either directly or indirectly.

(Applicant sign here.)

State of .....  
County of .....

Subscribed and sworn to before me this..... day of....., 19...

(Seal.)

(Official designation of officer.)

My commission expires.....  
(This affidavit may be sworn to before any officer authorized to administer an oath.)  
(If the Secretary of the Interior has entered into a contract with a water users association under the project, the following certificate must be filled out.)

(Place.)

(Date.)

I hereby certify that the applicant for this water right has.....  
duly subscribed for the stock of this association for the lands described herein,  
and that all assessments levied against said stock by said association have  
been fully paid up to date.

Secretary,

Water Users' Association.

(Corporate seal.)

**Assignment of Credits for Payments Made.**

I, ....., of....., being duly  
sworn, depose and say that I am the identical person who made Homestead  
Entry, No. ...., in the..... Land District,  
on....., 19....., for Farm Unit..... in  
Section....., Township....., Range.....,  
Meridian; and for value received I hereby assign to.....  
all my right and title in and to any credits for charges heretofore paid on  
the Water-Right Application, No. ...., for the land referred to  
herein. There are no water-right charges against said land due and remaining  
unpaid, except.....

(Signature.)

Register.

On this..... day of....., 19....., before me  
personally appeared....., to me known to be the person  
described in and who executed the foregoing instrument, and acknowledged  
that he freely executed the same as therein stated.

(Seal.)

(Official designation of officer.)

[4-022.]

Act of June 2, 1858.

DEPARTMENT OF THE INTERIOR,  
United States Land Office,

....., 19.....  
Certificate of Location No....., issued by the Surveyor-General  
at..... for the claim of.....  
or..... legal representatives.

I, ....., hereby apply to locate with the above-  
described certificate..... quarter of section No.....,  
in Township No....., of Range No....., containing.....  
acres in the district of lands subject to sale at.....

Witness my hand this.....day of....., A. D. 19....

Attest:

Register.

Register's Office.

....., 19....

I certify that the above-described tracts have this day been located pursuant to the application, and that the location is correct, being in accordance with law and instructions.

....., Register.

Register.

[4-022a.]

County of.....

State of.....

....., 19....

To the Commissioner of the General Land Office,

Washington, D. C.

Sir: The undersigned petitioner would respectfully represent that he is a citizen of....., County of....., and State of.....; and that there is an Island in the..... in section....., Township....., Range....., State of..... that said Island has never been surveyed by the United States Government; that he is desirous that the same should be surveyed, in order that it may be disposed of according to the laws of Congress and the regulations of the General Land Office relative to the disposal of lands embraced in fragmentary surveys; and that..... of..... County of....., and State of..... a practical and skillful surveyor, is a suitable person to execute the survey of the same.

Note.—Whenever the affidavits required to accompany applications for the survey of islands before any officer not a clerk of record, the official character and standing of such officer, whether notary public, justice of the peace, U. S. commissioner, or other officer qualified to administer oaths, should be evidenced by the formal certificate of the clerk of the proper court of record or other competent authority.

County of.....

State of.....

....., 19....

..... and..... citizens of..... County of....., and State of....., being duly sworn, upon their oaths say that they have personal knowledge of an Island in....., in Section....., Township....., Range....., principal Meridian, State of....., application for the survey of which has been made by..... of....., County of....., State of.....; that the said Island contains about..... acres; that the width of the channel between the Island and the nearest main shore is about..... feet, and the depth thereof at ordinary stages of the water is about..... feet; that the Island is about..... feet above high-water mark, not subject to overflow, and the land fit for agricultural purposes; that the configuration of either shore of the mainland has not materially changed since the original survey of the water front on the mainland; that the improvements on said Island are as follows:\*

..... that the said improvements were made by..... and that the value thereof is about.....dollars.

\* If there are no improvements on the island, it must be so stated.

Sworn to and subscribed before me this.....day of....., 19....

County of.....

State of.....

....., 19....

and.....citizens of

County of.....

and State of....., being duly sworn, upon their

oaths say that, to their certain knowledge, notice of the application of

....., of.....County of

....., and State of.....

for the survey of an Island in the.....in Section.....,

Township....., Range....., principal Meridian, in the

State of....., was served upon.....

.....

.....

.....and.....proprietors of the

lands on the shores opposite said Island; that the said notice was served

by.....on the.....day of.....

19...., and that each of the above-named coterminous proprietors was per-

sonally cognizant of the said applicant's intention thirty days before the

date of his application.

Sworn to and subscribed before me this.....day of....., 19....

County of.....

State of.....

....., 19....

We, .....

....., being duly sworn,

say that we are bona fide owners of the lands upon the shores opposite the

Island described in the application for survey made by.....,

bearing date....., 19...., and that the notice referred to in

the foregoing affidavit of.....and.....

was served upon us on the.....day of....., 19....

Sworn to and subscribed before me this ..... day of ....., 190..

County of .....

State of .....

....., 190..

To the Commissioner of the General Land Office,

Washington, D. C.

Sir: I will execute the survey of the Island described in the application of ....., of ....., County of ....., and State of ....., at the rates per mile for specific lines allowed by law for the survey of the public lands for the current fiscal year, and as shown by the field notes of the survey.

[4-024.]

NOTICE OF FILING OF ADVERSE CLAIM AGAINST MINERAL APPLICATION.

Department of the Interior,  
United States Land Office,

.....  
.....  
.....

Sirs: You will please take notice that on this ..... day of ....., there was filed in this office by ....., as claimant of the ..... claim ..... adverse claim against Application for Mineral Patent No. ...., Survey No. .... of ..... for the ..... claim in ..... Township ....., Range ....., ..... Meridian.

The parties who filed the adverse claim will be required, within 30 days from the date of such filing, to commence proceedings in a court of competent jurisdiction to determine the question of right of possession, and to prosecute the same with reasonable diligence to final judgment; should such adverse claimants fail to do so, the adverse claim will be considered waived and the application for patent be allowed to proceed on its merits.

....., Register.  
....., Receiver.

This notice must be immediately forwarded to the General Land Office. Duplicate to be filed with the case for transmittal with the record.

[4-024b.]

Department of the Interior,  
United States Land Office,

.....  
(Place.)  
.....  
(Date.)

NOTICE OF FILING MINERAL APPLICATION.

Mineral Application, Serial No. ....

The Commissioner of the General Land Office.

Sir: On ....., 19.., ..... filed Mineral Application, Serial No. ...., Survey No. ...., for the ....., situate in  
(List alphabetically all locations applied for.)  
Section ....., Township ....., Range ....., Meridian, ..... Mining District, ..... County, exclusive of conflict with .....

Very respectfully,

.....  
Register.

Note.—This notice must show Serial No.; date of filing; survey No., if lode or surveyed placer; alphabetical list of all locations; name or names of applicant or applicants; description if taken by legal subdivisions, section, township, range; mining district and county; and notation of exclusions.

[4-053.]

Department of the Interior,  
In the United States Land Office

At ....., before the Register and Receiver.

The United States of America,  
v.  
.....  
.....  
.....  
Defendant.

Plaintiff, }  
Involving the .....  
Entry No. ....  
for .....  
.....  
.....



AFFIDAVIT AND MOTION FOR COMMISSION TO TAKE DEPOSITIONS ON INTERROGATORIES.

The undersigned, being duly sworn, on his oath says that he is a special agent of the General Land Office and the agent for the plaintiff in the above-entitled case; that the following persons are material witnesses for the plaintiff in said case and reside as stated, to-wit:

....., residence ..... (County.) ..... (State.) ..... residence ..... residence .....

that each of said witnesses ..... and by reason thereof can not be procured to attend the trial of said case before the Register and Receiver at the local land office; and there is hereto attached and made a part hereof the interrogatories to be asked each of said witnesses upon behalf of the plaintiff herein; that due service of notice of plaintiff's intention to take such depositions has been had upon the defendants on ....., 19.., as more fully appears by the copy of such notice and return thereon herewith filed.

Wherefore, the undersigned, as agent for the plaintiff herein, moves that, after ten days from the filing hereof, a commission with all interrogatories attached issue to ....., a ..... authorized to administer oaths in the County of ....., State of ....., commanding him to take the depositions in the commission directed as by law required, at his office at ....., at 10 a. m., on ....., 19.., and from day to day thereafter until taken.

Subscribed and sworn to before me this ..... day of ....., 19.., at ..... (Official designation of officer.)

ORDER—ALLOWANCE OF MOTION.

The foregoing affidavit and motion being considered, and the undersigned being advised, the said motion is this ..... day of ....., 19.., allowed and commission will issue.

..... Register. Receiver.

[4—061a.]

AFFIDAVIT FOR SELECTIONS

Under Act of June 4, 1897 (30 Stat., 36). (Forest Reserves.)

To be made by the selector, or other credible person cognizant of the facts, before an officer authorized to administer oaths. Before being sworn, affiant should be advised of penalties of a false oath. United States Land Office,

....., 19.., being duly sworn according to law, deposes and says that he is a citizen of the United States, and that his post-office address is .....; that he is well acquainted with the character and condition of the following-described land, and with each and every legal subdivision thereof, having personally examined the same, to-wit: .....; that his personal knowledge of said land enables him to testify understandingly with respect thereto; that there is not, within the limits of said land, any known vein or lode of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, or copper; that there is not, within the limits of said land, any known deposit of coal, or any known placer deposit, oil, or other valuable mineral; that said land contains no salt spring, or known deposits of salt in any form, sufficient to render it chiefly valuable therefor; that no portion of said land is claimed for mining purposes under the local customs or rules of miners, or otherwise; that said land is essentially nonmineral in character, has upon it no mining or other improvements, and is not in any manner occupied adversely to the selector; and that the selection thereof is not made for the purpose of obtaining title to mineral land.

I hereby certify that the foregoing affidavit was read to affiant in my presence before he signed his name thereto; that said affiant is to me personally known (or has been satisfactorily identified before me by .....), and I verily believe him to be a credible person and the person he represents himself to be; and that this affidavit was subscribed and sworn to before me at my office in ....., on this ..... day of ....., 19..

[4-062.]

NON-MINERAL AFFIDAVIT.

This affidavit can be sworn to only on personal knowledge, and can not be made on information and belief.

The Non-Mineral Affidavit accompanying an entry of public land must be made by the party making the entry, and only before the officer taking the other affidavits required of the entryman.

Department of the Interior,  
United States Land Office,

....., 190..

....., being duly sworn according to law, deposes and says that he is the identical ..... who is an applicant for Government title to the .....; that he is well acquainted with the character of said described land, and with each and every legal subdivision thereof, having frequently passed over the same; that his personal knowledge of said land is such as to enable him to testify understandingly with regard thereto; that there is not, to his knowledge, within the limits thereof, any vein or lode of quartz or other rock in place, bearing gold, silver, cinnabar, lead, tin, or copper, or any deposit of coal; that there is not within the limits of said land, to his knowledge, any placer, cement, gravel, or other valuable mineral deposit; that the land contains no salt spring, or deposits of salt in any form sufficient to render it chiefly valuable therefor; that no portion of said land is claimed for mining purposes under the local customs or rules of miners or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially non-mineral land, and that his application therefor is not made for the purpose of fraudulently obtaining title to the mineral land, but with the object of securing said land for agricultural purposes; that the said land is not occupied and improved by any Indian, and that his post-office address is .....

I hereby certify that the foregoing affidavit was read to affiant in my presence before he signed his name thereto; that said affiant is to me personally known (or has been satisfactorily identified before me by .....), and that I verily believe him to be a credible person and the person he represents himself to be, and that this affidavit was subscribed and sworn to before me at my office in ....., within the ..... land district on this ..... day of ....., 19..

Note.—The officer before whom the deposition is taken should call the attention of the witness to the following section of the Revised Statutes, and state to him that it is the purpose of the Government, if it be ascertained that he testifies falsely, to prosecute him to the full extent of the law:

Revised Statutes of the United States. Title LXX.—Crimes.—Chap. 4.

Sec. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than five years; and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. (See Sec. 1750.) State of Missouri, County of ....., ss.

On this ..... day of ....., 19.., before me ..... within and for the County and State aforesaid, personally appeared ....., who, being

first duly sworn upon his oath, says that the ....., Section ....., Township ..... N., Range ....., 5th Principal Meridian, is not claimed by any one as an actual settler or otherwise, other than himself. That I am a native born citizen of the United States.

Subscribed and sworn to before me this, the ..... day of ....., 19..

State of Missouri, County of ....., ss.

On this, the ..... day of ....., 19.., before me ..... personally appeared ..... and ....., who being first duly sworn, upon their oaths depose and say that the ....., Section ....., Township ..... N, Range ....., 5th P. M., is not claimed by any one as an actual settler or otherwise, other than the above named affiant .....

Witnesses:

Subscribed and sworn to before me this ..... day of ....., 19..

[4—062a.]

NON-SALINE AFFIDAVIT.

Department of the Interior,  
United States Land Office,

....., 19..  
....., being duly sworn according to law, deposes and says that he is the identical ..... who is an applicant for Government title to the .....; that he is well acquainted with the character of said described land, and with each and every legal subdivision thereof, having frequently passed over the same; that his personal knowledge of said land is such as to enable him to testify understandingly with regard thereto; that there is not, to his knowledge, within the limits thereof, any salt spring, or deposits of salt in any form, such as make it chiefly valuable on account thereof; that no portion of said land is claimed for saline purposes; that said land is essentially non-saline land, and that his application therefor is not made for the purpose of fraudulently obtaining title to saline land, but with the object of securing said land for agricultural purposes, and that his post-office address is .....

I hereby certify that the foregoing affidavit was read to affiant in my presence before he signed his name thereto; that said affiant is to me personally known (or has been satisfactorily identified before me by .....), and that I verily believe him to be a credible person and the person he represents himself to be, and that this affidavit was subscribed and sworn to before me at my office in ....., within the ..... land district, on this ..... day of ....., 19..

Note.—This affidavit can be sworn to only on personal knowledge, and can not be made on information and belief, and only before the officer taking the other affidavits required of the entryman.

The officer before whom the deposition is taken should call the attention of the witness to the following section of the Revised Statutes, and state to him that it is the purpose of the Government, if it be ascertained that he testifies falsely, to prosecute him to the full extent of the law:

Revised Statutes of the United States. Title LXX.—Crimes.—Chap. 4.

Sec. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than five years; and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. (See Sec. 1750.)

[4—067.]

Department of the Interior.  
ADJOINING FARM HOMESTEAD.

(Section 2291, Revised Statutes.)

U. S. Land Office, ..... Serial No. ....  
Final Affidavit.

I, ....., of ....., having made a Homestead Entry of ..... Section  
at ....., Township ....., Range ....., ..... Meridian, subject to entry  
at ....., Serial No. ...., for the use of an adjoining farm owned  
(Name of land office.)  
and occupied by me on the ....., Section ....., Township ....., Range  
....., ..... Meridian, under Section 2289 of the Revised Statutes, do now  
apply to perfect my claim thereto by virtue of Section 2291 of the same,  
and for that purpose do solemnly swear that I am a citizen of the United  
States; that I have continued to own and occupy the land constituting my  
original farm, having resided thereon since the ..... day of ....., 19.., to  
the present time, and having made use of the said entered tract as a part of  
my homestead, and have improved the same in the following manner, viz.:  
....., that no part of said land has been alienated, but that I am the sole  
bona fide owner as an actual settler; that I will bear true allegiance to the  
Government of the United States; and further, that I have not heretofore  
perfected or abandoned an entry under the homestead laws.

(Sign here, with full Christian name.)

Note.—Every person swearing falsely to the above affidavit will be pun-  
ished as provided by law for such offense. (See Sec. 5392, R. S.)

[4—069.]

Department of the Interior,  
United States Land Office,

(For taking the testimony of Claimant and his witnesses in making commuta-  
tion proof, use the prescribed forms for "Homestead Proof.")

AFFIDAVIT REQUIRED OF CLAIMANT IN COMMUTED HOMESTEAD  
ENTRIES.

I, ....., claiming the right to commute, under Section 2301 of the  
Revised Statutes of the United States, my Homestead Entry, No. ...., made  
upon the ..... Section ....., Township ....., Range ....., ..... Meri-  
dian, do solemnly swear that I made settlement upon said land on the .....  
day of ....., and that since such date, to-wit: on the ..... day of .....,  
I have built a house on said land, and have continued to reside therein up  
to the present time; that I have broken and cultivated ..... acres of said  
land, and that no part of said land has been alienated, except as provided in  
Section 2288 of the Revised Statutes, but that I am the sole bona fide owner  
as an actual settler.

I further swear that I have not heretofore perfected or abandoned an entry  
made under the homestead laws of the United States, except .....

(Sign here, with full Christian name.)

Subscribed and sworn to before me this.....day of....., 19...., at my  
office at ..... in ..... County, .....

(Official designation.)

[4—070.]

Homestead Proof.

FINAL AFFIDAVIT REQUIRED OF HOMESTEAD CLAIMANTS.

Section 2291 of the Revised Statutes of the United States.

I, ....., having made a Homestead entry of the ..... Section No.  
....., in Township No. ...., of Range No. ...., subject to entry at  
....., under Section No. 2289 of the Revised Statutes of the United States,  
do now apply to perfect my claim thereto by virtue of Section No. 2291 of the  
Revised Statutes of the United States; and for that purpose do solemnly .....

that I am a citizen of the United States; that I have made actual settlement upon and have cultivated said land, having resided thereon since the ..... day of ....., 1...., to the present time; that no part of said land has been alienated, except as provided in Section 2288 of the Revised Statutes, but that I am the sole bona fide owner as an actual settler; that I will bear true allegiance to the Government of the United States; and further, that I have not heretofore perfected or abandoned an entry made under the homestead laws of the United States, except .....

I, ....., do hereby certify that above affidavit was subscribed and sworn to before me this ..... day of ....., 190., at my office at ....., in ..... County, .....

[4-072.]

APPLICATION TO CONTEST.

(Note.—This application must be filed in duplicate.)

Serial No. ....  
Contest No. ....

Department of the Interior,  
United States Land Office,

I, the undersigned, ....., residing at ....., being duly sworn, upon my oath state: That I am well acquainted with the tract of land embraced in ..... entry, Serial No. ...., made on ....., 19., by ....., whose present place of residence is ....., State of ....., for the ..... Section ....., Township ....., Range ....., Meridian, and know the present condition of the same; that said land is ..... in character; that in so far as I know the said entry is the only proceeding now pending for the acquisition of title to said land except ..... that said .....

(Here state fully the grounds of the contest.)

that I claim an interest in or desire and intend, if permitted to do so, to acquire title to the said land under the provisions of ..... law, and state the following facts which show my qualifications to do so: I am not under the age of twenty-one years, I am a citizen of the United States, or have declared my intention to become such, I have not heretofore made any entry which would disqualify me from making entry under the above-mentioned law, I have not since August 30, 1890, acquired title to, nor am I now claiming under any of the agricultural land laws, an amount of land which, together with the land described above, or the part thereof which I desire to enter, will exceed in the aggregate 320 acres, and I am not the proprietor of more than 160 acres of land in any State or Territory; and I further swear that this contest is not being collusively or speculatively initiated, but is being instituted and will be diligently prosecuted in good faith for the sole privilege of acquiring title to said land or some part thereof in my own and sole interest.

I, therefore, ask that I be permitted to prove the allegations made in this affidavit at such time and place as may be named therefor, and that after proving said allegations, and my payment of all the costs incurred in this proceeding, I be permitted to make entry of said lands or a part thereof under the laws above specified.

I desire that all papers affecting this contest be served upon me at the following address: .....

(Signature.)

I hereby certify that the foregoing affidavit was subscribed and sworn to before me by the affiant named therein, after it had been read to or by him, in my presence, in ..... on this ..... day of ....., 191., he, the said affiant, being well known to me to be the same person he therein represents himself to be, or having been fully made known to me as such person by ....., of ....., who is well known to me.

(Official designation.)

Also appeared, at the same time and place, ....., residing at ....., and ....., residing at ....., who being duly (Post-office address.)

sworn, depose and say: That they are acquainted with the tract described in the above affidavit, and know from personal knowledge and observation that the statements therein made are true.

I hereby certify that the foregoing affidavit was read to or by affiants in my presence before affiants affixed signatures thereto; that affiants are to me personally known (or have been satisfactorily identified before me by .....); and that the said affidavit was duly subscribed before me at ..... this ..... day of ....., 191..

(Official designation.)

Note.—If the application is filed by a person not seeking to acquire title to or claiming an interest in the land, or by one who does not show his qualifications as an entryman, it must be referred to the Chief of Field Division.

[4—072a.]

NOTICE OF CONTEST.  
(For personal service.)

Serial No.....  
Contest No.....

Department of the Interior,  
United States Land Office.

To ..... of ....., Contestee:

You are hereby notified that ....., who gives ..... as his post-office address, did on ....., 191.., file in this office his duly corroborated application to contest and secure the cancellation of your ....., Entry No. ....

(Kind of entry.)

....., Serial No. ...., made ....., 19.., for ....., Section ....., Township ....., Range ....., ..... Meridian, upon the grounds set forth in the copy of said application to contest which is attached to and made a part of this notice.

You are, therefore, further notified that the said allegations will be taken by this office as having been confessed by you, and your said entry will be canceled thereunder without your further right to be heard therein, either before this office or on appeal, if you fail to file in this office, within thirty days after service of this notice, your answer, under oath, specifically meeting and responding to these allegations of contest, or if you fail within that time to file in this office due proof that you have served a copy of your answer on the said contestant, either in person or by registered mail. If this service is made by the delivery of a copy of your answer to the contestant in person, proof of such service must be either the said contestant's written acknowledgment of his receipt of the copy, showing the date of its receipt, or the affidavit of the person by whom the delivery was made stating when and where the copy was delivered; if made by registered mail, proof of such service must consist of the affidavit of the person by whom the copy was mailed, stating when and the post-office to which it was mailed, and this affidavit must be accompanied by the postmaster's receipt for the letter.

You should state in your answer the name of the post-office to which you desire future notices to be sent to you.

....., Register.  
....., Receiver.

PROOF OF PERSONAL SERVICE.

State of ....., County of ....., ss.

....., being first duly sworn, on his oath says, that he is over the age of 18 years; that on ....., 191.., he served the above notice of contest by\* .....

(Signature.)

Subscribed and sworn to before me ....., 191..

(Official designation.)

\* See Rule of Practice 7 as to the manner of making personal service.

[4-072b.]

AFFIDAVIT AND ORDER FOR PUBLICATION OF NOTICE OF CONTEST.

Serial No. ....  
Contest No. ....

Department of the Interior.  
United States Land Office.

.....  
.....

v.

Contest of ....., Entry No. ...., dated ....., 19.., for the  
..... of Sec. ...., Twp. ...., R. ....  
State of ....., County of ....., ss.:

....., being duly sworn, deposes and says that he is ..... in the  
above-entitled contest; that he has, with a view to obtaining personal service  
of the notice, made diligent search and inquiry for the defendant within the  
last fifteen days, as follows: That he has made personal inquiry of .....,  
postmaster at ....., the address of record, and of ....., postmaster at  
....., that being the nearest post-office to the land involved, as to the place  
of residence or whereabouts of said ....., and that he has made like  
inquiry of ....., who reside in the immediate neighborhood of said  
land, and from his own personal knowledge, as well as the information acquired  
from said parties, states that said ..... abandoned said land and went  
to ....., in the State of ....., on or about the ..... day of ....., 1...;  
that he has since that time been absent from said land and can not be found,  
and that his last place of residence or post-office address was ..... and on  
account thereof a personal service of the notice of said contest can not be  
made.

Wherefore affiant asks for an order to serve the said notice by publication.

Subscribed and sworn to before me this ..... day of ....., 191..  
(Seal.)

It appearing to the satisfaction of this office, from the foregoing affidavit,  
that personal service of the notice of said contest can not be made upon the  
defendant, it is hereby ordered that notice of contest be served upon the defend-  
ant by publication, pursuant to the rules of practice in such cases made and  
provided.

....., Register.  
....., Receiver.

Note.—Personal service is required in all cases where the defendant can be  
found, whether he is a resident or nonresident of the State.

[4-072c.]

NOTICE OF CONTEST.

(For publication.)

Department of the Interior.  
United States Land Office.

.....  
.....

To ....., of ....., Contestee:

You are hereby notified that ....., who gives ....., as his  
post-office address, did on ....., 191.., file in this office his duly corroborated  
application to contest and secure the cancellation of your ....., Entry

(Kind of entry.)  
No. ...., Serial No. ...., made ....., 19.., for ....., Section .....,  
Township ....., Range ....., Meridian, and as grounds for his con-  
test he alleges that ..... (Here state grounds of contest.)

You are, therefore, further notified that the said allegations will be taken

by this office as having been confessed by you, and your said entry will be canceled thereunder without your further right to be heard therein, either before this office or on appeal, if you fail to file in this office within twenty days after the fourth publication of this notice, as shown below, your answer, under oath, specifically meeting and responding to these allegations of contest, or if you fail within that time to file in this office due proof that you have served a copy of your answer on the said contestant either in person or by registered mail. If this service is made by the delivery of a copy of your answer to the contestant in person, proof of such service must be either the said contestant's written acknowledgment of his receipt of the copy, showing the date of its receipt, or the affidavit of the person by whom the delivery was made, stating when and where the copy was delivered; if made by registered mail, proof of such service must consist of the affidavit of the person by whom the copy was mailed, stating when and the post-office to which it was mailed, and this affidavit must be accompanied by the postmaster's receipt for the letter.

You should state in your answer the name of the post-office to which you desire future notices to be sent to you.

....., Register.  
 ..... , Receiver.

Date of first publication.....  
 Date of second publication.....  
 Date of third publication.....  
 Date of fourth publication.....

Copy of this notice, as published, together with copy of the affidavit of contest, must be sent by the contestant, within 10 days after the first publication, by registered mail, directed to the party for service upon whom such publication is being made, at the last address of such party as shown by the records of the Land Office, and also at the address named in the affidavit for publication, and also at the post-office nearest the land.

Copy of this notice, as published, must be posted in the office of the register, and also in a conspicuous place upon the land involved, such posting to be made within 10 days after the first publication of notice as hereinabove provided.

[4-072d.]

ANSWER BY CONTESTEE.

Serial No. ....  
 Contest No. ....

Department of the Interior,  
 United States Land Office.

.....  
 .....

v.

Contest of ....., Entry No. ...., dated ....., 19.., for the  
 ....., Sec. ...., Tp. ...., R. ....

State of ....., County of ....., ss:  
 ....., defendant in the above-entitled case, being first duly sworn,  
 for answer to the application to contest says that .....

I desire that all notices or other papers shall be sent to me for service at  
 the following address: .....

Subscribed and sworn to before me this ..... day of ....., 191..  
 .....

PROOF OF SERVICE.

....., being first duly sworn, deposes and says that on .....,  
 19.., he served the above answer by\* .....

Subscribed and sworn to before me this ..... day of ....., 191..  
 .....

\*See "Notice of Contest," Form 4-072a, for method of service of  
 answer.



[4-072a.]

NOTICE OF HEARING.

Serial No. ....  
Contest No. ....

Department of the Interior,  
United States Land Office.

.....  
.....  
A sufficient contest affidavit having been filed in this office by .....,  
contestant, against ....., Entry No. ...., Serial No. ...., made  
(Kind of entry.)  
....., for ....., Section ....., Township ....., Range ....., .....  
Meridian, by ....., Contestee, in which it is alleged that .....,  
and the said contestee having filed a sufficient answer thereto, said parties are  
heresby notified to appear, respond, and offer evidence touching said allegation  
at 10 o'clock a. m. on ....., 191.., before ....., \* (and that final  
hearing will be held at 10 o'clock a. m. on ..... 191.., before) the Register  
and Receiver at the United States Land Office in .....

....., Register.  
....., Receiver.

\* If the testimony is to be taken before the Register and Receiver, and  
not under Rule 28, the words in ( ) parentheses should be erased.

[4-072f.]

Department of the Interior,  
United States Land Office.

.....  
(Place.)  
.....  
(Date.)

.....  
v.  
.....  
To .....

Sir: You are hereby notified that by letter of even date herewith we have  
transmitted to the General Land Office the papers in the above-entitled case,  
involving ..... entry No. .... for ....., with our recommendation that  
the entry be canceled for failure to file answer to the allegations of the contest.  
Very respectfully,

....., Register.  
....., Receiver.

[4-072g.]

Department of the Interior,  
United States Land Office.

.....  
(Place.)  
.....  
(Date.)

Commissioner of General Land Office.

Sir: We transmit herewith all the papers in the contest of ..... v.  
....., involving ..... Entry No. ...., made ..... for .....

Notices were issued ..... and proof of due service of a copy of the  
contest affidavit and notice upon the contestee was filed by the contestant on  
.....

The contestee has failed to file answer within the time allowed, and we  
therefore recommend the cancellation of the entry.

Both parties have been notified by registered mail of the action taken.  
Very respectfully,

....., Register.  
....., Receiver.

[4-073.]

Department of the Interior.

FINAL AFFIDAVIT.

Act June 17, 1902 (32 Stat., 388).

..... Project.  
U. S. Land Office ..... Serial No. ....

(Date.)

I, ....., having filed in the local land office at ..... Water Right Application, No. ...., subject to the provisions of the Act of Congress approved June 17, 1902 (32 Stat., 388), and the acts amendatory thereof or supplementary thereto, and the rules and regulations thereunder, embracing ..... acres of irrigable land within ..... Section ....., Township ....., Range ....., ..... Meridian, an area of ..... acres, as shown by the approved plat on file in the local land office, in order to perfect a right to the use of water appurtenant to said irrigated land by virtue of the aforesaid Act of Congress, do solemnly swear (or affirm) that I have made Homestead Entry, No. ...., for the tract of land hereinbefore described, subject to the aforesaid Acts of Congress, and have made the necessary final proof of residence, cultivation, and improvement as required by the general homestead laws; that

.....  
.....  
(Here state briefly compliance with the regulations requiring that one-half of the irrigable area must be cleared and leveled, sufficient laterals constructed, land put in proper condition, watered, cultivated, and at least one satisfactory crop raised thereon.) and that I have made full payment for the said area of irrigable land of the estimated building charge assessed against it in connection with this project, being \$....., and all operation and maintenance charges due at this date.

(Signature.)

State of ....., County of ....., ss.:

Subscribed and sworn to before me this ..... day of ....., 191..

(Seal.)

.....  
(Official designation of officer.)

My commission expires .....

(This affidavit may be sworn to by any officer authorized to administer an oath.)  
.....and.....being duly sworn, depose and say that they have read the foregoing; that they are well acquainted with the affiant and the land described; and that to their personal knowledge know that the statements in regard to the residence upon or occupancy thereof and the reclamation of said land are true.

Subscribed and sworn to before me this.....day of....., 191..

(Seal.)

.....  
(Official designation of officer.)

[4-074a.]

(Affidavit required of parties appearing as assignees of original entrymen.)

DESERT-LAND ENTRY.

(Acts of March 3, 1877, and March 3, 1891.)

I, ....., of....., claiming to be assignee of ..... who made entry No.... of the.....of section....., in township.....of range....., on the.....day of.....19.., at the district land office at ....., do solemnly swear that I am a bona fide resident citizen of the State or Territory of.....and a.....citizen of the United States, or have declared my intention to become a citizen of the United States; that the said....., who made said entry, did on the .....day of....., 19.., transfer his right thereunder to me, by virtue of deed or instrument of writing of which a certified copy is here-

with attached; and further, that I do not hold by assignment or otherwise more than three hundred and twenty acres of land entered under said acts, the only lands so held by me being described as follows, and being embraced in entries indicated as follows, viz:.....; that since August 30, 1890, I have not acquired title to, nor am I now claiming under any of the agricultural public land laws, an amount of land which, together with the land now applied for, will exceed in the aggregate three hundred and twenty acres, except\*.....

My postoffice address is.....

(Sign plainly, with full Christian name.)

Sworn to and subscribed before me this.....day of....., 19.., at my office in.....County.....

\*Here insert statement of land of entries in form following, viz: "..... of section....., township.....of range....., entered by....., on the .....day of....., 19....., entry No....., .....series."

[4-074b.]

Form approved by the Secretary of the Interior, July 9, 1912. Department of the Interior.

DESERT LAND ENTRY.

U. S. Land Office....., No..... Yearly Proof. Testimony of Claimant.

(Read carefully the instructions on the back hereof.)

I, ....., do solemnly swear that I am the (Give full Christian name.) who made Desert-Land Entry No....., of the ..... (Insert "same person" or "assignee of"—giving name of original entryman.) Section ..... Township ..... Range ..... Meridian, containing ..... acres, situated in ..... (County and State.) at the ..... Land office, under the Desert-Land Laws of the United States; that I am a bona fide resident citizen of the State of ..... (or that on .....I removed to ..... (Date of removal.) for the reason that .....); (Occasion for removal.)

that my post-office address is.....; that during the..... year after making said entry I expended in improvements necessary for the ultimate reclamation of the land, the sum of....., being not less than one dollar per acre of the area thereof, the expenditure of which is fully set forth in the following items, to wit:

In the actual construction of reservoirs, dams, canals, ditches, laterals, wells (claimant will cross out the items not alleged), the water from which is to be used for irrigating said land located ..... \$..... In the purchase of..... (Materials or machinery.) actually used in constructing..... or actually installed for..... In building a fence located..... In the first clearing or breaking of ..... acres in the ..... (Give location.) In surveying for the purpose of ascertaining levels for..... In cash payment for stock in ..... Company, a receipt for which is hereto attached together with the

certificate required under par. 18 of the Desert-Land Circular approved Sept. 30, 1910 (39 L. D., 253).

Further expenditures: Remarks, such as length and capacity of ditches, etc.,

(Sign here, with full Christian name.)

Note.—Every person swearing falsely to the above affidavit will be punished as provided by law for such offense. (See Sec. 125, U. S. Criminal Code.)

I hereby certify that the foregoing affidavit was read to or by affiant in my presence before affiant affixed signature thereto; that affiant is to me personally known (or has been satisfactorily identified before me by.....); that I verily believe affiant

(Give full name and post-office address.)

to be the identical person hereinbefore described; and that said affidavit was duly subscribed and sworn to before me, at my office, in....., within the..... (Town.) (County.) (State.) land district, this..... day of....., 191..

(Official designation of officer.)

Affidavit to Be Made Only in Case Proof Is Taken Outside of County.

I solemnly swear that....., whose office is approximately..... miles from the entry and outside the county in which the land is situated, is the officer nearest to (or most accessible from) the land authorized to administer oaths in desert-land cases, within the land district, for the reason that the office of....., the nearest officer within the county before whom the proof might have been executed, is located.....

(Officer before whom proof is executed.)

(Facts as to nearness or accessibility of officer in county.)

(Sign here, with full Christian name.)

Sworn to before me this..... day of....., 191..

(Designation of officer.)

Testimony of Witness.

(Read carefully the instructions on the back hereof.)

I,....., of....., do solemnly swear that I am well acquainted with the land hereinbefore described and embraced in Desert-Land Entry No. ...., made at the..... Land Office, by....., and there was expended for the ultimate reclamation of said land during the..... year after date of entry the sum of..... dollars as is specifically set forth in the following items, to-wit:

(Give full Christian name.) (Give full post-office address.)

(Cost of materials and labor to be itemized separately.)

..... \$.....

My knowledge in regard to the existence of said improvements was obtained from personal examination, and the values thereof are reasonably stated.

(Sign here, with full Christian name.)

Note.—Every person swearing falsely to the above affidavit will be punished as provided by law for such offense. (See Sec. 125, U. S. Criminal Code.)

I hereby certify that the foregoing affidavit was read to or by affiant in my presence before affiant affixed signature thereto; that affiant is to me per-

sonally known (or has been satisfactorily identified before me by .....  
.....); that I verily believe affiant to be  
(Give full name and post-office address.)  
the identical person hereinbefore described; and that said affidavit was duly  
subscribed and sworn to before me, at my office, in .....  
....., within the .....  
(Town.) (County.) (State.)  
land district, this ..... day of ..... , 191..

.....  
(Official designation of officer.)

**Testimony of Witness.**

I, ..... of .....  
(Give full post-office address.) (Give full Christian name.)  
do solemnly swear that I am well acquainted with the land hereinbefore  
described and embraced in Desert-Land Entry No. ...., made at  
the ..... Land Office, by ..... and  
there was expended for the ultimate reclamation of said land during the  
..... year after date of entry the sum of ..... dollars as  
is specifically set forth in the following items, to-wit:  
(Cost of materials and labor to be itemized separately.)

..... \$.....  
.....  
.....  
.....  
.....

My knowledge in regard to the existence of said improvements was  
obtained from personal examination, and the values thereof are reasonably  
stated.

.....  
(Sign here, with full Christian name.)

Note.—Every person swearing falsely to the above affidavit will be  
punished as provided by law for such offense. (See Sec. 125 U. S. Criminal  
Code—over.)

I hereby certify that the foregoing affidavit was read to or by affiant in  
my presence before affiant affixed signature thereto; that affiant is to me  
personally known (or has been satisfactorily identified before me by .....  
.....); that I verily believe affiant to be  
(Give full name and post-office address.)

the identical person hereinbefore described; and that said affidavit was duly  
subscribed and sworn to before me, at my office, in .....  
....., within the .....  
(Town.) (County.) (State.)  
land district, this ..... day of ..... , 191..

.....  
(Official designation of officer.)

**Read Carefully Before Preparing the Affidavits.**

The law requires an expenditure of not less than three dollars per acre,  
for the entire area entered, in the necessary irrigation, reclamation, and culti-  
vation of the land, by means of main canals and branch ditches, and in the  
permanent improvements upon the land.

During the first year after entry the claimant must file with the Register  
proof, consisting of his own affidavit and the separate affidavits of two wit-  
nesses, taken at the same time and place and before the same officer taking  
the claimant's acknowledgment, that the full sum of one dollar per acre, for  
the entire area, has been so expended, and like proof must be made for each  
year thereafter until the full sum of three dollars per acre has been expended;  
and at the end of the third year the claimant must file a map or plan showing  
the character and extent of the improvements.

**Expenditures for Which Proof Will Not Be Accepted.**

No proof of expenditure will be accepted unless the expenditure was essen-  
tial to the actual or ultimate reclamation of the land.

A dwelling house is not essential to reclamation, and no allowance will be made therefor.

Plowing, after the first breaking of the land, seeding land to crops, irrigating, cultivating, and harvesting crops are not items for which proof of expenditure will be accepted.

The cost of windmill or pump will not be allowed unless it is specifically shown that the same was essential to the contemplated mode of irrigation and was not installed for domestic uses.

The cost of material for necessary construction work will not be allowed unless it actually has been applied to that use, and it must be so stated in the affidavit.

The cost of tools, implements, wagons, and repairs to same, used in construction work, can not be computed in the cost of construction.

No expenditure for surveying will be allowed unless it is specifically stated that it was for the purpose of establishing lines and levels of canals and ditches.

#### Expenditures for Which Proof Will Be Accepted.

Cost of constructing storage reservoir, well, canals, ditches, and maintaining same. The cost of each item must be stated separately, and the length, capacity, and location of the ditches and canals must be given.

Cost of water right, if accompanied with evidence of cash payment and the certificate required under par. 18 of the Desert-Land Circular approved September 30, 1910 (39 L. D., 253).

Cost of clearing land, if it is shown to be the first clearing. The extent, character, and location of all clearing must be fully set forth.

Cost of first plowing or breaking. All claim for plowing or breaking must specifically state that it was the first plowing or breaking of the soil, and the area and location of the land broken must be stated.

Cost of fencing necessary to protect the land for the purpose of reclamation, the length, kind, and location to be stated.

Cost of any permanent improvement essential to the reclamation of the land, provided its purpose or use is shown.

Be specific. Set forth in detail the nature, character, and purpose of all improvements, and state cost of each separately.

#### Sec. 125, U. S. Criminal Code.

Whoever, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, shall willfully and contrary to such oath state or subscribe any material matter which he does not believe to be true, is guilty of perjury, and shall be fined not more than two thousand dollars and imprisoned not more than five years.

Note.—In addition to the above penalty, every person who knowingly or willfully in anywise procures the making or presentation of any false or fraudulent affidavit pertaining to any matter within the jurisdiction of the Secretary of the Interior may be punished by fine or imprisonment.

[4-076.]

Department of the Interior,  
United States Land Office.....

**AFFIDAVIT IN CONTESTED CASES UNDER THE SWAMP-LAND GRANT.**

State of.....  
County of.....

ss. On this.....day of....., personally appeared before me, the undersigned, ....., in said State, ....., who, being by me duly sworn, deposes and says that he is well acquainted with the character of the soil in the following-described tract of land, to wit:.....

.....  
Section....., Township....., Range....., Meridian, in the district of lands subject to sale at....., in the State aforesaid, and being in the County of.....; that he has been over and examined the lines of said land, and the marks or designations on the corner posts or trees, and, from such examination, has ascertained and knows the greater part of each 40-acre tract or other smallest legal subdivision thereof to be dry and fit for cultivation, without artificial drainage or embankment, and free from such regular periodical overflow, either at the planting, growing, or harvesting season, as would materially injure or destroy a crop; that the growth on said land consists of.....

.....  
and that the growth on the adjoining tract consists of.....  
.....  
And further, that such, he believes, was the character thereof on the 28th of September, 1850, the day on which the Swamp-Land Law was passed.

(Signature.)

Subscribed and sworn to before me on the day aforesaid.

Also appeared before me at the same time and place..... and....., who being duly sworn, depose and say that they are acquainted with the tract described in the above affidavit of ....., and know from personal knowledge and observation that the statements made therein are true.

Subscribed and sworn to before me on the day aforesaid.

(Official designation.)

The above affidavit may be made before the Register of the Land Office. Where that can not be conveniently done it may be made before any officer authorized to administer oaths, and in that case his official character must be certified under seal.

[4-081.]

Department of the Interior.

In the United States Land Office

At....., before the Register and Receiver.

THE UNITED STATES OF AMERICA,

Plaintiff,

v.

Defendants.

} Involving the.....  
Entry No. ....  
for .....

**AFFIDAVIT AND MOTION FOR COMMISSION TO TAKE DEPOSITIONS ORALLY AND NOT ON INTERROGATORIES.**

The undersigned, being duly sworn, on his oath says that he is a special agent of the General Land Office and the agent for the plaintiff in the above-

entitled case; that the following persons are material witnesses for the plaintiff in said case and reside as stated, to wit:

....., residence ..... (County.) ..... (State.)  
....., residence .....  
....., residence .....  
that each of said witnesses.....

and by reason thereof can not be procured to attend the trial of said case before the Register and Receiver at the local land office; that due service of notice of plaintiff's intention to take such depositions was had upon the defendants herein on....., 191.., as more fully appear by the copy of such notice and return thereon herewith filed.

Wherefore, the undersigned, as agent for the plaintiff herein, moves that a commission issue to....., a..... authorized to administer oaths in the County of....., State of....., commanding him to take the depositions of the above-named witnesses and such other witnesses as may be produced on behalf of the plaintiff or of the defendants herein, orally by question and answer, to be by the said commissioner reduced to writing and properly returned as by law required at his office at....., at 10 a. m., on....., 191.., and from day to day thereafter until taken.

Subscribed and sworn to before me this..... day of....., 191.., at.....

(Official designation of officer.)

ORDER.—ALLOWANCE OF MOTION.

The foregoing affidavit and motion being considered, and the undersigned being advised, the said motion is this..... day of....., 191.., allowed, and commission will issue.

Register.

Receiver.

[4—082.]

Department of the Interior.

In the United States Land Office,

At....., before the Register and Receiver.

THE UNITED STATES OF AMERICA,

Plaintiff,

v.

Defendants.

Involving the.....  
Entry No. ....  
for .....

COMMISSION TO TAKE DEPOSITION ORALLY AND NOT ON INTERROGATORIES.

To....., Greeting:

Know you, that you are hereby vested with full power and authority to conduct the hearing, take the testimony, and administer oaths to witnesses, at your office at..... on the..... day of....., 19...., at 10 a. m., and daily thereafter, as you shall from time to time said hearing adjourn, and until the same is complete as to all witnesses then before you produced on behalf of either the plaintiff or the defendant in the above-entitled case; that you should administer an oath to each of said witnesses before testifying, that he will tell the truth, the whole truth, and nothing but the truth; and that you will cause all questions addressed to said witness by counsel for either plaintiff or



defendants, together with the answer to such question, to be written out as given, and that the whole thereof for each witness you will cause to be read over to said witness and have said witness subscribe and swear thereto in the usual manner before said witness is discharged; that you will also cause to be written out in the record, at the time made, such motions and objections as respective counsel may make; \*that you are authorized to issue subpoenas for such witnesses as may be required by plaintiff or defendants and deliver the same to said plaintiff or defendants or their attorneys for service; that if any witness is duly subpoenaed at least five days prior to said hearing but fails to attend in pursuance of said subpoena, you will make due return thereon; that when the testimony of all witnesses offered on behalf of plaintiff and defendant shall have been taken you will attach thereto your certificate, stating that each said witness was duly sworn before testifying, that the testimony, question, and answer as written was read over to him before he subscribed the same and that he thereupon subscribed the same at the time and place therein mentioned; the said depositions and certificates, together with this certificate, you will then seal up, indorse the title of this cause upon the envelope, and the whole return by mail or express with all possible dispatch, to be used on the trial of the above-entitled case now pending before us. (Strict compliance with Rule of Practice 39, effective February 1, 1911, is required.)

..... Register.  
..... Receiver.

\*Where testimony is to be taken under Rule 28 of Practice, this sentence should be stricken out.

RETURN OF COMMISSION.

According to the command of the within writ, I did, on the..... day of....., 19...., at 10 a. m., and daily thereafter until complete, at my office at....., execute the power and authority upon me conferred, in this, that I then and there called said hearing and that the following persons, to wit: ..... then and there appeared as witnesses before me in said cause and were by me each first duly sworn to tell the truth, the whole truth, and nothing but the truth in said action, and each of said witnesses being so sworn was examined and testified as in his said hereto-attached deposition does appear. and that all objections and motions made on behalf of plaintiff or defendant are set out in said depositions; that the within depositions are all the questions and answers, motions, and objections made at said hearing, and that I caused the same to be written out, and the whole when completed as to each witness was read over to such witness and by him so above sworn was subscribed under oath before discharged; that to each of said depositions I then attached by certificate, stating that the same was subscribed and sworn to by the said witness at the time and place above mentioned.

.....  
.....  
(Official designation of officer.)

Note.—If the officer designated to take the deposition has an official seal, his certificates must bear such seal; if he has no seal, a proper certificate of his official character, under seal, must accompany his return.

[4—083.]

STIPULATION.

..... } Contest involving.....  
..... }  
Plaintiff. }  
v. }  
..... }  
..... }  
Defendant. }

It is hereby stipulated and agreed by and between the parties hereto that the oral testimony and proceedings taken and had at a hearing in the above-entitled case before.....on.....

19...., may be taken down in shorthand by..... stenographer, and by..... afterwards transcribed, and that the transcribed record, when sworn to by said stenographer as being a full, true, and correct record of all the testimony and proceedings taken and had at said hearing, shall be received and considered in all respects as if the witnesses testifying at said hearing had subscribed the testimony respectively given by them, the signatures of said witnesses being specifically waived.

(Applicable to Nebraska Only.)

[4-093.]

(Form approved by the Secretary of the Interior January 19, 1912.)

Department of the Interior.

ISOLATED OR DISCONNECTED TRACTS.

U. S. Land Office, ..... No. ....

Affidavit of Purchaser.

(Section 3, Act March 2, 1907.)

I, ..... (.....), being first (Male or female.)

duly sworn, upon oath state that my postoffice address is.....; that I am the purchaser of....., Section....., Township....., Range....., Meridian, containing..... acres, in Nebraska, under the Act of June 27, 1906 (34 Stats., 517), as amended by section 3 of the Act of March 2, 1907 (34 Stats., 1224); that I.....

(Insert statement that affiant is a native-born or naturalized citizen, or has declared intention to become such, as the case may be. Record evidence of naturalization or declaration of intention must be furnished.)

citizen of the United States; that said purchase is made for my own use and benefit, and not, directly or indirectly, for the use and benefit of any other person; that I have not heretofore purchased under the provisions of said Act, either directly or indirectly, any lands, except.....

(Give description of lands heretofore purchased under this act, if any.)

(Sign plainly with full Christian name.)

Note.—Every person swearing falsely to the above affidavit will be punished as provided by law for such offense. (See Sec. 125, U. S. Criminal Code, below.)

I hereby certify that the foregoing affidavit was read to or by affiant in my presence before affiant affixed signature thereto; that affiant is to me personally known (or has been satisfactorily identified before me by.....)

(Give full name and post-office address.)

was duly subscribed and sworn to before me, at my office, in....., within the (Town, county and State.)

land district, this..... day of....., 19....

(Official designation of officer.)

Section 125, U. S. Criminal Code.—Whoever, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, shall willfully and contrary to such oath state or subscribe any material matter which he does not believe to be true, is guilty of perjury, and shall be fined not more than two thousand dollars and imprisoned not more than five years.

[4—095a.]

Department of the Interior.

In the United States Land Office.

At....., before the Register and Receiver.

THE UNITED STATES OF AMERICA,

Plaintiff,

v.

Involving the..... Entry No. ....

for .....

.....

.....

Defendant.

COMMISSION TO TAKE DEPOSITIONS ON INTERROGATORIES.

To....., Greeting:

Know you, that you are hereby appointed and vested with full power and authority to examine, under oath, on the interrogatories hereto attached, at your office at..... on the..... day of....., 191., at 10 a. m., and daily thereafter, until complete, the following persons, to wit: .....

and cause said interrogatories to be written out and the answers thereto to be inserted immediately underneath the respective questions; and the whole thereof for each witness you will cause to be read over to said witness, and you will the said witness swear and have him subscribe thereto in the usual manner before said witness is discharged; that you will attach your certificate to each said deposition stating that the same was subscribed and sworn to by the deponent at the time and place herein mentioned; that the said depositions and certificates, together with this commission and interrogatories, you will then seal up, indorse the title of this cause upon the envelope, and the whole return by mail or express with all possible dispatch, to be used on the trial of the above-entitled case now pending before us.

..... Register. Receiver.

RETURN OF COMMISSION.

According to the command of the within writ, I did, on the..... day of....., 191., at 10 a. m., and daily until complete, at my office at....., execute the power and authority upon me conferred in this, that the said.....

then and there appeared before me and was by me each first duly sworn to tell the truth, the whole truth, and nothing but the truth in said action; and each of said witnesses being so sworn, I examined upon the interrogatories to him addressed as appended to said writ, and caused to be written out said interrogatories and the answers thereto to be written out and inserted immediately underneath the respective questions, and the whole when completed was read over to said witness and by him, so above sworn, subscribed under oath before discharged; that to each said deposition I then attached my certificate, stating that the same was subscribed and sworn to by the said witness at the time and place in said writ mentioned.

(Official designation of officer.)

Note.—If the officer designated to take the depositions has an official seal, his certificate must bear such seal; if he has no seal, a proper certificate of his official character, under seal, must accompany his return.

[4-100.]

Department of the Interior.  
In the United States Land Office.

At....., before the Register and Receiver.

THE UNITED STATES OF  
AMERICA,

Plaintiff,

v.

Defendant.

Involving the.....  
Entry No. ....  
for .....

NOTICE TO TAKE DEPOSITIONS NOT ON INTERROGATORIES.

To....., Defendant:

You will take notice that the plaintiff in the above-entitled proceeding has this day filed an application to take depositions of..... on the..... day of..... 19....., between the hours of..... o'clock a. m. and..... o'clock p. m. of said day, at the office of....., a..... in..... County, in the State of..... a copy of which application is hereto attached, and you are notified that, unless you show good and sufficient reasons to the contrary, a commission will be issued on said application at the expiration of ten days from the date of this notice, and said depositions will be taken at the time and place named herein and said taking will be continued from day to day, if necessary, until completed; and you will not thereafter be heard to question either the form or sufficiency of said application or the validity or effect of such commission.

THE UNITED STATES OF AMERICA,

By....., Agent.

State of.....  
County of.....

ss.

....., a citizen of the United States and of the age of twenty-one years or over, being first duly sworn, states that he did, on the..... day of....., 19....., deliver to....., the same person named in the foregoing notice, a true copy of said notice, said delivery having been made to said..... at.....

Subscribed and sworn to before me by..... this..... day of....., 19.....

(Official designation of officer.)

Note.—The foregoing affidavit must be executed before an officer having and using a seal, or before the Register or Receiver of the United States District Land Office in which the proceeding in which the notice was issued is pending.

Affidavit.

[4-102b.]

To be used in all entries since August 30, 1890.

Department of the Interior.  
United States Land Office,

....., 19.....

I,..... of..... applying to..... the following-described nonmineral public lands, to wit: .....

in Township....., of Range....., .....  
.....M., do solemnly swear that since August 30, 1890, I  
have not acquired title to, nor am I now claiming under any of the public  
land laws of the United States other than the mineral land laws, an amount  
of land which, together with the land above described, will exceed in the  
aggregate three hundred and twenty acres, except.....  
settled upon by me prior to August 30, 1890. Said settlement was commenced  
....., and my improvements thereon consist of  
.....

(Sign plainly, with full Christian name.)

Subscribed and sworn to before me this.....day of.....,  
19...., at my office in.....County, in.....  
.....

[4-109b.]

Application for repayment of purchase moneys and commissions.

(Sec. 1, Act of March 26, 1908.)

Department of the Interior,  
General Land Office,  
.....

The Commissioner of the General Land Office.

Sir: I hereby make application for the return of the purchase money  
and commissions paid with.....Application, No.....,  
(Kind.)

for the.....  
Section....., Township....., Range.....,  
Meridian, as per Receiver's Receipt,\* No....., issued at .....  
dated....., which is surrendered herewith; and on oath  
declare that I am the same (or legal representative of the) person who made  
said payment, and that there was no fraud or attempted fraud in connection  
with the effort to obtain title to the land described. ....

(Signature of applicant.)

(Post-office address.)

State of ....., County of .....

Subscribed and sworn to before me this ..... day of .....

(Official designation.)

\* If the receipt has been lost or destroyed, so state.

The above affidavit may be made before the register or receiver or any  
officer authorized to administer oaths. When made before a justice of the  
peace a certificate of official character is required.

[4-109b.]

APPLICATION FOR REPAYMENT OF EXCESS PAYMENTS.

(Sec. 2, Act of March 26, 1908.)

Department of the Interior.  
General Land Office.  
.....

The Commissioner of the General Land Office.

Sir: I hereby make application for the return of the amount paid in excess  
of the lawful requirements on ..... Entry, No....., for the ..... Section  
(Kind.)  
....., Township ..... , Range ..... , ..... Meridian, as per Receiver's

Receipt, No. ...., issued at ....., dated .....; and on oath declare that I am the same (or legal representative of the) person who made said payment.

.....  
(Signature of applicant.)  
.....  
(Post-office address.)

State of ....., County of .....

Subscribed and sworn to before me this ..... day of .....  
.....  
(Official designation.)

The above affidavit may be made before the register or receiver or any officer authorized to administer oaths. When made before a justice of the peace a certificate of official character is required.

[4-187.]

Department of the Interior,  
United States Land Office.

.....  
(Place.)  
.....  
(Date.)

The Recorder of Deeds,

Sir: For the information of yourself and the public, in connection with the official records of your county, you are advised that final Register's Certificate, No. ...., issued ..... to ..... for the following described land:

..... Section ....., Township ....., Range ....., ..... Meridian, was finally canceled by decision of the General Land Office, dated .....

Very respectfully,  
....., Register.

[4-189.]

Department of the Interior,  
United States Land Office .....

Serial No. ....  
Receipt No. ....

CERTIFICATE.

....., 19..

(Date.)

It is hereby certified that, in pursuance of law, ....., residing at ....., in ..... County, State of ....., on this day purchased of the Register of this office the ....., Section ....., Township ....., Range ....., ..... Meridian, ....., containing ..... acres, at the rate of ..... dollar.. and ..... cents per acre, amounting to ..... dollars and ..... cents, for which the said ..... has made payment in full as required by law.

Now, therefore, be it known that, on presentation of this Certificate to the Commissioner of the General Land Office, the said ..... shall be entitled to receive a patent for the lot above described.

....., Register.

Note.—A duplicate of this certificate is issued to the claimant as notice of the allowance of the entry by the Register and Receiver.

The original is forwarded to the General Land Office, with the entry papers, for approval by the Commissioner of the General Land Office and issuance of patent.

The duplicate copy forwarded to the claimant should be held until notice of issuance of patent is received.

In all correspondence concerning the entry in connection with which this certificate is issued, refer to the name of the Land Office and the Serial Number noted hereon.

Approved .....  
By ....., Division .....

[4-196.]

Department of the Interior.

United States Land Office .....

Serial No. ....  
Receipt No. ....

CERTIFICATE.

Homestead. ...., 19..

(Date.)

It is hereby certified that, pursuant to the provisions of Section 2291, Revised Statutes of the United States, ..... has made payment in full for ....., Section ....., Township ....., Range ....., ..... Meridian, ....., containing ..... acres.

Now, therefore, be it known that, on presentation of this certificate to the Commissioner of the General Land Office, the said ..... shall be entitled to receive a patent for the lot above described.

....., Register.

Note.—A duplicate of this certificate is issued to the claimant as notice of the allowance of the entry by the Register and Receiver.

The original is forwarded to the General Land Office, with the entry papers, for approval by the Commissioner of the General Land Office and issuance of patent.

The duplicate copy forwarded to the claimant should be held until notice of issuance of patent is received.

In all correspondence concerning the entry in connection with which this certificate issued, refer to the name of the Land Office and the Serial Number noted hereon.

Approved .....

By ....., Division .....

[4-197.]

Additional Entry under Section 2306 of the Revised Statutes of the United States.

CERTIFICATE.

Land Office, ....., 190..

Final Certificate No. .... Application No. ....

It is hereby certified that, pursuant to the provisions of Section 2306 of the Revised Statutes of the United States, ..... has paid the fee and commissions, and made entry of the ..... of Section ..... of Township ....., of Range ....., containing ..... acres, which added to the quantity embraced in his original homestead No. ...., on which he has made final proof, as per certificate No. ...., does not exceed one hundred and sixty acres.

Now, therefore, be it known that, on presentation of this certificate to the Commissioner of the General Land Office, the said ..... shall be entitled to a patent for the tract of land above described.

.....  
Register.

[Form 4-200.]

See Desert Land, Final Proof.

[4-201.]

REGISTER'S FINAL CERTIFICATE OF ENTRY.

Department of the Interior,

United States Land Office,

Mineral Entry No. ....

Lot No. ....

at.....  
....., 190..

It is hereby certified that in pursuance of the provisions of the Revised Statutes of the United States, Chapter VI, Title XXXII, and legislation supplemental thereto ....., whose post-office address is ....., on this day purchased that Mining Claim known as the ....., Section ....., in Township No. ...., of Range No. ...., ..... Meridian, designated as

Lot.. No. ...., said Lot No. .... extending ..... feet in length along said ..... vein or lode, expressly excepting and excluding from said purchase all that portion of the ground embraced in mining claim.. or survey.. designated as Lot.. No. ...., and also that portion of any vein or lode the top or apex of which lies inside of said excluded ground; said Lode ..... claim, as entered, embracing ..... acres, and said Mill-Site claim ..... acres, in the ..... Mining District in the County of ..... and ..... of ..... as shown by the plat and field notes of survey thereof, for which the said part.. first above named this day made payment to the Receiver in full, amounting to the sum of ..... dollars.

Now, therefore, be it known that upon the presentation of this certificate to the Commissioner of the General Land Office, together with the plat and field notes of survey of said claim and the proofs required by law, a patent shall issue thereupon to the said ..... if all be found regular.

.....  
Register.

[4-219a.]

REGISTER'S FINAL COAL CERTIFICATE OF ENTRY.

Coal Entry No. .... Land Office at ..... , 19..

It is hereby certified that in pursuance of the Revised Statutes of the United States relating to Coal Lands ..... residing at ..... in ..... County, State of ..... on this day purchased of the Register of this office the ..... of Section No. .... in Township No. .... of Range No. .... of the ..... Principal Meridian, ..... containing ..... acres, at the rate of ..... dollars per acre, amounting to ..... dollars and ..... cents, for which the said ..... ha.. made payment in full as required by law.

Now, therefore, be it known that, on presentation of this certificate to the Commissioner of the General Land Office, the said ..... shall be entitled to receive a patent for the land above described if all be found regular.  
....., Register.

[4-235.]

Scrip Certificate.

Registers and Receivers.

SIoux HALF BREED RESERVE AT LAKE PEPIN.

(Act of July 17, 1854.)

United States Land Office,

....., 189..

We hereby certify that the attached Half Breed Scrip No. ...., Letter ..... was on this day received at this office from ..... of ..... County, State of Minnesota.

....., Register.  
....., Receiver.

I, ....., ..... County, State of Minnesota, hereby apply to locate, and do locate, the tract of land as designated by the plats of the Government survey, to-wit: ..... containing ..... acres, in the district of lands subject to sale at the Land Office at ..... in satisfaction of the attached Scrip No. ...., Letter ..... issued under the Act of July 17, 1854.

Witness my hand and seal, this ..... day of ....., 189..

Attest:

....., Register.  
....., Receiver.

United States Land Office,

....., 189..

We hereby certify that the annexed Scrip No. ...., Letter ..... has this day been located on the tract of land described within, containing ..... acres, agreeable to Act of July 17, 1854, and by the party duly authorized to make such location.

....., Register.  
....., Receiver.



[4-252f.]

[This letter of transmission must invariably be used in forwarding the "complete record" in a mineral application or entry, as directed by paragraph 73 of the Mining Circular. Too much care can not be exercised to see that the schedule is correctly and comprehensibly filled out. Each entry should be forwarded by separate letter.]

Department of the Interior,  
United States Land Office,

....., 191..

The Commissioner of the General Land Office, Washington, D. C.

Sir: We have the honor to transmit herewith a complete record in Mineral Application ....., Entry No. ...., for the ..... claim, as follows:

- ..... Application for Patent.
- ..... Field Notes, including Surveyor-General's certificate of improvements.
- ..... Plat, Survey No. ....
- ..... Copy of Location Certificate.
- ..... Abstract of Title.
- ..... Affidavits of Citizenship, or Articles of Incorporation.
- ..... Power of Attorney.
- ..... Surveyor-General's Certificate of Improvements (not included in field notes).
- ..... Proof of Improvements—placer, legal subdivision.
- ..... Mineral Surveyor's Report on Placers (approved by United States Surveyor-General).
- ..... Proof that no known vein exists.
- ..... Affidavit, nonmineral character of mill site.
- ..... Affidavit, use or occupancy of mill site.
- ..... Proof of Posting Plat and Notice on the Claim.
- ..... Proof of Continuous Posting during period of publication.
- ..... Certificate of Posting Plat and Notice in the United States Land Office.
- ..... Proof of Publication.
- ..... Agreement of Publisher.
- ..... Adverse Claims .....  
(Give serial No. of each adverse claim; if none, so state.)
- ..... Court Certificates.
- ..... Protests.
- ..... Report of Special Agent.
- ..... Application to purchase.
- ..... Sworn Statement of all Charges and Fees Paid.
- ..... Register's Final Certificate.
- .....
- .....

..... Inclosures.

....., Register.  
....., Receiver.

[4-274.]

Form approved by the Secretary of the Interior November 12, 1907.

Department of the Interior.

DESERT-LAND ENTRY.

U. S. Land Office, ....., No. ....

Declaration of Applicant.

I, ..... (.....) a resident of  
(Give full Christian name.) (Male or female.)  
....., do solemnly swear that I .....  
(Town, county and State.)

(Applicant must state whether native born, naturalized, or has filed declaration of intention to become a citizen. If not native born, certified copy of naturalization or declaration of intention, as case may be, must be filed with this affidavit.)  
citizen of the United States, of the age of ..... years, and by occupation a

.....; that my post-office address is .....; that I intend to  
 (If a city, street and number must be given.)  
 reclaim a tract of desert land not exceeding one-half section, or 320 acres, by  
 conducting water upon the same within four years from date of entry, in  
 manner as required by the Act of Congress approved March 3, 1877, entitled  
 "An Act to provide for the sale of desert lands in certain States and Terri-  
 tories," as amended by the Act of March 3, 1891. The land which I intend  
 to reclaim is desert land and is described as follows: .....

(A map must be furnished which shall exhibit a plan showing the mode of con-  
 templated irrigation as required by section 4 of said act. When entry is made on un-  
 surveyed land the plan of contemplated irrigation must be indicated on a correct diagram  
 showing by metes and bounds the land applied for. When practicable, the dimensions  
 of said map or diagram should be 8½x14 or 14x17 inches.)

....., Section ....., Township ....., Range ....., Meridian, con-  
 taining ..... acres, situated in ....., within the ..... land district.  
 (County and State.)

I further depose and declare that I have made no other declaration for  
 desert lands nor any other entry under the provisions of said act, nor have I  
 had assigned to me any lands entered under said act; that since August 30,  
 1890, I have not entered and acquired title to, nor am I now claiming, under  
 an entry made under any of the nonmineral public-land laws, an amount of land  
 which, together with the land now applied for, will exceed in the aggregate  
 320 acres; that the land above described borders on .....

(State what stream or body of water and describe the same.)

and that there is through or upon said land .....

(Name and describe all water courses, springs, or other bodies of water.)

that said land is not naturally irrigated or watered, nor overflowed at any  
 season of the year by the foregoing or any other natural stream, spring, or  
 other body of water; that I expect to obtain my water supply to irrigate said  
 land from .....; that the character of the soil is .....; that said land will  
 not, without artificial irrigation, produce an agricultural crop of any kind in  
 amount reasonably remunerative, and that it will not, when unfed by grazing  
 animals, produce native grasses sufficient in quantity to make an ordinary  
 crop of hay in usual seasons; that there are no trees on said land; that the  
 same is essentially dry and arid land, wholly unfit for cultivation without  
 artificial irrigation; that said land can not be successfully cultivated without  
 being reclaimed by conducting water thereon; that it is a fact well known,  
 patent, and notorious that the same will not, in its natural condition, produce  
 any crop; that no portion of said land has ever been reclaimed by conducting  
 water thereon, and there are no lands in the vicinity of this tract that are  
 occupied by settlers and cultivated without artificial irrigation. And I further  
 declare that I have personally examined every legal subdivision of the said  
 land and there is not, to my knowledge, within the limits thereof, any vein or  
 lode of quartz, or other rock in place, bearing gold, silver, cinnabar, lead, tin,  
 or copper, or any deposit of coal; that there is not, within the limits of said  
 land, to my knowledge, any placer, cement, gravel, or other valuable mineral  
 deposit, salt springs, or deposits of salt; that no portion of said land is claimed  
 for mining purposes under the local customs or rules of miners, or otherwise;  
 that no portion of said land is worked for mineral during any part of the year  
 by any person or persons; that said land is essentially nonmineral land, and that  
 my declaration therefor is not made for the purpose of fraudulently obtaining  
 title to mineral land, timber land, or agricultural land, but for the purpose of  
 faithfully reclaiming the land above described by conducting water thereon,  
 and that the land is not occupied and improved by any Indian and is unoccu-  
 pied, unimproved, and unappropriated by any person claiming the same other  
 than myself (except .....

.....  
 (Sign here, with full Christian name.)

Note.—Every person swearing falsely to the above affidavit will be pun-  
 ished as provided by law for such offense. (See Sec. 5392, R. S.)

I hereby certify that the foregoing affidavit was read to or by affiant in  
 my presence before affiant affixed signature thereto; that affiant is to me  
 personally known (or has been satisfactorily identified before me by .....);

(Give full name and post-office address.)

that I verily believe affiant to be a qualified applicant and the identical person  
 hereinbefore described; and that said affidavit was duly subscribed and sworn  
 to before me, at my office, in ....., within the ..... land

(County and State.)

(Town.)

district, this ..... day of ....., 19..

(Official designation of officer.)

Revised Statutes of the United States. Title LXX.—Crimes.—Chap. 4.

Sec. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than five years; and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. (See Sec. 1750.)

Note.—In addition to the above penalty, every person who knowingly or willfully in anywise procures the making or presentation of any false or fraudulent affidavit pertaining to any matter within the jurisdiction of the Secretary of the Interior may be punished by fine or imprisonment.

AFFIDAVIT OF WITNESS.

We, ....., of ....., ..... years of age, and by (Give full Christian name.) (Give full post-office address.) occupation ....., and ....., of ....., (Give full Christian name.) (Give full post-office address.)

years of age, and by occupation ....., do solemnly swear that we are well acquainted with the character of each and every legal subdivision or portion of the land described in the foregoing declaration, which said declaration has been read to us; that we became acquainted with said land by personal and careful examination of each and every legal subdivision or portion thereof; that we have been acquainted with it for ..... and ..... years, respectively; that our knowledge of the land is such as to enable us to testify understandingly concerning it; that same is desert, nonmineral land; that each and every statement made by applicant in the foregoing declaration as to the condition, character, and situation of said land is true of our own personal knowledge; and we further state that we are not interested, in any way or manner, directly or indirectly, present or prospective, in the application or declaration in support of which this affidavit is made, nor in the land itself, nor in any title thereto which may be acquired by said applicant or any other person.

(Sign here with full Christian name.)

(Sign here with full Christian name.)

Note.—Every person swearing falsely to the above affidavit will be punished as provided by law for such offense. (See Sec. 5392, R. S., preceding.)

I hereby certify that the foregoing affidavit was read to or by affiants in my presence before affiants affixed signatures thereto; that affiants are to me personally known (or have been satisfactorily identified before me by .....); that I verily believe affiants to be credible witnesses and the identical persons hereinbefore described, and that said affidavit was duly subscribed and sworn to before me, at my office, in ....., (Town.)

....., within the ..... land district, this ..... day of (County and State.) ....., 19..

(Official designation of officer.)

United States Land Office at ....., 19..

It is hereby certified that, under the provisions of the Act of Congress approved March 3, 1877, entitled "An Act to provide for the sale of desert lands in certain States and Territories," as amended by the Act of March 3, 1891, the foregoing declaration of intention to reclaim the lands hereinbefore

described has this day been filed by the above-named declarant; that the evidence shows that said tract is desert land as defined in the second section of said Act; and that declarant has paid to the Receiver the sum of ..... dollars, being at the rate of twenty-five cents per acre for the said lands.

Register.

Receiver.

\$.....

[4-274c.]

Department of the Interior.

DESERT-LAND ENTRY.

U. S. Land Office, ....., No. ....

Affidavit of Assignee.

(This affidavit must be sworn to before the register or receiver of the land district in which the land is located, or before a United States Commissioner, or commissioner of a court exercising Federal jurisdiction in the Territory, or before a judge or clerk of any court of record in the country or land district in which the land is situated. If the affidavit is made out of the county in which the land is situated it must be shown by affidavit that it was made before the nearest or most accessible qualified officer in the land district.)

I, ....., of ....., claiming to be the assignee of ....., who made Desert-Land Entry No. ...., on the ..... day of ....., 19.., at the district land office at ....., do solemnly swear that I, .....

(Affiant must state whether native born, naturalized, or has filed declaration of intention to become a citizen. If not native born, certified copy of naturalization or declaration of intention, as the case may be, must be filed with this affidavit.) citizen of the United States, of the age of ..... years, and a legal resident of the State of .....; that the said ..... did, by virtue of a deed or instrument of writing executed on the ..... day ....., 19.., a certified copy of which is hereto attached, transfer to me his right under said entry to the ..... Section ....., Township ....., Range ....., ..... Meridian; that I have not heretofore made entry under the desert-land laws, nor has any entry, either in whole or in part, been assigned to me, except .....

(If the assignee has made a desert entry or held one by assignment, and claims the benefits of the act of March 26, 1908 (35 Stat., 48), or the act of February 3, 1911 (36 Stat., 896), he must describe such entry, and state when same was abandoned.) and that (excepting lands upon which I had settled or of which I had made entry prior to August 30, 1890) I have not, since August 30, 1890, acquired title to, nor am I now claiming under the agricultural land laws, a quantity of land which, together with that herein described as assigned to me, will exceed in the aggregate 320 acres, the only entries of any kind made by or assigned to me since August 30, 1890, being .....

(Here describe entries made since August 30, 1890.)

(Sign here full Christian name.)

Note.—Every person swearing falsely to the above affidavit will be punished as provided by law for such offense. (See Sec. 125 U. S. Criminal Code.)

I hereby certify that the foregoing affidavit was read to or by affiant in my presence before affiant affixed signature thereto; that affiant is to me personally known (or has been satisfactorily identified before me by .....

(Give full name and post-office address.)

that I verily believe affiant to be a qualified applicant and the identical person hereinbefore described; and that said affidavit was duly subscribed and sworn to before me, at my office, in ....., within the

(Town.)

(County and State.)

... land district, this ..... day of ....., 19..

(Official designation of officer.)

United States Criminal Code.—Chap. 6.

Sec. 125. Whoever, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify

truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, shall willfully and contrary to such oath state or subscribe any material matter which he does not believe to be true, is guilty of perjury, and shall be fined not more than two thousand dollars and imprisoned not more than five years. (Act, March 4, 1909. 35 Stat., 1111.)

[Form 4—348.]

APPLICATION TO MAKE PROOF.

See page 220.

[4—348a.]

(For use in Homestead, Desert Land, and Timber or Stone Entries.)

NOTICE FOR PUBLICATION.

(Register.)

Department of the Interior,

U. S. Land Office at .....,  
....., 19..

Notice is hereby given that ....., of ....., who, on ....., 19..,  
made ....., No. ...., for ....., Section ....., Town-  
(Kind of application or entry.)

ship ....., Range ....., Meridian, has filed notice of intention to  
make Final ..... Proof, to establish  
(If homestead, insert "five year" or "commutation," as the case may be.)  
claim to the land above described, before ....., at .....,  
(Name of officer.)

on the ..... day of ....., 19..

Claimant names as witnesses:

....., of .....  
....., of .....  
....., of .....  
....., of .....

Register.

CERTIFICATE AS TO POSTING OF NOTICE.

....., 19..  
I hereby certify that the above notice, or copy thereof, was by me posted  
in a conspicuous place in my office for a period of ..... days, I having first  
posted said notice on the ..... day of ....., 19..

Register.

[4—348b.]

(For use in Homestead, Desert Land, and Timber or Stone Entries.)

NOTICE FOR PUBLICATION.

(Publisher.)

Department of the Interior,

U. S. Land Office at .....,  
....., 19..

Notice is hereby given that ....., of ....., who, on .....,  
19.., made ....., No. ...., for ....., Section .....,  
(Kind of application or entry.)

Township ....., Range ....., Meridian, has filed notice of intention  
to make Final ..... Proof, to establish claim to  
(If homestead, insert "five year" or "commutation," as the case may be.)  
the land above described, before ....., at ....., on the  
(Name of officer.)

..... day of ....., 19..

Claimant names as witnesses:

....., of .....  
....., of .....  
....., of .....  
....., of .....

Register.

AFFIDAVIT OF PUBLICATION.

(~~2~~ Publisher: Return this form to the Register at the end of the period of publication, with the "Affidavit of Publication" properly executed.)  
(Attach clipping here.)

I, ....., of the ....., published  
(Publisher or foreman.) (Name of newspaper.)  
....., at ....., do solemnly swear that a  
(Daily or weekly.) (Place.)  
copy of the above notice, as per clipping attached, was published  
..... in the regular and entire issue of said newspaper, and not  
(Daily or weekly.)  
in any supplement thereof, for ..... consecutive ....., commencing with  
the issue dated ....., 19.., and ending with the issue dated ....., 19..

.....  
(Signature.)  
Subscribed and sworn to before me this ..... day of ....., 19..  
.....  
(Official designation.)

[4-348c.]

(Form approved by the Secretary of the Interior, January 19, 1912.)

NOTICE FOR PUBLICATION—ISOLATED TRACT.

(Register.)

Public Land Sale.

Department of the Interior,

U. S. Land Office at ....., 19..

Notice is hereby given that, as directed by the Commissioner of the General Land Office, under provisions of Act of Congress approved June 27, 1906 (34 Stats., 517), pursuant to the application of ....., Serial No. ...., we will offer at public sale, to the highest bidder, but at not less than \$..... per acre, at ..... o'clock ..... M., on the ..... day of ....., at this office, the following tract of land: .....

Any persons claiming adversely the above-described land are advised to file their claims, or objections, on or before the time designated for sale.

....., Register.  
....., Receiver.

CERTIFICATE AS TO POSTING OF NOTICE.

....., 19..  
I hereby certify that the above notice, or a copy thereof, was by me posted in a conspicuous place in my office for a period of ..... days, I having first posted said notice on the ..... day of ....., 19..  
.....

Register.

[4-348d.]

(Form approved by the Secretary of the Interior, January 19, 1912.)

NOTICE FOR PUBLICATION—ISOLATED TRACT.

(Publisher.)

Public Land Sale.

Department of the Interior,

U. S. Land Office at ....., 19..

Notice is hereby given that, as directed by the Commissioner of the General Land Office, under provisions of Act of Congress approved June 27, 1906 (34 Stats., 517), pursuant to the application of ....., Serial No. ...., we will offer at public sale, to the highest bidder, but at not less than \$..... per acre, at ..... o'clock ..... M., on the ..... day of ....., at this office, the following tract of land: .....

Any persons claiming adversely the above-described land are advised to file their claims, or objections, on or before the time designated for sale.  
 ....., Register.  
 ....., Receiver.

**AFFIDAVIT OF PUBLICATION.**

(~~For~~ Publisher: Return this form to the Register at the end of the period of publication, with the "Affidavit of Publication" properly executed.)  
 (Attach clipping here.)

I, ....., of the ....., published  
 (Publisher or foreman.) (Name of newspaper.)  
 ..... at ....., do solemnly swear that a copy of the  
 (Daily or weekly.) (Place.)  
 above notice, as per clipping attached, was published ..... in  
 (Daily or weekly.)  
 the regular and entire issue of said newspaper, and not in any supplement  
 thereof, for ..... consecutive ....., commencing with the issue dated  
 ....., 191.., and ending with the issued dated ....., 191..

.....  
 (Signature.)  
 Subscribed and sworn to before me this ..... day of ....., 191..  
 .....  
 (Official designation.)

[4-348e.]

**NOTICE FOR PUBLICATION.**

(Register.)

Department of the Interior,  
 U. S. Land Office at .....,

....., 19..  
 Notice is hereby given that ....., whose post-office address is  
 ....., did, on the ..... day of ....., 19.., file in this office Sworn  
 Statement and Application, No. ...., to purchase the ....., Section .....,  
 Township ....., Range ....., ..... Meridian, and the timber thereon,  
 under the provisions of the Act of June 3, 1878, and acts amendatory, known  
 as the "Timber and Stone Law," at such value as might be fixed by appraisement,  
 and that, pursuant to such application, the land and timber thereon  
 have been appraised, ..... the timber estimated ..... board  
 (See note below.)  
 feet at \$. .... per M, and the land \$. ....; that said applicant will offer  
 final proof in support of his application and sworn statement on the ..... day  
 of ....., 19.., before ....., at .....

(Name of officer.)  
 Any person is at liberty to protest this purchase before entry, or initiate  
 a contest at any time before patent issues, by filing a corroborated affidavit in  
 this office, alleging facts which would defeat the entry.

.....  
 Register.

**CERTIFICATE AS TO POSTING OF NOTICE.**

....., 19..  
 I hereby certify that the above notice, or copy thereof, was by me posted  
 in a conspicuous place in my office for a period of ..... days, I having first  
 posted said notice on the ..... day of ....., 19..

.....  
 Register.

Note.—When notice is issued under Section 19, Departmental Regulations  
 of November 30, 1908, the Register will cross out the word "appraised." and  
 insert "estimated and valued by the applicant, —,"

(Applicable to Nebraska only.)

[4-348h.]

(Form approved by the Secretary of the Interior, January 19, 1912.)

NOTICE FOR PUBLICATION—ISOLATED TRACT.

(Publisher.)

Public Land Sale.

Department of the Interior,

U. S. Land Office at .....,

....., 19..

Notice is hereby given that, as directed by the Commissioner of the General Land Office, under provisions of Acts of Congress approved June 27, 1906 (34 Stats., 517), and March 2, 1907 (34 Stats., 1224), pursuant to the application of ....., Serial No. ...., we will offer at public sale, to the highest bidder, but at not less than \$..... per acre, at ..... o'clock ..... m., on the ..... day of ..... next, at this office, the following tract of land: .....

Any persons claiming adversely the above-described land are advised to file their claims, or objections, on or before the time designated for sale.

....., Register.  
....., Receiver.

AFFIDAVIT OF PUBLICATION.

(~~4~~ Publisher: Return this form to the Register at the end of the period of publication, with the "Affidavit of Publication" properly executed.)

I, ....., of the ....., published  
(Publisher or foreman.) (Name of newspaper.)  
....., at ....., do solemnly swear that a copy of  
(Daily or weekly.) (Place.)  
the above notice, as per clipping attached, was published .....

(Daily or weekly.)  
in the regular and entire issue of said newspaper, and not in any supplement thereof, for ..... consecutive ....., commencing with the issue dated ....., 191., and ending with the issue dated ....., 191..

.....

Subscribed and sworn to before me this ..... day of ....., 191..

.....

(Official designation.)

[4-350.]

No. ....

COAL LANDS.

Declaratory Statement under Sec. 2348, R. S.

Department of the Interior,

United States Land Office at .....,

....., 19..

I, ....., of ....., do hereby declare my intention to purchase, in the exercise of a preference right, under the provisions of the Revised Statutes of the United States relating to the sale of the coal lands of the United States, the ..... of Section ....., in Township ....., of Range ....., in the district of the lands subject to sale at the district land office at .....,; and I do solemnly swear that I am ..... years of age and a citizen of the United States (or have declared my intention to become a citizen of the United States); that I have never, either as an individual or as a member of an association, held (except .....) or purchased any coal lands under the aforesaid provisions of the Revised Statutes; that I entered into possession of said tract on, and have remained in actual possession continuously since, the ..... day of ....., 19.., during which period I diligently prosecuted work for the development of coal; that on the ..... day of ....., 19.., I opened a valuable mine of coal on the land, which I improved as such; that in such labor and improvements I have expended the sum of ..... dol-



lars, the labor and improvements being as follows: (Here state how the mine was opened and describe the nature and character of the improvements)....., and I do furthermore solemnly swear that I am well acquainted with the character of said described land and with each and every legal subdivision thereof; that my knowledge of said land is such as to enable me to testify understandingly with regard thereto; that there is not, to my knowledge, within the limits thereof any valuable vein or lode of quartz or other rock in place bearing gold, silver, or copper, and that there is not within the limits of said land, to my knowledge, any valuable deposit of gold, silver, or copper. So help me God.

\* .....  
(Sign full Christian name.)

I hereby certify that the foregoing affidavit was read to affiant in my presence before he signed his name thereto; that said affiant is to me personally known (or has been satisfactorily identified before me by .....), and that I verily believe him to be a qualified person and the person he represents himself to be, and that this affidavit was subscribed and sworn to before me at my office in ....., within the ..... land district, on this ..... day of ....., 19..

.....  
(Official designation of officer.)

\* This affidavit must be personally verified by declarant before the register or receiver.

[4-357.]

(Form approved by the Secretary of the Interior, April 18, 1910.)  
Department of the Interior.

NOTICE OF RIGHT OF ELECTION.

In cases where final proof has not been submitted.

(Act of March 3, 1909.)

U. S. Land Office, ....., No. ....  
....., 19..

Sir: Your attention is directed to the provisions of the Act of March 3, 1909, printed on the back hereof, and you are hereby notified that subsequently to your ..... No. ...., made ....., 19.., for

(Insert kind of entry, location, or selection.)  
....., Section ....., Township ....., Range ....., ..... Meridian, said tract was classified, claimed, or reported as being valuable for coal; also that at the time of applying for notice to submit final proof you must state in writing whether you elect to receive a patent which shall contain a reservation to the United States of all coal in said land, and the right of the United States, or any person or persons authorized by it, to prospect for, mine, and remove coal from the same, in accordance with the conditions and limitations imposed by said Act. Should you elect to receive such patent, no further inquiry will be made respecting the coal character of the land, and patent will issue, with the statutory reservation, provided satisfactory proof of your good faith and of compliance on your part with the provisions of the law under which you claim, be submitted. In the event you decline to elect to receive such patent, evidence will be received at the time of making final proof with a view to determining whether the land is chiefly valuable for coal, and, the proof being in other respects regular and satisfactory, you will be entitled to receive patent without reservation unless at the time of the hearing on final proof it shall be shown that the land is chiefly valuable for coal.

Respectfully,  
....., Register.  
....., Receiver.

**Election to Receive Patent Upon Nonmineral Claim Exclusive of Any Deposits of Coal in the Land.**

I, ....., of ....., County of ....., State of ....., who on ....., 19.., made .....  
(Insert kind of location, selection, or entry.)  
No. ...., for the ....., Section ....., Township ....., Range ....., ..... Meridian, do hereby elect, upon submission of satisfactory proof

of compliance with law under which my claim was initiated, to receive patent for the lands, which patent shall reserve to the United States all of the coal in said lands with the right of the United States, or any person authorized by it, to prospect for, mine, and remove the coal from same in accordance with the conditions and limitations of the Act of March 3, 1909 (35 Stat., 844).

In accordance with above election, I hereby authorize the proper officer or officers of the United States, upon submission of satisfactory final proof upon my location, selection, or entry, to issue final certificate or other paper as basis for patent, containing the reservation of the coal hereinbefore described, and to issue patent in accordance therewith.

The foregoing election was, in our presence, read to or by the said  
 (Cross out "to or" or "or by," as case may be.)  
 ....., who is to each of us personally known, and we, the undersigned,  
 have this day hereunto set our hands as witnesses of the execution thereof.

Dated this ..... day of ....., 19.., at ....., State of .....

Name ....., Residence .....

Name ....., Residence .....

Note.—The attention of parties in interest is directed to the provisions of the Act of March 3, 1909, copy of which is printed below.  
 [35 Stat., 844.]

**An Act for the protection of the surface rights of entrymen.**

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who has in good faith located, selected, or entered under the nonmineral land laws of the United States any lands which subsequently are classified, claimed, or reported as being valuable for coal, may, if he shall so elect, and upon making satisfactory proof of compliance with the laws under which such lands are claimed, receive a patent therefor, which shall contain a reservation to the United States of all coal in said lands, and the right to prospect for, mine, and remove the same. The coal deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal-land laws in force at the time of such disposal, but no person shall enter upon said lands to prospect for, or mine and remove coal therefrom, without previous consent of the owner under such patent, except upon such conditions as to security for and payment of all damages to such owner caused thereby as may be determined by a court of competent jurisdiction: Provided, That the owner under such patent shall have the right to mine coal for use on the land for domestic purposes prior to the disposal by the United States of the coal deposit: Provided further, That nothing herein contained shall be held to affect or abridge the right of any locator, selector, or entryman to a hearing for the purpose of determining the character of the land located, selected, or entered by him. Such locator, selector or entryman who has heretofore made or shall hereafter make final proof showing good faith and satisfactory compliance with the law under which his land is claimed shall be entitled to a patent without reservation unless at the time of such final proof and entry it shall be shown that the land is chiefly valuable for coal.

Approved March 3, 1909.

[4—358.]

Local officers will invariably make a press copy hereof to be filed with the case. (Form approved by the Acting Secretary of the Interior, September 19, 1910.)

Department of the Interior,  
 United States Land Office.

.....  
 (Place.)  
 .....  
 (Date.)

Serial No. ....

**NOTICE TO NONMINERAL CLAIMANTS.**

(Act of June 22, 1910 (36 Stat., 583)—An Act to provide for agricultural entries on coal lands.)

Sir: You are hereby notified that the land embraced in your entry, select

tion, or location,\* No. ...., made ....., 19.., under the ..... laws, for ..... Section ....., Township ....., Range ....., Meridian, was withdrawn ....., 19.., by departmental order of ....., Executive order of ....., 19.., and classified ....., 19.., as coal land,\* and, therefore, is not subject to disposition under your said entry, selection, or location, except under the provisions of the Act of June 22, 1910 (36 Stat., 583), specially excepting and reserving to the United States all the coal in said land and the right to prospect for, mine, and remove the same, upon compliance with the conditions prescribed by said Act.

If, however, you have good and sufficient reasons for believing that the land is not coal in character, you will be allowed—thirty days from notice hereof—at any time prior to the submission of final proof\* within which to submit evidence, preferably the sworn statements of experts or practical miners, that the land is in fact noncoal in character, together with an application by you—for classification as noncoal—for reclassification.\*

In the event of your failure to take action as aforesaid, and the land has not in the meantime been restored to entry under the general land laws, a patent will issue on your said entry, selection, or location, containing the following reservation, to-wit:

Excepting and reserving, however, to the United States all the coal in the lands so patented, and to it, or persons authorized by it, the right to prospect for, mine, and remove the coal from the same upon compliance with the conditions and subject to the provisions and limitations of the Act of June 22, 1910 (36 Stat., 583): Provided, you have complied in good faith with all the requirements of the law in such cases made and provided.

....., Register.  
 ....., Receiver.

\*Register will strike out all inapplicable portions of blank, to meet the facts in each particular case.

Note.—Your attention is directed to the provisions of the Act of June 22, 1910. (See Act June 22, 1910, 36 Stat., 583.)

[4—360.]

No. ....

COAL LANDS.

Affidavit.

(Distance from completed railroad.)

....., ss.:

I, ....., having made application to purchase, under the Statutes of the United States relating to the sale of coal lands, the following-described tracts: \*....., do solemnly swear that none of said described smallest legal subdivisions are situated wholly, or in greater part, within fifteen miles of a completed railroad actually constructed, equipped, and operated—calculated from the point on such railroad nearest each smallest legal subdivision respectively.

†.....  
 (Sign full Christian name.)

Subscribed and sworn to before me, a ....., on this ..... day of ....., 19... , and I hereby certify that affiant is to me personally known (or has been satisfactorily identified before me by .....), and I verily believe him to be a qualified person and the person he represents himself to be.

.....  
 (Official designation of officer.)

....., ss.:

Before me, the subscriber, personally appeared ..... and ....., who, being duly sworn, say that they reside at ..... and are acquainted with the lands described in the foregoing affidavit, and know, of their own knowledge, the facts stated in the affidavit, as to the distance of the several tracts from a completed railroad, to be true, and that they have no interest in the lands.

Witnesses:

.....  
 .....

\* Describe land by smallest legal subdivisions.

† This affidavit must be personally verified by applicant.

Subscribed and sworn to before me this ..... day of ....., 19.., and I certify that the foregoing affidavit was read to the above-named witnesses previous to their names being subscribed thereto, and that deponents are credible witnesses.

.....  
.....  
(Official designation of officer.)

[4-363.]

Department of the Interior,  
United States Land Office.

[4-365.]

Notice for Publication.

COAL ENTRY.

(Sec. 2347, R. S.)

For form see page 286.

....., 19..

.....  
.....  
.....  
Sir: You are advised that on ....., 19.., there was filed in this office, during the statutory period, provided therefor, the adverse claim of ..... for ..... claim, against the issuing of patent to ..... for ..... mining claim.

Now, therefore, under Section 2326, Revised Statutes of the United States, and paragraph 83 of the regulations thereunder, approved July 26, 1901, "the party who filed the adverse claim will be required within thirty days from the date of such filing to commence proceedings in a court of competent jurisdiction to determine the question of right of possession, and to prosecute the same with reasonable diligence to final judgment, and that, should such adverse claimant fail to do so, his adverse claim will be considered waived, and the application for patent be allowed to proceed upon its merits."

Very respectfully,

.....  
Register.

[4-366.]

Notice for Publication.

COAL ENTRY.

(Secs. 2348-52, R. S.)

For form see page 178.

[Form 4-369.]

FINAL PROOF TESTIMONEY OF CLAIMANT.

See page 141.

[Form 4-370.]

APPLICATION AND SWORN STATEMENT.

See pages 275, 575. Also other form under this Act.

[4-372a.]

(Form approved by the Secretary of the Interior, May 29, 1908.)

Department of the Interior.

DESERT-LAND ENTRY.

U. S. Land Office, ....., No. ....

Final Proof.

Testimony of Claimant.

Question 1. State your name, age, residence, occupation, and post-office address.

Answer. ....  
 Question 2. Are you a native-born citizen of the United States, and if so, in what State or Territory were you born, and of what State or Territory are you now a resident citizen?

(If foreign born, certified copy of naturalization certificate must be filed with this proof.)

Answer. ....  
 Question 3. Give the number and date of the Desert-Land Entry, and describe the land for which this proof is made.

Answer. ....  
 Question 4. State its situation, the character of the soil, its proximity to water, and what natural streams, springs, or bodies of water are upon or pass through or adjoin it. And if any, do the streams or springs afford natural irrigation? State whether paying crops of any kind have been raised on any part of such land without artificial irrigation.

Answer. ....  
 Question 5. Do you own and control, or have a clear right to, the use of water sufficient to irrigate the whole of said land and for keeping the same permanently irrigated?

Answer. ....  
 Question 6. State the source and volume of the water supply, how acquired by you, and how maintained, and at what cost.

(Record evidence of the claimant's right to the use of the water, or other satisfactory evidence, in accordance with local laws, must be furnished.)

Answer. ....  
 Question 7. State from personal knowledge whether such water has been conducted during any one season upon all the irrigable area of the land for which this proof is made, and whether same has been irrigated and reclaimed from its desert condition to such an extent that it will produce an agricultural crop, or a paying crop of hay.

Answer. ....  
 Question 8. State also the number, dimensions, and carrying capacity of the main ditch or ditches, and also of all the ditches on each legal subdivision of the land which are used in irrigating same; also the cost of the dams and ditches and the amount expended in the aggregate, in compliance with the legal requirements.

(If an expenditure of \$3 per acre of the area of said land has not been shown by annual proofs, an itemized statement of expenditures must be furnished.)

Answer. ....  
 Question 9. State whether you have seen water distributed through and by means of said ditches over all the irrigable area in each legal subdivision for which this proof is made with a view to the proper reclamation thereof, and if so, state the dates when each distribution was made, and the quantity of water per acre used, and the time occupied in making the same, in each and every year.

Answer. ....  
 Question 10. If there are any high points or uneven surfaces not susceptible of practicable irrigation, state definitely the nature, extent, and aggregate area of same, and the proportion thereof in each legal subdivision of the entry. State whether any entire legal subdivision is not susceptible of irrigation.

Answer. ....  
 Question 11. Has any portion of the land been cultivated by actual tillage of the soil? If so, state definitely the number of acres thus tilled, and describe generally the tillage, and briefly state its time, its object, and its result.

Answer. ....  
 Question 12. Has an agricultural crop of any kind other than wild hay been planted or produced on any portion of the land? If so, state the kind of crop planted or raised, the average quantity per acre, and the number of acres employed in the planting and growth of said crop.

Answer. ....  
 Question 13. If an agricultural crop of any kind can not be produced on one-eighth portion of the land, by actual tillage of the soil, state whether a crop of wild hay of merchantable value has been raised upon said land as a result of actual irrigation, and state the area on which it was raised and the quantity produced per acre.

Answer. ....  
 Question 14. If there has been no actual tillage of the soil, or no agricultural crop planted or produced, state what climatic conditions adverse to suc-

cessful agriculture, if any, are prevalent in the region in which this land is located. State fully the effect of such conditions on agriculture.

Answer. ....

Question 15. If in your judgment actual tillage of the soil would injure or destroy its productive qualities, state definitely your reasons for believing that injury or destruction would result from actual tillage.

Answer. ....

Question 16. If paying crops of any kind have been raised on land adjacent to, or in the vicinity of, said land, without artificial irrigation, describe the same and state the year or years of cultivation, the kind of crop and quantity raised per acre and the conditions which made the production of such crops possible.

Answer. ....

Question 17. Has any coal or other minerals been discovered on said land, or is any coal or mineral known to be contained therein?

Answer. ....

Question 18. Are there any indications of coal, saline, or minerals of any kind on said land? If so, describe what they are.

Answer. ....

Question 19. Have you the sole and entire interest in the land for which this proof is made and in the right to the water sufficient to continuously irrigate the same?

Answer. ....

Question 20. Has any other person, individual, company, or corporation any interest whatever in said land or water appropriation? If so, give the name, residence, and occupation of each such person, the name, business, and locality of any such corporation or company, and the nature, amount, and extent of such interest.

Answer. ....

Question 21. Have you made any other desert-land entry, or has any other land embraced in any desert-land entry, in whole or in part, been assigned to you, or have you any interest, direct or indirect, in any other entry under the desert-land act?

Answer. ....

Question 22. Describe by legal subdivisions and by number, kind of entry, and office where made, any other entry or filing (not mineral), made by, or assigned in whole or in part to, you since August 30, 1890.

Answer. ....

\* Question 23. If this proof is not submitted within four years from date of entry, state the reason for the failure to make proof within said period.

Answer. ....

(Sign here, with full Christian name.)

Note.—Every person swearing falsely to the above deposition will be punished as provided by law for such offense. (See Sec. 5392 R S.)

\* Note.—A correct diagram, showing the location of all ditches and improvements, must be furnished with this proof.

I hereby certify that the foregoing deposition was read to or by deponent in my presence before deponent affixed signature thereto; that deponent is to me personally known (or has been satisfactorily identified before me by .....); that I verily believe deponent to be (Give full name and post-office address.)

the identical person hereinbefore described, and that said deposition was duly subscribed and sworn to before me, at my office, in ..... (Town, county, and State.) within the ..... land district, this ..... day of ....., 19..

..... (Official designation of officer.)

#### Revised Statutes of the United States. Title LXX.—Crimes.—Chap. 4.

Sec. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by fine of not more than two thousand dollars,

and by imprisonment, at hard labor, not more than five years; and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. (See Sec. 1750.)

Note.—In addition to the above penalty, every person who knowingly or willfully in anywise procures the making or presentation of any false or fraudulent affidavit pertaining to any matter within the jurisdiction of the Secretary of the Interior may be punished by fine or imprisonment.

[4—373a.]

(Form approved by the Secretary of the Interior, June 15, 1908.)

Department of the Interior.

**DESERT-LAND ENTRY.**

U. S. Land Office, ....., No. ....

**Final Proof.**

**Testimony of Witness.**

Question 1. State your name, age, residence, occupation, and post-office address.

Answer. ....

Question 2. Are you acquainted with ....., who offers proof for land embraced in Desert-Land Entry, No. ...., made on the ..... day of ....., 19.., upon .....,; how long have you known him, and where does he now reside?

Answer. ....

Question 3. Have you personal knowledge of this land? State its situation, the character of the soil, its proximity to water, and what natural streams, springs, or bodies of water are upon or pass through or adjoin it; and if any, is any part of the claim naturally irrigated by such stream or spring? State whether paying crops of any kind have been raised on any part of such land without artificial irrigation.

Answer. ....

Question 4. Does the entryman own and control, or have a clear right to, water sufficient to properly and permanently irrigate all the irrigable land for which this proof is made?

Answer. ....

Question 5. State the source and volume of the water supply, how acquired, and how maintained.

Answer. ....

Question 6. Has water been conducted upon the irrigable land for which this proof is made so as to irrigate and reclaim the same from its former condition to such an extent that it will produce an agricultural crop? If so, give the number, dimensions, and capacity of the main ditch or ditches, and also of all the ditches on each legal subdivision of the land which are used in irrigating the same, and the amount expended in complying with the legal requirements.

(If an expenditure of \$3 per acre of the area of said land has not been shown by annual proofs, an itemized statement of expenditures must be furnished.)

Answer. ....

Question 7. Have you seen water distributed through and by means of said ditches over all the irrigable area on each legal subdivision of the land? State the dates when each distribution took place, the duration thereof, and the quantity of water per acre used.

Answer. ....

Question 8. If there are any high points or uneven surfaces not susceptible of practicable irrigation, state definitely the nature, extent, and aggregate area of same, and the proportion thereof in each legal subdivision. Is any entire legal subdivision not susceptible of irrigation?

Answer. ....

Question 9. Has any portion of the land been cultivated by actual tillage of the soil? If so, state definitely the number of acres thus tilled, and describe generally the tillage, and briefly state its time, its object, and its result.

Answer. ....

Question 10. Has an agricultural crop of any kind other than wild hay been planted or produced on any portion of the land? If so, state the kind

of crop planted or raised, the average quantity per acre, and the number of acres employed in the planting and growth of said crop.

Answer. ....

Question 11. If an agricultural crop of any kind can not be produced on one-eighth portion of said land, by actual tillage of the soil, state whether a crop of wild hay of merchantable value has been raised upon any part of said land as a result of actual irrigation, and state the area on which it was raised and the quantity produced per acre.

Answer. ....

Question 12. If there has been no actual tillage of the soil, or no agricultural crop planted or produced, state what climatic conditions adverse to successful agriculture, if any, are prevalent in the region in which this land is located. State fully the effect of such conditions on agriculture.

Answer. ....

Question 13. If in your judgment actual tillage of the soil would injure or destroy its productive qualities, state definitely your reasons for believing that injury or destruction would result from actual tillage.

Answer. ....

Question 14. If paying crops of any kind have been raised on any lands adjacent to, or in the vicinity of, said land, without artificial irrigation, describe the same and state the year or years of cultivation, the kind of crop and quantity raised per acre and the conditions which made the production of such crops possible.

Answer. ....

Question 15. Has any coal or other minerals been discovered on said land, or is any coal or mineral known to be contained therein? Are there any indications of coal, salines, or minerals of any kind on said land? If so, describe what they are.

Answer. ....

Question 16. Have you any interest, direct or indirect, in this entry or in the land covered thereby, or in the water supply used in its irrigation?

Answer. ....

(Sign here, with full Christian name.)

Note.—Every person swearing falsely to the above deposition will be punished as provided by law for such offense. (See Sec. 5392 R. S., below.)

I hereby certify that the foregoing deposition was read to or by deponent in my presence before deponent affixed signature thereto; that deponent is to me personally known (or has been satisfactorily identified before me by .....); that I verily believe deponent to be a credible witness and the identical person hereinbefore described, and that said deposition was duly subscribed and sworn to before me, at my office, in....., within the

(Town.)

.....land district, this.....day of

(County and State.)

....., 19....

(Official designation of officer.)

#### Revised Statutes of the United States. Title LXX.—Crimes.—Chap. 4.

Sec. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than five years; and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. (See Sec. 1750.)

Note.—In addition to the above penalty, every person who knowingly or willfully in anywise procures the making or presentation of any false or fraudulent affidavit pertaining to any matter within the jurisdiction of the Secretary of the Interior may be punished by fine or imprisonment.



[4-385.]

No.....

COAL LANDS.

Application to Purchase Pursuant to Section 2348 R. S.  
Department of the Interior,  
United States Land Office at.....

....., 19....

I, ....., of ....., claiming, under the provisions of the Revised Statutes of the United States relating to the sale of the coal lands of the United States, the preference right to purchase the.....of Section....., in Township ....., of Range....., subject to sale at the district land office at..... hereby apply to purchase and enter the same; and I do solemnly swear that I have not hitherto held (except ..... ) or purchased, either as an individual or as a member of an association, any coal lands under the aforesaid provisions of the law; that I have expended in developing coal mines on said tract, in labor and improvements, the sum of.....dollars, the nature of such improvements being as follows: .....; that I am now in the actual possession of said mines, and make the entry in good faith for my own benefit, and not, directly or indirectly, in whole or in part, in behalf of any person or persons whomsoever; and I do furthermore swear that I am well acquainted with the character of said described land, and with each and every legal subdivision thereof; that my knowledge of said land is such as to enable me to testify understandingly with regard thereto; that said land contains workable deposits of coal; that there is not, to my knowledge, within the limits thereof any valuable vein or lode of quartz or other rock in place bearing gold, silver, or copper, and that there is not within the limits of said land, to my knowledge, any valuable deposits of gold, silver, or copper. So help me God.

.....  
(Sign full Christian name.)

I hereby certify that the foregoing application was read to applicant in my presence before he signed his name thereto; that said applicant is to me personally known (or has been satisfactorily identified before me by.....), and that I verily believe him to be a qualified person and the person he represents himself to be, and that this application was subscribed and sworn to before me at my office in....., within the..... land district, on this.....day of....., 19... day of....., 19....

.....  
(Official designation of officer.)

\*This application must be personally verified by applicant before the Register or Receiver.

[4-511.]

Department of the Interior,  
United States Land Office.

....., 19....

....., Contestant,  
versus  
....., Contestee.

STATEMENT OF COSTS.

Deposited by Contestant under Rule 58 of Practice.....	\$.....
Deposited by Contestant as advanced testimony fees.....	.....
Deposited by Contestant as cancellation fee.....	.....
Deposited by Contestee under Rule 58 of Practice.....	.....
Deposited by Contestee as advanced testimony fees.....	.....
Total amount deposited by both parties.....	\$.....
Amount of testimony fees earned from the Contestant...	\$.....
Amount of testimony fees earned from the Contestee.....	.....
Amount retained as the unearned cancellation fee.....	.....

Amount returned to the Contestant as unearned fees.....  
 Amount returned to the Contestee as unearned fees.....  
 Total amount of deposits thus accounted for..... \$.....  
 Total amount of earned fees paid to Contest Clerk..... \$.....  
 Earned fees deposited to credit of U. S. Treasurer.....  
 Cancellation fee retained as unearned.....  
 Unearned moneys returned to Contestant and Contestee.....

Total amount thus accounted for..... \$.....

The above and foregoing is a true and correct statement of all moneys coming into our hands on account of the above-mentioned contest, and of the disposition we made of the same.

....., Register.  
 ..... Receiver.

Note.—This statement should be carefully and accurately filled out and filed with the record of each contest case, as required by rule 65 of the Rules of Practice, and local officers will hereafter be held accountable for any failure to do so in any case tried before them.

[4—519.]

Application for Leave of Absence, page 28. Also forms under Three-Year Homestead Law, page 28.

[4—522.]

Departmental regulations approved by the Secretary of the Interior November 30, 1908.

Department of the Interior.

TIMBER OR STONE ENTRY.

U. S. Land Office, ..... No.....  
 Receipt No.....

Application and sworn statement.  
 (To be made in duplicate.)

I, ..... (.....), hereby make  
 (Give full Christian name.) (Male or female.)

application to purchase the.....  
 Section....., Township....., Range.....  
 Meridian, containing..... acres, within the.....  
 land district, in the State of....., and the timber thereon, at  
 such value as may be fixed by appraisement, made under authority of the  
 Secretary of the Interior, under the Act of June 3, 1878, commonly known as  
 the "Timber and Stone Law," and Acts amendatory thereof, and in support  
 of this application I do solemnly swear that I.....

(Applicant must state whether native born, naturalized, or has filed declaration of  
 intention to become a citizen. If not native born, certified copy of naturalization or  
 declaration of intention, as case may be, must be filed with this affidavit.)

.....  
 citizen of the United States, of the age of..... years, and by occu-  
 pation a.....; that I did, on....., 19..,  
 examine said land, and from my personal knowledge state that said land is  
 unfit for cultivation and is valuable chiefly for its timber; and that to my  
 best knowledge and belief, based upon said examination, the land is worth  
 ..... dollars, and the timber thereon, which  
 I estimate to be..... feet, board measure, is worth.....  
 dollars, making a total value for the land and timber of.....  
 dollars, and no more; that the land is uninhabited; that it contains no mining  
 or other improvements, nor, as I verily believe, any valuable deposit of gold,  
 silver, cinnabar, copper, coal, or other minerals, salt springs, or deposits of  
 salt; that I have made no other application under said Acts; that I do  
 not apply to purchase the land above described on speculation, but in good  
 faith to appropriate it to my own exclusive use and benefit, and that I  
 have not, directly or indirectly, made any agreement or contract, in any  
 way or manner, with any person or persons whomsoever, by which the title  
 I may acquire from the Government of the United States may inure in whole  
 or in part to the benefit of any person except myself; that since August 30,  
 1890, I have not entered and acquired title to, nor am I now claiming, under  
 an entry made under any of the nonmineral public-land laws, an amount of

land which, together with the land now applied for, will exceed in the aggregate 320 acres; that I am not a member of any association, or a stockholder in any corporation which has filed an application and sworn statement under said Act; and that my post-office address is.....

(If a city, street and number must be given.)

at which place any notice affecting my rights under this application may be sent.

I request that notice be furnished me for publication in the..... newspaper, published at (The newspaper must be one of general circulation, published nearest the land.)

(Sign here, with full Christian name.)

Note.—Every person swearing falsely to the above affidavit will be punished as provided by law for such offense. (See Sec. 5392, R. S., below.)

In addition thereto, the money that may be paid for the land is forfeited, and all conveyances of the land, or of any right, title, or claim thereto, are absolutely null and void as against the United States.

I hereby certify that the foregoing affidavit was read to or by affiant in my presence before affiant affixed signature thereto; that affiant is to me personally known (or has been satisfactorily identified before me by.....); that I verily believe affiant (Give full name and post-office address.)

to be a qualified applicant and the identical person hereinbefore described, and that said affidavit was duly subscribed and sworn to before me, at my office in.....

(Town.)

(County and State.)

within the.....land district, this.....day of....., 19...

(Official designation of officer.)

Revised Statutes of the United States. Title LXX.—Crimes.—Chap. 4.

Sec. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than five years; and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. (See Sec. 1750.)

Note.—In addition to the above penalty, every person who knowingly or willfully in anywise procures the making or presentation of any false or fraudulent affidavit pertaining to any matter within the jurisdiction of the Secretary of the Interior may be punished by fine or imprisonment.

[4—524.]

Department of the Interior, United States Land Office,

(Place.)

(Date.)

NOTICE OF APPRAISEMENT.

Sir:

You are informed that the land, and the timber thereon, embraced in your Timber and Stone Application, No....., filed....., have been appraised in the sum of.....dollars.

You are therefore notified that your application for said land will be

dismissed without further notice, if you do not, within thirty days after date of this notice, deposit the appraised price of the land with the Receiver of this office, or file your written protest against such appraisement, setting forth clearly and specifically your objection thereto, which protest must be sworn to by you, and corroborated by two competent, credible, and disinterested persons. The protest, if filed, must be accompanied by your application requesting that the land be reappraised at your expense, and you must deposit with the Receiver the sum of.....dollars, to be expended therefor, and you must indicate your consent that the amount so deposited may be expended for the reappraisal, without any claim on your part that any portion thereof so expended shall be returned or refunded to you.

If a reappraisal is made under your application, you will secure no right or privilege, except that of purchasing the lands at their appraised value, if they are subject to sale and you are properly qualified.

Very respectfully,

....., Register.  
....., Receiver.

[4-545.]

Department of the Interior.

HOMESTEAD DECLARATORY STATEMENT.

U. S. Land Office, ....., No.....

Receipt No.....

Note.—This form may be used where the declaratory statement is filed by an agent under section 2309, Revised Statutes.

I, ....., of..... County, and State or Territory of....., do solemnly swear that I served for a period of..... in the Army of the United States, during the.....

(Here state whether service was during the War of the Rebellion, the Spanish War, or the suppression of the insurrection in the Philippines.)

.....and was honorably discharged therefrom, as shown by a statement of such service herewith, and that I have remained loyal to the Government; and that I have never made a homestead entry or filed a declaratory statement under section 2290, section 2304 as amended by the Act of March 1, 1901 (31 Stat., 847), or section 2309 of the Revised Statutes; that I am not the proprietor of more than one hundred and sixty acres of land in any State or Territory; that since August 30, 1890, I have not entered and acquired title to, nor am I now claiming, under an entry made under any of the nonmineral public-land laws, an amount of land which, together with the land now applied for, will exceed in the aggregate 320 acres; that I have appointed, by power of attorney duly executed on the.....day of....., (or I do hereby appoint).....of.....

County and State of....., my true and lawful agent, under section 2309 aforesaid, to select for me and in my name, and file my declaratory statement for a homestead right under the aforesaid sections; and I hereby give notice of my intention to claim and enter said tract under said statute; that the location herein authorized is made for my exclusive use and benefit, for the purpose of my actual settlement and cultivation, and not either directly or indirectly for the use or benefit of any other person; that my said attorney has no interest, present or prospective, in the premises, and that I have made no arrangement or agreement with him or any other person for any sale or attempted sale or relinquishment of my claim in any manner or for any consideration whatever, and that I have not signed this declaration in blank.

(Sign here, with full Christian name.)

I hereby certify that the foregoing affidavit was read to or by affiant in my presence before affiant affixed signature thereto; that affiant is to me personally known (or has been satisfactorily identified before me by.....); that I verily believe

(Give full name and post-office address.)

affiant to be a qualified applicant and the identical person hereinbefore de-

scribed; and that said affidavit was duly subscribed and sworn to before me, at my office, in....., this (County and State.) .....day of....., 19....

(Official seal.)

(Official designation of officer.)

By virtue of the foregoing, and of a certain power of attorney therein named, duly executed on the.....day of..... 19.., and filed herewith, I hereby select the.....Section....., Township....., Range....., Meridian, as the homestead claim of....., the aforesaid, and do solemnly swear that the same is filed in good faith for the purposes therein specified, and that I have no interest or authority in the matter, present or prospective, beyond the filing of the same as the true and lawful agent of the said....., as provided by section 2309 of the Revised Statutes of the United States.

Agent.

Sworn to and subscribed before me this.....day of....., 19....

(Official seal.)

(Official designation of officer.)

Revised Statutes of the United States. Title LXX.—Crimes.—Chap. 4.

Sec. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than five years; and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. (See Sec. 1750.)

Note.—In addition to the above penalty, every person who knowingly or willfully in anywise procures the making or presentation of any false or fraudulent affidavit pertaining to any matter within the jurisdiction of the Secretary of the Interior may be punished by fine or imprisonment.

[4—548.]

Department of the Interior.

RESERVOIR DECLARATORY STATEMENT.

U. S. Land Office, ....., Serial No..... Receipt No.....

Note.—When the applicant is a corporation the form should be executed by its president, under its seal, and attested by its secretary. When the applicant is not a corporation or an association of individuals strike out the words in italics.

I, ....., of....., (Give full post-office address.) do hereby certify that I am the president of the..... company, and on behalf of said company and under its authority do hereby apply for the reservation of land in.....County, State of.....for the construction and use of a reservoir for furnishing water for live stock under the provisions of the Act of January 13, 1897 (29 Stat., 484). The location of said reservoir and of the land necessary for its use, is as follows:..... Section....., Township....., Range....., Meridian, containing..... acres.

I hereby certify that to the best of my knowledge and belief the said land is not occupied or otherwise claimed, is not mineral or otherwise reserved,

and that the said reservoir is to be used in connection with the business of the applicant of.....

(The description of the business of the applicant should include "a full and minute statement of the extent to which he is engaged in breeding, grazing, driving, or transporting live stock, giving the number and kinds of such stock, the place where they are being bred or grazed, and whether within an inclosure or upon uninclosed lands, and also from where and to where they are being driven or transported." Circular June 6, 1908)

The land owned or claimed by the applicant within the vicinity of the said reservoir (within 3 miles) is as follows:.....

I further certify that no part of the land to be reserved under this application is or will be fenced; that the same shall be kept open to the free use of any person desiring to water animals of any kind; that the land will not be used for any purpose except the watering of stock; and that the land is not, by reason of its proximity to other lands reserved for reservoirs, excluded from reservation by the regulations and rulings of the land department.

The water of said reservoir will cover an area of..... acres, in....., Section....., Township.....,

(State smallest legal subdivision.) Range....., of said lands; the capacity of the water for said reservoir will be.....gallons, and the dam will be.....feet high. The source of the water for said reservoir is.....

and there are no streams or springs within two miles of the land to be reserved except as follows: .....

(State location by legal subdivisions.)

The applicant has filed no other declaratory statements under this Act, except as follows:.....

Number.	Land office.	Area to be reserved—Acres.
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

Total, .....acres, of which Nos. ....are located in said County.

And I further certify that it is the bona fide purpose and intention of this applicant to construct and complete said reservoir and maintain the same in accordance with the provisions of said Act of Congress and such regulations as are or may be prescribed thereunder.

(Sign here, with full Christian name.)

Attest: (Seal of company.) .....

Secretary.

State of.....  
County of.....

ss: ....., being duly sworn, deposes and says that the statements herein made are true to the best of his knowledge and belief.

(Signature.)

Duly sworn to and subscribed before me this..... day of....., 191..

(Seal.)

(Official designation of officer.)

I hereby certify that the foregoing application is for the reservation of lands subject thereto under the provisions of the Act of January 13, 1897; that there is no prior valid adverse right to the same; and that the land is not, by reason of its proximity to other lands reserved for reservoirs, excluded from reservation by the regulations and rulings of the land department.  
....., Register.

[4-590.]

Township No..... Range No..... Mer.

[4-621.]

Department of the Interior.
General Land Office.

RELINQUISHMENT.

I hereby relinquish to the United States all my right, title, and claim in and to the following-described land:....., 19..
....., Section....., Township....., Range.....,
..... Meridian, embraced in.....,
(Kind of application or entry.)
No....., made at the U. S. Land Office at.....
Receiver's Receipt No.....

(Signature.)

Witnesses:

(Name and address.)

(Name and address.)

Acknowledged before me this..... day of....., 19....

(Official designation.)

The relinquishment accompanying a Repayment Application must be executed before the Register or Receiver, or before an officer qualified to take acknowledgments of deeds.

Other relinquishments may be accepted if the signature of the entryman is attested by two witnesses.

[4-622.]

SUBPÆNA.

The United States of America,

To.....

You are hereby commanded to appear before.....,
at..... office, in....., in the County of.....,
State (or Territory) of....., at the hour of..... M., on the
..... day of....., to testify in behalf of
....., at a hearing, to be then and there held,
wherein.....
is....., and herein fail not at your peril.

Issued this..... day of.....

County of.....

State of.....

ss:

I, ....., being first duly sworn, upon my oath say that I served the above subpoena in the County of....., in the State (or Territory) of..... on the..... day of....., by then and there delivering a true copy thereof each to the within-named witnesses, to wit:.....

Subscribed and sworn to before the undersigned this..... day of.....

(Official designation.)

The law under which this subpoena is issued (Act January 31, 1903) provides:

Sec. 2. That witnesses shall have the right to receive their fee for one day's attendance and mileage in advance. The fees and mileage of the witnesses shall be the same as that provided by law in the district courts of the

United States in the district in which such land offices are situated; and the witness shall be entitled to receive his fee for attendance in advance from day to day during the hearing.

Sec. 3. That any person willfully neglecting or refusing obedience to such subpoena, or neglecting or refusing to appear and testify when subpoenaed, his fees having been paid if demanded, shall be deemed guilty of a misdemeanor, for which he shall be punished by indictment in the district court of the United States or in the district courts of the Territories exercising the jurisdiction of the circuit or district courts of the United States. The punishment for such offense, upon conviction, shall be a fine of not more than two hundred dollars, or imprisonment not to exceed ninety days, or both, at the discretion of the court: Provided, That if such witness has been prevented from obeying such subpoena without fault upon his part, he shall not be punished under the provisions of this Act.

(This application should be submitted in triplicate; one original and two copies.)

[Form No. 4—022b.]

(Read the instructions at the bottom of this form.)

APPLICATION FOR PERMIT TO CUT TIMBER.

....., 19..  
The Commissioner of the General Land Office, Washington, D. C.

Your petitioners respectfully show—

(1) That they are residents of the state of....., and that they live .....

(2) That they urgently need certain amounts of native pine and other timber to make lumber for their individual use, as contemplated by the Act of March 3, 1891 (26 Stat., 1093), as extended by Act of February 13, 1893 (27 Stat., 444), and the Act of March 3, 1901 (31 Stat., 1436), and March 22, 1901, as set forth in circular of February 10, 1900, "for agricultural, mining, manufacturing, or domestic purposes, \* \* \* under the rules and regulations to be made and prescribed by the Secretary of the Interior."

(3) That the petitioners are not in a position to go upon the public domain and cut and get out said timber; that there are no National Forests or private dealers in timber or lumber from whom petitioners can procure the material of the grade wanted at a price less than \$..... per.....

(4) That said agent will make no charge for the timber cut on the public domain, the only charge being for the necessary time, labor, and legitimate expense in getting it out, plus a fair price per thousand feet for sawing the same into lumber.

(5) Your several petitioners will require for their use, in the aggregate—  
About.....thousand feet of.....  
About.....thousand feet of.....  
About.....thousand feet of.....  
About.....thousand feet of.....  
About.....thousand feet of.....

making a grand total of.....feet of timber, which when cut into lumber will amount to about.....feet, board measure.

(6) That the timber to be cut is in Township....., Range....., and Sections.....  
.....  
and that the same will be cut and removed from said lands in one year from the date of granting this petition.

(7) That the removal of this timber will not interfere with, lessen, or damage the water supply, or injuriously affect any public interest; and that said timber is for the actual use of the petitioners as above set out, and is not to be sold, nor bartered, nor exported from the State of.....

Wherefore your petitioners earnestly request that..... whose post-office address is....., be permitted to act as their agent in cutting, felling, rafting, and sawing a sufficient amount of lumber, to be cut from timber on the lands hereinbefore mentioned, to meet



their requirements as above set out, and as provided in the General Land Office circular "P," approved February 10, 1900.

In the distribution of said timber among your petitioners, the quantity and description each will require is set forth opposite their respective names as follows:

This Memoranda of Agreement, in triplicate, made and entered into by and between....., party of the first part, of the County of....., and State of..... and..... et al., residents of the County of....., and State of....., all of whose names are subscribed to a certain petition addressed to the Honorable Commissioner of the General Land Office, and which is hereunto attached and made a part of this agreement.

Witnesseth, That, whereas it is desirable that the aforesaid party of the first part shall act as the agent of the said parties of the second part, and by this agreement does agree to so act, in cutting, felling, logging, rafting, and manufacturing of timber into lumber for the use of said parties of the second part, as provided under the Act of March 3, 1891, and promulgated in circular of February 10, 1900.

Now, Therefore, as provided in said section 4 of said circular, we do jointly and severally appoint....., party of the first part, our agent to procure timber from unoccupied, unreserved, nonmineral Government land, to be manufactured into lumber, and for the uses and purposes specified in section 3 of said circular of February 10, 1900, a copy of which is hereunto attached and made part of this agreement; and our said agent, party of the first part, agrees to procure.....feet of timber, and to manufacture the same into lumber, for the uses and purposes as provided in said section 3.

And we, the party of the second part, hereby agree to pay to our said agent, the party of the first part, as full compensation for his time, labor, and other legitimate expenses incurred in connection with the cutting, felling, logging, rafting, and manufacturing of said timber into lumber, exclusive of any charge for the timber itself, the sum of \$.....per 1,000 feet for the timber so manufactured into lumber and delivered to us; and it is further agreed by and between the parties hereto that no timber shall be manufactured on the shares or taken or exchanged in payment for work.

It is further agreed, That no green trees less than 12 inches in diameter 30 inches above the ground shall be cut, except in special cases where recommended by a special agent and approved by the Commissioner of the General Land Office, and in all cases the agreement provides for the piling of brush and rubbish in compact medium-sized piles for burning at a safe distance from the remaining timber.

It is also further agreed, and mutually understood by the parties hereto, that the life of this said agreement shall be for one year only, and which year shall begin to run on and after the date of permit, if approved, of the petition as prayed for, and herewith attached.

In witness whereof, the said parties of the first and second parts have hereunto set their hands and seals this.....day of....., 19..

.....[Seal]  
.....[Seal]

Approved this.....day of....., 19..

.....  
Commissioner.

To the Commissioner of the General Land Office:

I, ....., a citizen of the United States, and resident of the State of....., do hereby accept the agency sought to be established by your petitioners, and hereby agree to cut and remove.....feet of timber from the lands designated in said petition attached, and to manufacture the same into lumber at or near the town of....., in.....County....., and to deliver the same to your several petitioners in such quantities and dimensions as is petitioned for by them for the uses and purposes mentioned in said petition, at a cost of \$.....per 1,000 feet, which sum is to cover my time, labor, and other legitimate expenses incurred in connection with the manufacture of said timber into lumber, exclusive of any charge for the timber itself.

That I will cut and remove such timber within one year from date of

granting said petition, and that I will observe all rules and regulations issued by the Department relative to the removal of timber from the public lands of the United States.

.....[Seal.]  
This.....day of....., 19

VERIFICATION.

State of.....  
County of.....

ss: ....., being first duly sworn according to law, on oath, says: I am one of the petitioners above named; I have read or heard read the foregoing petition, and know the contents thereof; the same is true, of my own knowledge.

Sworn and subscribed before me this.....day of....., 19

CORROBORATING AFFIDAVIT.

State of.....  
County of.....

ss: .....and ..... being severally duly sworn according to law, each for himself, on oath, says: I reside ..... in said County and State; I am well acquainted with said township, the timber land and the water courses therein. It would do no harm, in my opinion, to the water supply, nor would it injuriously affect any public interest, to permit the cutting and removal of the quantity and kinds of timber required by petitioners from the lands hereinbefore described. I have no interest in this matter.

Sworn and subscribed before me this.....day of....., 19

NONMINERAL AFFIDAVIT.

(This affidavit can be sworn to only on personal knowledge and can not be made on information and belief.)

Department of the Interior,  
United States Land Office,

....., 19

....., being duly sworn according to law, deposes and says that he is the identical.....who is ..... that he is well acquainted with the character of said described land, and with each and every legal subdivision thereof, having frequently passed over the same; that his personal knowledge of said land is such as to enable him to testify understandingly with regard thereto; that there is not, to his knowledge, within the limits thereof, any vein or lode of quartz or other rock in place, bearing gold, silver, cinnabar, lead, tin, or copper, or any deposit of coal; that there is not within the limits of said land, to his knowledge, any placer, cement, gravel, or other valuable mineral deposit; that the land contains no salt spring, or deposits of salt in any form sufficient to render it chiefly valuable therefor; that no portion of said land is claimed for mining purposes under the local customs or rules of miners or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially nonmineral land; and that his post-office address is.....

I hereby certify that the foregoing affidavit was read to affiant in my pres-

ence before he signed his name thereto; that said affiant is to me personally known (or has been satisfactorily identified before me by.....), and that I verily believe him to be a credible person and the person he represents himself to be, and that this affidavit was subscribed and sworn to before me at my office in.....within the.....land district, on this.....day of....., 19.....

Note.—The officer before whom the deposition is taken should call the attention of the witness to the following section of the Revised Statutes, and state to him that it is the purpose of the Government, if it be ascertained that he testifies falsely, to prosecute him to the full extent of the law:

**Revised Statutes of the United States. Title LXX.—Crimes.—Chap. 4.**

Sec. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than five years; and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. (See Sec. 1750.)

**INDORSEMENT BY CHIEF OF FIELD DIVISION.**

The within petition to cut timber came into my hands for examination on the.....day of....., 19.., and the examination being complete, permission to cut.....feet of timber for the petitioners whose names I have initialed is hereby granted. The petition as to names by me not initialed is hereby denied. My action hereon is subject to revision by the Commissioner of the General Land Office. It is understood that cutting of timber under this permit shall at once cease should my action herein as to permission to cut be revoked by the Commissioner.

Dated this.....day of....., 19..

.....  
Chief of Field Division, General Land Office.

**INSTRUCTIONS FOR FILLING IN BLANKS.**

1. Each petitioner should sign his name and address, giving occupation, kind of timber wanted, and amount of same.
2. Give full name of person or company who is to act as agent for the petitioners.
3. State full amount of timber wanted by the petitioners.
4. State township, range, and sections of land desired to be cut from, if surveyed; if unsurveyed, so state, and name mountains where the timber grows, also names of creeks, rivers, or any natural landmark that would locate the timber to be cut, and in all cases wide areas of land should be avoided.
5. One of the petitioners should make the first affidavit, and two or more reliable, disinterested citizens should make the second affidavit, which should be acknowledged before a notary public or some other officer having a seal.
6. The nonmineral affidavit should be filled out and signed by a competent, reliable person who is acquainted with the land upon which it is desired to cut timber.
7. The petition, when completed, must be forwarded to the Chief of Field Division, General Land Office, at the post-office address given below, who will take up same at once and have an examination made of the land and timber described by the petitioners and report thereon to the Commissioner of the General Land Office, with proper recommendations.

The address of the Chief of Field Division who has charge of the State named is as follows:

Oregon: Portland.  
California, Nevada: Oakland, California.  
Washington, Idaho (Coeur d'Alene, Lewiston): Spokane, Washington.  
Montana: Helena.  
Colorado: Denver.

Arizona, New Mexico: Santa Fe, New Mexico.  
 Wyoming, South Dakota (Rapid City): Cheyenne, Wyoming.  
 North Dakota, South Dakota (except Rapid City): Fargo, North Dakota.  
 Utah, Idaho (Boise, Hailey, Blackfoot): Salt Lake City, Utah.

CIRCULAR.

Rules and Regulations Governing the Use of Timber on Nonmineral Public Lands in Certain States and Territories, under the Act of March 3, 1891 (26 Stat., 1903), as Extended by the Act of February 13, 1893 (27 Stat., 444).

Department of the Interior,

General Land Office,

Washington, D. C., February 10, 1900.

By virtue of the power vested in the Secretary of the Interior by the Act of March 3, 1891 (26 Stat., 1903), the following rules and regulations are hereby prescribed:

1. The Act, so far as it relates to timber on public lands, as extended by the Act of February 13, 1893 (27 Stat., 444), applies only to the States of Colorado, Montana, Idaho, North Dakota, South Dakota, Wyoming, Nevada, and Utah, and the Territories of Arizona and New Mexico. The Act originally extended to the District of Alaska, but in that respect it has been superseded by section 11 of the Act of May 14, 1898 (30 Stat., 409), under which other and separate regulations are prescribed for the District of Alaska.

2. The intention of the Act of March 3, 1891, is to enable settlers upon public lands and other residents within the States and Territories above named to secure from public timber lands timber or lumber for agricultural, mining, manufacturing, or domestic purposes, for use in the State or Territory where obtained, under rules and regulations to be made and prescribed by the Secretary of the Interior.

3. Settlers upon public lands and other residents of the States and Territories above named may procure timber free of charge from unoccupied, unreserved, nonmineral public lands within said States and Territories, strictly for their own use for firewood, fencing, building, or other agricultural, mining, manufacturing, or domestic purposes, but not for sale or disposal, nor for use by other persons, nor for export from the State or Territory where procured. The cutting or removal of timber or lumber to an amount exceeding in stumpage value \$50 in any one year will not be permitted, except upon application \* \* \* and after the granting of a special permit. Except as above provided, it is not necessary for actual residents to secure permission to take timber from public lands in said States and Territories for the purposes aforesaid. The exercise of such privilege is, however, subject at all times to supervision by the Department with a view to such restriction as may be deemed necessary.

4. In cases where qualified persons are not in position to procure timber from the public lands themselves, it is allowable for them to secure the cutting, removing, sawing, or other manufacture of the timber through the medium of others upon an agreement with the parties thus acting as their agents that they shall be paid a sufficient amount only to cover their time, labor, and other legitimate expenses incurred in connection therewith, exclusive of any charge for the timber itself; but no person, whether acting for himself, as an agent for another, or otherwise, will be permitted to cut or remove in any one year timber or lumber to an amount exceeding in stumpage value \$50, except upon application \* \* \* and upon the granting of a special permit.

5. The uses specified in section 3 of these rules and regulations constitute the only purpose for which timber may be taken from public lands in said States and Territories, under this Act.

6. The cutting and removing of timber, free of charge, under said Act of March 3, 1891, is confined to unreserved, unoccupied, nonmineral public lands, in the States and Territories named therein, inasmuch as the Act specifically provides that the same shall not operate to repeal the Act of June 3, 1878 (20 Stat., 88), which makes provision, in said States and Territories, for the free cutting of timber on public lands that are known to be of a strictly mineral character for the uses named in said Act.

7. It is further provided in said Act of March 3, 1891, that "nothing herein contained shall operate to enlarge the rights of any railway company to cut timber on the public domain." Consequently, no timber may be cut or

taken under this Act from public lands either by or for the use of any railroad company.

8. Section 2461, United States Revised Statutes, is still in force in the States and Territories herein named, and its provisions may be enforced against any person, or persons, who cut or remove, or cause or procure to be cut or removed, or aid or assist or are employed in cutting or removing, any timber from public lands therein, except as allowed by law.

9. \* \* \* \* \*  
 10. All rules and regulations heretofore prescribed under said Act of March 3, 1891, relating to the use of timber on public lands in the above-named States and Territories, are hereby revoked.

W. A. Richards,  
 Acting Commissioner.

Approved, February 10, 1900.  
 E. A. Hitchcock,  
 Secretary.

(This application should be submitted in triplicate; one original and two copies.)

[4-022d.]

(Read the Instructions at the Bottom of this Form.)

**APPLICATION FOR PERMIT TO CUT TIMBER ON MINERAL LANDS.**

....., 19...  
 The Commissioner of the General Land Office,  
 Washington, D. C.

Your petitioners respectfully show—

(1) That they are residents of the State of....., and that they live .....

(2) That they need certain amounts of timber for their individual use, as contemplated by the Act of June 3, 1878 (20 Stat., 88), as set forth in circular of March 16, 1909, "for building, agricultural, mining or other domestic purposes."

(3) That the petitioners are not in a position to go upon the lands and cut and get out said timber, and that they desire ....., who join in this petition, to act as their agent in procuring said timber.

(4) That said agent will make no charge for the timber to be cut, the only charge being for the necessary time, labor, and legitimate expense in getting it out, plus a fair price per thousand feet for sawing the same into lumber.

(5) Your several petitioners will require, for their use, in the aggregate—

- About ..... thousand feet of .....
- About ..... thousand feet of .....
- About ..... thousand feet of .....
- About ..... thousand feet of .....
- About ..... thousand feet of .....

making a grand total of ..... feet of timber, which when cut into lumber will amount to about ..... feet, board measure.

(6) That the timber to be cut is in Township ....., Range ....., and Sections ....., and that the same will be cut and removed from said lands in one year from the date of granting this petition; that said lands are mineral lands and subject to entry only under the mineral land laws.

(7) That the removal of this timber will not interfere with, lessen, or damage the water supply, or injuriously affect any public interest; and that said timber is for the actual use of the petitioners as above set out, and is not to be sold, nor bartered, nor exported from the State of .....; and that said timber is not for the use or benefit of any railroad corporation.

Wherefore your petitioners earnestly request that ....., whose post-office address is ....., be permitted to act as their agent in cutting, felling, rafting, and sawing a sufficient amount of lumber, to be cut from timber on the lands hereinbefore mentioned, to meet their requirements as above set out, and as provided in the General Land Office circular, approved March 16, 1909.

In the distribution of said timber among your said petitioners, the quan-

tity and description each will require is set forth opposite their respective names as follows:

Name—	Occupation.	Kind of Timber.	Quantity.	For What Purpose.
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

This Memoranda of Agreement, in triplicate, made and entered into by and between ....., party of the first part, of the County of ....., and State of ....., and ..... et al., residents of the County of ....., and State of ....., all of whose names are subscribed to a certain petition addressed to the Commissioner of the General Land Office, and which is hereunto attached and made part of this agreement.

Witnesseth, That, whereas it is desirable that the aforesaid party of the first part shall act as the agent of the said parties of the second part, and by this agreement does agree to so act in cutting, felling, logging, rafting, and manufacturing of timber into lumber for the use of said parties of the second part, as provided under the Act of June 3, 1878 (20 Stat., 88), and promulgated in circular of March 16, 1909.

Now, therefore, We do jointly and severally appoint ....., party of the first part, our agent to procure timber from unoccupied, unreserved, mineral Government land, to be manufactured into lumber, and for the uses and purposes specified in said circular of March 16, 1909, a copy of which is hereunto attached and made part of this agreement; and our said agent, party of the first part, agrees to procure ..... feet of timber, and to manufacture the same into lumber, for the uses and purposes as provided in said circular.

And we, the party of the second part, hereby agree to pay to our said agent, the party of the first part, as full compensation for his time, labor, and other legitimate expenses incurred in connection with the cutting, felling, logging, rafting, and manufacturing of said timber into lumber, exclusive of any charge for the timber itself, the sum of \$..... per 1,000 feet for the timber so manufactured into lumber and delivered to us; and it is further agreed by and between the parties hereto that no timber shall be manufactured on the shares or taken or exchanged in payment for work.

It is further agreed, That only matured timber is to be cut, and in all cases the agreement provides for the piling of brush and rubbish and disposing of same as may be required by the land department, and only such percentage of the timber as may be authorized shall be cut.

It is also further agreed, and mutually understood by the parties hereto, that the life of this said agreement shall be for one year only, and which year shall begin to run on and after the date of the permit to be granted by a Chief of Field Division of the General Land Office.

In witness whereof, the said parties of the first and second parts have hereunto set their hands and seals this ..... day of ....., 19..

..... [Seal.]  
 ..... [Seal.]

To the Commissioner of the General Land Office:

I, ....., a citizen of the United States, and resident of the State of ....., do hereby accept the agency sought to be established by your petitioners, and hereby agree to cut and remove ..... feet of timber from the lands designated in said petition attached, and to manufacture the same into lumber at or near the town of ....., in ..... County, ....., and to deliver the same to your several petitioners in such quantities and dimensions as is petitioned for by them for the uses and purposes mentioned in said petition, at a cost of \$..... per 1,000 feet, which sum is to cover my time, labor, and other legitimate expenses incurred in connection with the manufacture of said timber into lumber, exclusive of any charge for the timber itself.

That I will cut and remove such timber within one year from date of the permit, and that I will observe all rules and regulations issued by the Department relative to the removal of timber from the public mineral lands of the United States.

..... [Seal.]

This ..... day of ....., 19..

**AFFIDAVIT TO BE EXECUTED BY A PETITIONER.**

State of ....., County of ....., ss.:

....., being first duly sworn according to law, on oath, says: I am one of the petitioners above named; I have read or heard read the foregoing petition, and know the contents thereof; the same is true, of my own knowledge.

Sworn and subscribed before me this ..... day of ....., 19..

[4—302.]

**PERMIT BY CHIEF OF FIELD DIVISION TO FELL AND REMOVE  
TIMBER FROM MINERAL LANDS.**

I hereby grant permit to ....., of ....., to fell and remove timber from the following lands: ..... for the use of the persons and in amounts as to each person stated below, viz.: ..... The tops and other débris shall be disposed of as follows: .....

Only ..... per cent of the total stand of timber, acre by acre, and only matured timber, shall be cut. The cutting authorized shall be completed within twelve months from this date.

My action in granting this permit is subject to revision by the Commissioner of the General Land Office, and it is to be understood that cutting of timber under this permit shall at once cease upon notice that my action in granting the same has been revoked by the Commissioner. Should this permit be revoked by the Commissioner, any cutting done under same will have to be paid for at a reasonable stumpage value.

.....  
Chief of Field Division.

Given this ..... day of ....., 19.., at .....

**REPORT OF CHIEF OF FIELD DIVISION.**

The matter of the above application has been investigated under my supervision, and above is a copy of permit granted by me subject to your fell and remove and to use the timber.

Remarks: .....

The lands are mineral. The persons named are qualified, respectively, to (Here set out fully the matter required by section 4 of Instructions of March 16, 1909.)  
Dated this ..... day of ....., 19..

.....  
Chief of Field Division.

Approved this ..... day of ....., 19..

.....  
Commissioner.

**INSTRUCTIONS FOR FILLING IN BLANKS.**

1. Each petitioner should sign his name and address, giving occupation, kind of timber wanted, and amount of same.
2. Give full name of person or company who is to act as agent for the petitioners.
3. State full amount of timber wanted by the petitioners.
4. State township, range, and sections of land desired to be cut from, if surveyed; if unsurveyed, so state, and name mountains where the timber grows; also names of creeks, rivers, or any natural landmark that would locate the timber to be cut, and in all cases wide areas of land should be avoided.
5. One of the petitioners must make the affidavit which must be acknowledged before a notary public or some other officer having a seal.
6. The application should be forwarded to the Register and receiver of the proper local land office or to the proper Chief of Field Division.
7. In cases where the party applying desires the timber for his own use and the cutting is not to be done through an agent, the forms should be properly modified to show the facts.

Note.—For law and regulations see page 565.

**NOTICE OF LOCATION OF A PLACER CLAIM.—FORM B.**

Notice is hereby given to whom it may concern: That ..... and ..... citizens of the United States, over the age of twenty-one years, have this day located under the Revised Statutes of the United States, and Chapter ....., Title ....., of ....., the following described placer mining ground, viz.: (Description), situated in ..... District, ..... County, State of ..... This claim shall be known as the ..... Claim, and we intend to work the same in accordance with the local customs and rules of miners in said district.

.....  
 .....

Dated on the ground, this sixth ....., .....

[Form No. C.]

**NOTICE OF LOCATION OF A QUARTZ CLAIM.**

Notice is hereby given to all whom it may concern: That ..... and ..... citizens of the United States, over the age of twenty-one years, having discovered a vein or lode of quartz, or rock in place bearing gold, within the limits of the claim hereby located, have this day, under and in accordance with the Revised Statutes of the United States, Chap. VI., Tit. 32, located three thousand linear feet of this vein or lode, with surface ground three hundred feet in width, situated in ..... Mining District, County of ....., State of ....., and known as the ..... Claim, and extending three thousand feet north to ....., and ..... to ....., from this notice at the discovery or prospect shaft, the exterior boundaries of this claim being distinctly marked by reference to some natural object or permanent monuments, and more particularly described as follows, to-wit: (Descriptions.) And we intend to hold and work said claim as provided by the local customs and rules of miners, and the Mining Statutes of the United States.

.....  
 .....

Dated on the ground the ..... day of ....., .....  
 Discovered, ....., ..... Locator, .....  
 Located ....., ..... Recorded ....., .....  
 Attest:

.....

[Form No. D.]

**PROOF OF POSTING NOTICE AND DIAGRAM ON THE CLAIM.**

State of ....., County of ....., ss.:

..... and ....., each for himself, and not one for the other, being first duly sworn according to law, deposes and says, that he is a citizen of the United States, over the age of twenty-one years, and was present on the third day of ....., ....., when a plat representing the claim, and certified to as correct by the United States Surveyor-General of ....., and designated by him as Lot No. ....., together with a notice of the intention of ..... and ..... to apply for a patent for the mining claim and premises so platted, was posted in a conspicuous place upon said mining claim, to-wit: ....., where the same could be easily seen and examined; the notice so conspicuously posted upon said claim being in words and figures as follows, to-wit:

Notice of the application of ..... and ..... for a United States patent.

Notice is hereby given that in pursuance of Chap. VI, of Tit. 32, of the Revised Statutes of the United States, ..... and ....., claiming three thousand linear feet of the vein, lode, or mineral deposit, bearing gold, with surface ground, three thousand feet in width, lying and being situated within the ..... District, County of ..... and State of ....., have made application to the United States for a patent for the said mining claim, which is more fully described as to metes and bounds by the official plat herewith posted, and by the field notes of survey thereof, now filed in the office of the Register of the district of lands subject to sale at ....., ....., which field notes of survey describe the boundaries and extent of said claim on the surface, with magnetic variation at ..... (Description.)



The said mining claim being of record in the office of the Recorder of Records, . . . . ., in the county and State aforesaid, the presumed general course or direction of the said vein, lode, or mineral deposit being shown upon the plat posted herewith, as near as can be determined upon present developments, this claim being for three thousand linear feet thereof, together with the surface ground shown upon the official plat posted herewith, the said vein, lode, and mining premises hereby sought to be patented, being bounded as follows: (Description.)

The said claim being designated as Lot No. . . . . in the official plat posted herewith.

Any and all persons claiming adversely the mining ground, vein, lode, premises, or any portion thereof, so described, surveyed, platted, and applied for, are hereby notified that unless their adverse claims are duly filed as according to law and the regulations thereunder, within sixty days from the date hereof, with the Register of the United States Land Office, . . . . ., in the State of . . . . ., they will be barred in virtue of the provisions of said statute.

Dated on the ground this third day of . . . . ., . . . . .

Subscribed and sworn to before me this . . . . . day of . . . . ., . . . . , and I hereby certify that I consider the above deponents credible and reliable witnesses, and that the foregoing affidavit and notice were read by each of them before their signatures were affixed thereto and the oath made by them.

(Seal.)

[Form No. E.]

Serial No. . . . .

NOTICE FOR PUBLICATION.

United States Land Office.

Notice is hereby given that . . . . ., whose post-office address is . . . . ., has this . . . . . day of . . . . ., . . . . , filed in this office . . . . . application to select under the provisions of (describe act) the (describe land).

Any and all persons claiming adversely the lands described, or desiring to object because of the mineral character of the land, or for any other reason, to the disposal to applicant, should file their affidavits of protest in this office, on or before the . . . . . day of . . . . ., 19..

Register.

[Form No. F.]

Serial No. . . . .

Department of the Interior,  
United States Land Office,

Notice is hereby given that . . . . ., of . . . . . County, State of . . . . ., whose post-office address is . . . . ., . . . . ., has this . . . . . day of . . . . ., . . . . , filed in this office his application to make selection, location, and entry of the (describe land), as assignee of the person who is entitled to make location and entry thereof as the additional homestead right of . . . . ., . . . . ., deceased, and based upon Sections 2306 and 2307 of the Revised Statutes of the United States, and the rules and regulations of the Department of the Interior thereunder, granting additional lands to soldiers and sailors who served in the Army or Navy of the United States during the War of the Rebellion.

Any and all persons claiming adversely the lands described, or desiring to object because of the mineral character of the land, or any part thereof, or for any reason, to the disposal to applicant, should file their affidavits of protest in this office on or before the . . . . . day of . . . . ., 19..

Register.

Posted . . . . .

Published in . . . . .

.....

[Form No. G.]

FOREST RESERVE LIEU APPLICATION.

U. S. Land Office at ....., 19..

Notice is hereby given that ....., whose post-office address is ....., has made application to select under the provisions of the Act of June 4, 1897 (30 Stat., 36), the following described tract: .....

Within the next 30 days from the date hereof protests or contests against this selection on the ground that the land described, or any portion thereof, is more valuable for its minerals than for agricultural purposes, will be received and noted for report to the Commissioner of the General Land Office.

Register.

First publication, ....., 19..

Posted on claim, ....., 19..

[Form No. H.]

Serial No. ....

SCRIP LOCATIONS—AFFIDAVIT OF POSTING.

Department of the Interior,  
United States Land Office,

In Re Application to Locate .....

Serial No. ...., Sec. ...., Tp. ...., Range .....

State of ....., County of ....., ss.:

....., of ....., being first duly sworn, on oath deposes and says: that he is the identical person, or the attorney, or agent, of the person who located the above described land under .....; that he posted a copy of the hereto attached notice upon said land on the ....., 19..; that said notice was posted in a conspicuous place thereon, to-wit: (Describe place of posting and manner of posting)\*; that said notice remained posted for more than ..... days, and all during the period of publication; that said land is not adversely claimed, nor in the possession of any Indian.

Subscribed and sworn to before me this ..... day of .....

(Official title.)

\* If no suitable place is available for posting, place notice in open box on a post set in the ground, care being used to have the posted notice extend at least 2½ feet above the surface of the ground.

† Affidavit of publisher may be on form 4—348b, page 557.

AFFIDAVIT OF POSTING CONTEST.

Serial No. ....

Contest No. ....

Department of the Interior,  
United States Land Office,

Contestant,

v.

Contestee.

Involving ....., Sec. ...., Tp. ...., Range .....

State of ....., County of ....., ss.:

....., of ....., being first duly sworn, on oath deposes and says: that he is the contestant in the above entitled contest; that he posted copy of her to attached notice on the above described land, in a conspicuous place thereon, to-wit: (Describe place and manner of posting.)\*

That said notice remained so posted for a period of ..... days, and continued so posted during the entire period of publication.

Subscribed and sworn to before me this ..... day of ....., 19..  
.....  
(Official title.)

\* If posted on post set in the ground, the notice should extend at least 2½ feet above the surface.

Serial No. .... Contest No. ....

**AFFIDAVIT OF MAILING CONTEST.**

Department of the Interior,  
United States Land Office,  
.....

Contestant,

v.

Contestee.

State of ....., County of ....., ss.:

....., being first duly sworn, on oath deposes and says: that he is ..... in the above entitled contest; that he mailed the defendant a true copy of the notice of contest issued herein, on the ..... day of ....., through registered United States mail, at the following addresses, to-wit: ....., said addresses being the record address, the post-office nearest the land, and the last known post-office address of the contestee. Evidence of mailing is herewith attached and made a part hereof.

Subscribed and sworn to before me this ..... day of ....., ..  
.....  
(Official title.)

K. Serial No. ....

**APPOINTMENT OF ATTORNEY.**

Department of the Interior,  
United States Land Office,  
.....

In Re

....., Sec. ...., Tp. ...., of Range .....  
To Hon. Register and Receiver,  
United States Land Office,  
.....

Gentlemen: I hereby appoint Mr. ...., of ....., as my attorney to represent me in the above entitled matter, and authorize him to accept service, and to do any and all things necessary for the accomplishment of the purpose for which he is appointed.

.....  
P. O. ....

Witness:  
.....

L. Serial No. ....

**NOTICE OF APPEAL.**

Department of the Interior,  
United States Land Office,  
.....

In Re

....., Sec. ...., Tp. ...., R. ....

NOTICE OF APPEAL.

You will please take notice that ..... hereby appeals to ..... from the decision of ..... rendered in the above entitled matter on the ..... day of ....., 19.., and from the whole thereof.

This appeal is taken upon both law and fact.

Note.—If the decision complained of is identified by letter and initial, the division and initials should be given.

Note.—See specifications of error.

M.

Serial No. ....

SPECIFICATIONS OF ERROR.

Department of the Interior,
United States Land Office,

In Re

.....

....., Sec. ...., T. ...., Range ....., .....

Statement of case: (Here give record facts.)

Specifications of error: (Here state distinctly the errors relied upon for reversal of the decision complained of.)

N.

Serial No. ....

AFFIDAVIT OF LOSS OR DESTRUCTION OF REGISTER'S FINAL CERTIFICATE.

To the Register United States Land Office,

I respectfully ask that patent for ..... entry No. ...., embracing ..... Sec. ...., Tp. ...., ....., be delivered to me upon the following affidavit in lieu of the Register's Final Duplicate Certificate.

Applicant.

State of ....., County of ....., ss.:

....., being duly sworn, on oath deposes and says: that he is the same identical person who made the entry described above, to-wit: ..... entry, Serial No. ...., for ....., Sec. ...., Tp. ...., Range ....., that I have lost or destroyed the duplicate copy of Register's Final Certificate issued to me in the above described matter, and after diligent search and inquiry I am unable to produce said certificate.

Subscribed and sworn to before me this ..... day of .....

(Official title.)

O.

Serial No. ....

REQUEST FOR PATENT.

Affidavit of present owner.

State of ....., County of ....., ss.:

....., being first duly sworn, on oath deposes and says: that he is the present owner of the following described land, to-wit: (Here describe land.) That said land is embraced in ..... Entry No. ....; that Register's duplicate certificate can not be produced, and affiant respectfully asks that patent be delivered to him.

Subscribed and sworn to before me this ..... day of ....., 19..

(Official title.)

FORM P.

NOTICE OF MORTGAGE.

Serial No.....

(Date).....

TO THE REGISTER AND RECEIVER,  
UNITED STATES LAND OFFICE,

.....  
GENTLEMEN: You will please take notice that....., who  
made homestead entry No.....on the.....day of....., 19....  
for....., Sec....., T....., R.....,  
did, on the..... day of.....19...., make and execute a mortgage  
deed to said land in the sum of.....Dollars  
in favor of..... The said  
mortgage is recorded in the office of the Recorder of Deeds for the County  
of....., State of.....

We respectfully request that due notice hereof be noted upon the records in  
your office, and that the undersigned be notified of any action on the part of  
the entryman or other person acting in his behalf looking to the cancellation  
of said entry, either by relinquishment or contest or otherwise. This notice is  
intended to act as and for an objection by the undersigned to the cancellation  
of said entry without his having due notice, knowledge, and information thereof,  
and in case the above land is located within a reclamation project under the Act  
of June 17, 1902, the undersigned objects to the cancellation or assignment thereof  
unless his written consent thereto be filed.

.....  
Owner. of said mortgage.

[4-072h]

Serial No. ....  
Contest No. ....

## MOTION FOR DEFAULT.

Department of the Interior,  
United States Land Office......  
.....  
v.Contest of ..... Entry No. ...., dated .....,  
19.., for the ..... Sec. ...., Tp. ...., R. ....Comes now the contestant in the above-entitled case, and moves that the  
default of the defendant be entered, no answer to the charges set forth in  
the contest affidavit having been filed......  
By .....  
His Attorney.Filed, and default entered of record ....., 191..  
.....  
Register.  
Receiver.

## Rule of Practice 14, as amended July 24, 1912:

Upon the failure to serve and file answer as provided by Rule 13, the allegations of the contest affidavit will, on motion of contestant made within 20 days after the date the answer is required to be filed and before any answer is filed, be taken as confessed, or in case of failure of contestee to file answer and of contestant to file motion within the time prescribed, the allegation of the contest affidavit may be taken as confessed and judgment entered by the Commissioner of the General Land Office without the award of preference right to contestant. Due service of notice, either personally or by publication, as provided by Rule 8, must appear in all such cases. At the end of the period herein prescribed the register and receiver will forthwith forward the case with recommendation thereon to the General Land Office, and notify the parties by registered mail of the action taken.

[4-109.]

APPLICATION FOR REPAYMENT.

Department of the Interior,  
General Land Office.

.....  
The Commissioner of the General Land Office:

Sir: I hereby make application for the return of the purchase-money paid on ..... Entry, No. ...., for the .....  
(Kind.)  
Section ....., Township ....., Range ....., ..... Meridian, as per Receiver's Receipt,\* No. ...., issued at ....., dated .....; and on oath declare that I have not sold, assigned, nor in any manner encumbered, the title to the land described, and that the same has not become a matter of record. ....

.....  
(Signature of applicant.)

.....  
(Post-office address.)

State of ....., County of ....., ss.

Subscribed and sworn to before me this ..... day of .....

.....  
(Official designation.)

\* If the receipt has been lost or destroyed, so state.

The above affidavit may be made before the register or receiver or any officer authorized to administer oaths. When made before a justice of the peace, a certificate of official character is required.

**Notes.**

1. Where the title has become a matter of record, the words "except as shown by the accompanying evidence" will be added to the affidavit.

2. Where the title has become a matter of record or patent has issued, a deed of relinquishment, duly executed and recorded, must be filed, together with a certificate of the proper officer showing what appears upon his records touching the title, and that the same is fully restored to the United States.

3. If the application is made by an assignee or legal representative, it must be supported by satisfactory proof of the right of such person to present the claim.

4. The application, with all the papers in the case, may be transmitted to the Commissioner of the General Land Office direct, or through the register and receiver.

For full information see General Land Office Circular of January 22, 1901 (30 L. D., 430).

[Form Q.]

ASSIGNMENT.

United States Land Office,  
Billings, Mont.

Know All Men by These Presents, That I, .....  
of ....., for and in consideration of the sum of .....  
dollars, in lawful money of the United States of America, to me by said  
..... paid, the receipt whereof is hereby acknowledged,  
do by these presents sell, assign, transfer and set over unto the said .....  
..... all my right, title, and interest in and to those certain lands  
sold in pursuance of the President of the United States under date of Sep-  
tember 9, 1910, in accordance with the Act of April 27, 1904, an Act to ratify  
agreement with the Crow tribe of Indians (33 U. S. Statutes at Large, page  
352), and which said lands are described in the certificate of sale Serial  
No. ...., issued ....., Register U. S. District Land  
Office, Billings, Montana, on the ....., ....., as follows, to-wit:

.....  
Together with all and singular tenements, hereditaments, and appurtenances  
thereunto belonging in anywise appertaining, and the reversion and reversions,  
remainder and remainders, rents, issues and profits thereof; and also possession,  
claim and demand whatsoever, as well as in law as in equity, and to every  
part and parcel thereof.

To have and to hold the same unto the ....., his heirs,  
executors, administrators and assigns, subject nevertheless to the covenants,  
conditions and payments therein required to be made, and subject also to the  
terms, conditions and payment hereinafter to be made, and in accordance with  
the laws, proclamation and certificate of sale, as well as the departmental  
regulations thereunder and applicable thereto, all of which the said.....  
..... submits and agrees to, and with such full understanding  
accepts this assignment.

And I hereby fully authorize and empower the said .....  
upon his compliance with the terms and conditions of said sale, laws and  
proclamation and departmental regulations thereunder, and upon the full and  
complete payment of all money due upon said land to demand and receive  
patent to the said land, in the same manner, to all events and purposes as  
myself might or could do, were these presents not executed.

In witness whereof, I have hereunto set my hand and seal this .....

Signed, sealed and delivered in the presence of  
.....  
.....

State of ....., County of ....., ss.

On the ..... day of ....., 191.., before me, .....  
....., Notary Public in and for said county and State, person-  
ally appeared ....., known to me to be the person whose  
name is subscribed to the within instrument and acknowledged to me that he  
executed the same.

In witness whereof, I have hereunto set my hand and affixed my official  
seal the day and year in this certificate first above written.

(Seal.)

(Should be executed before U. S. Commissioner or Clerk of Court of  
record.)

**Affidavit of Assignee.**

State of ....., County of ....., ss.

....., being first duly sworn, on oath deposes and says:  
That he is the identical person named as assignee in the hereunto attached  
and foregoing assignment; that the bidder for said land, at the sale of the  
same, did not purchase said land for this affiant, either directly or indirectly,  
and that he was not interested in said land as a purchaser from the Gov-  
ernment, either directly or indirectly, and he hereby asks that he be allowed



to make the annual payments when due upon said land, in accordance with the law and regulations under which the same was originally sold.

(Seal.) .....

Subscribed and sworn to before me this ..... day of ....., 191..

(This affidavit should be executed before a U. S. Commissioner or Clerk of court of record.)

Note.—This form may be used for transfer of lands sold for benefit of Indians by making proper modifications.

.....Land District.

Department of the Interior,  
General Land Office.

To the Honorable Commissioner of the General Land Office.

Sir: I respectfully make application for extension of time in which to establish residence on my homestead entry No. .... for the ....., Sec. ...., T. ...., Range ....., and for such purpose and to that end I respectfully represent that I was prevented from establishing my residence thereon owing to the following reasons: .....

(Here state grounds for extension of time, which must be confined to climatic reasons, sickness, or other unavoidable cause.)

Subscribed and sworn to before me this ..... day of ....., 19.., at my office in .....

.....  
(Official designation.)

Note.—If the ground for extension is sickness, certificate of the attending physician ought to be furnished. The application should be corroborated by at least one witness, and the following form may be used:

State of ....., County of ....., ss.

....., of ....., and ....., of ....., being duly sworn on oath, each for himself, and not one for the other, depose and says: I am acquainted with the above named ....., who is an applicant for extension of time in which to establish residence on his homestead; I know the statements made by him to be true of my own knowledge.

Subscribed and sworn to before me this ..... day of ....., 19.., at my office in .....

.....  
(Official designation.)

[Form —.]

DESERT ENTRIES.

Verification of map, plat or diagram.

State of ....., County of ....., ss.

....., being first duly sworn on oath, deposes and says: that he is the same identical person who has this day made application to make desert land entry of the following described lands: ..... That the hereto attached or foregoing map, plat, or diagram correctly shows the method to be by him employed in reclaiming said land from desert to agriculture in character.

Subscribed and sworn to before me this ..... day of ....., 19.., in my office at .....

.....  
(Official designation.)

## ADDENDA.

### RECLAMATION.

#### PATENTS FOR HOMESTEAD ENTRYMEN PROVIDED UPON FINAL PROOF, AND PAYMENT OF ALL CHARGES DUE TO DATE—LIEN RESERVED TO U. S.—SUITS IN DISTRICT COURTS—FISCAL AGENTS.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any homestead entryman under the Act of June seventeenth, nineteen hundred and two, known as the reclamation Act, including entrymen on ceded Indian lands, may, at any time after having complied with the provisions of law applicable to such lands as to residence, reclamation and cultivation, submit proof of such residence, reclamation and cultivation, which proof, if found regular and satisfactory, shall entitle the entryman to a patent, and all purchasers of water-right certificates on reclamation projects shall be entitled to a final water-right certificate upon proof of the cultivation and reclamation of the land to which certificate applies, to the extent required by the reclamation Act for homestead entrymen: Provided, That no such patent or certificate shall issue until all sums due the United States on account of such land or water right at the time of issuance of patent or certificate have been paid.

Sec. 2. That every patent and water-right certificate issued under this Act shall expressly reserve to the United States a prior lien on the land patented or for which water right is certified, together with all water rights appurtenant or belonging thereto, superior to all other liens, claims or demands whatsoever for the payment of all sums due or to become due to the United States or its successors in control of the irrigation project in connection with such lands and water rights.

Upon default of payment of any amount so due title to the land shall pass to the United States free of all encumbrance, subject to the right of the defaulting debtor or any mortgagee, lien holder, judgment debtor, or subsequent purchaser to redeem the land within one year after the notice of such default shall have been given by payment of all moneys due, with eight per centum interest and cost. And the United States, at its option, acting through the Secretary of the Interior, may cause land to be sold at any time after such failure to redeem, and from the proceeds of the sale there shall be paid into the reclamation fund all moneys due, with interest as herein provided, and costs. The balance of the proceeds, if any, shall be the property of the defaulting debtor or his assignee: Provided, That in case of sale after failure to redeem under this section the United States shall be authorized to bid in such land at not more than the amount in default, including interest and costs.

Sec. 3. That upon full and final payment being made of all amounts due on account of the building and betterment charges to the United States or its successors in control of the project, the

United States or its successors, as the case may be, shall issue upon request a certificate certifying that payment of the building and betterment charges in full has been made and that the lien upon the land has been so far satisfied and is no longer of any force or effect except the lien for annual charges for operation and maintenance: Provided, That no person shall at any one time or in any manner, except as hereinafter otherwise provided, acquire, own, or hold irrigable lands for which entry or water right application shall have been made under the said reclamation Act of June seventeenth, nineteen hundred and two, and Acts supplementary thereto and amendatory thereof, before final payment in full of all instalments of building and betterment charges shall have been made on account of such land in excess of one farm unit as fixed by the Secretary of the Interior as the limit of area per entry of public land or per single ownership of private land for which a water right may be purchased respectively, nor in any case in excess of one hundred and sixty acres, nor shall water be furnished under said Acts nor a water right sold or recognized for such excess; but any such excess land acquired at any time in good faith by descent, by will, or by foreclosure of any lien may be held for two years and no longer after its acquisition; and every excess holding prohibited as aforesaid shall be forfeited to the United States by proceedings instituted by the Attorney General for that purpose in any court of competent jurisdiction; and this proviso shall be recited in every patent and water-right certificate issued by the United States under the provisions of this Act.

Sec. 4. That the Secretary of the Interior is hereby authorized to designate such bonded fiscal agents or officers of the Reclamation Service as he may deem advisable on each reclamation project, to whom shall be paid all sums due on reclamation entries or water rights, and the officials so designated shall keep a record for the information of the public of the sums paid and the amount due at any time on account of any entry made or water right purchased under the reclamation Act; and the Secretary of the Interior shall make provision for furnishing copies of duly authenticated records of entries upon payment of reasonable fees, which copies shall be admissible in evidence, as are copies authenticated under section eight hundred and eighty-eight of the Revised Statutes.

Sec. 5. That jurisdiction of suits by the United States for the enforcement of the provisions of this Act is hereby conferred on the United States district courts of the districts in which the lands are situated.

(Public No. 256, Approved, August 9, 1912.)

## **RECLAMATION.**

### **DESERT LANDS—PATENTS TO BE ISSUED ENTRYMEN—ACT OF AUGUST 9, 1912, AMENDED.**

That any desert-land entryman whose desert-land entry has been embraced within the exterior limits of any land withdrawal or irrigation project under the Act of June seventeenth, nineteen hundred and two, known as the reclamation Act, and who may have obtained a water supply for the land embraced in any such desert-land entry from the reclamation project by the purchase of a water-right cer-

tificate, may at any time after having complied with the provisions of the law applicable to such lands and upon proof of the cultivation and reclamation of the land to the extent required by the reclamation Act for homestead entrymen, submit proof of such compliance, which proof, if found regular and satisfactory, shall entitle the entryman to a patent and a final water-right certificate under the same terms and conditions as required of homestead entrymen under the Act entitled "An Act providing for patents on reclamation entries, and for other purposes, approved August ninth, nineteen hundred and twelve."

(Part of Public No. 340, Approved, August 26, 1912.)

### Scrip.

(See "Forest Lands," "National Parks.")

### State Lands.

#### **ARIZONA ALLOWED TO SELECT 2,000 ACRES WITHIN FORMER FT. GRANT MILITARY RESERVATION FOR ITS CHARITABLE AND PENAL GRANT.**

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all lands, together with the improvements thereon, within that part of the former Fort Grant Military Reservation, in the State of Arizona, situate and being outside the boundaries of the Crook National Forest, be, and the same hereby are, made subject to selection by the State of Arizona in partial satisfaction of the grant of one hundred thousand acres made to it for State charitable, penal, and reformatory institutions by section twenty-five of the Act of Congress approved June twentieth, nineteen hundred and ten (Thirty-sixth Statutes at Large, page five hundred and fifty-seven): Provided, That such selection shall be made within three years from the date of approval of this Act: Provided further, That no more than two thousand acres of such lands shall be selected under the provisions of this Act.

(Public No. 263, Approved, August 13, 1912.)

### Withdrawals.

#### **ACT OF JUNE 25, 1910, AMENDED—ONLY CHANGE: "METALLIFEROUS" SUBSTITUTED FOR "MINERALS OTHER THAN COAL, OIL, GAS, AND PHOSPHATES"—AND CALIFORNIA ADDED TO SIX STATES IN WHICH THERE SHALL BE NO NEW FOREST RESERVES.**

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section two of the Act of Congress approved June twenty-fifth, nineteen hundred and ten (Thirty-sixth Statutes at Large, page eight hundred and forty-seven), be, and the same hereby is, amended to read as follows:

"Sec. 2. That all lands withdrawn under the provisions of this Act shall at all times be open to exploration, discovery, occupation, and purchase under the mining laws of the United States, so far as the same apply to metalliferous minerals: Provided, That the rights

of any person who, at the date of any order of withdrawal heretofore or hereafter made, is a bona fide occupant or claimant of oil or gas bearing lands and who, at such date, is in the diligent prosecution of work leading to the discovery of oil or gas, shall not be affected or impaired by such order so long as such occupant or claimant shall continue in diligent prosecution of said work: Provided further, That this Act shall not be construed as a recognition, abridgement, or enlargement of any asserted rights or claims initiated upon any oil or gas bearing lands after any withdrawal of such lands made prior to June twenty-fifth, nineteen hundred and ten: And provided further, That there shall be excepted from the force and effect of any withdrawal made under the provisions of this Act all lands which are, on the date of such withdrawal, embraced in any lawful homestead or desert-land entry theretofore made, or upon which any valid settlement has been made and is at said date being maintained and perfected pursuant to law; but the terms of this proviso shall not continue to apply to any particular tract of land unless the entryman or settler shall continue to comply with the law under which the entry or settlement was made: And provided further, That hereafter no forest reserve shall be created, nor shall any additions be made to one heretofore created, within the limits of the States of California, Oregon, Washington, Idaho, Montana, Colorado, or Wyoming, except by Act of Congress." (Public No. 316, Approved, August 24, 1912.)

[Public—No. 316.]

[S. 5679.]

An Act to amend section two of an Act to authorize the President of the United States to make withdrawals of public lands in certain cases, approved June twenty-fifth, nineteen hundred and ten.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section two of the Act of Congress approved June twenty-fifth, nineteen hundred and ten (Thirty-sixth Statutes at Large, page eight hundred and forty-seven), be, and the same hereby is, amended to read as follows:

"Sec. 2. That all lands withdrawn under the provisions of this Act shall at all times be open to exploration, discovery, occupation, and purchase under the mining laws of the United States, so far as the same apply to metalliferous minerals: Provided, That the rights of any person who, at the date of any order of withdrawal heretofore or hereafter made, is a bona fide occupant or claimant of oil or gas bearing lands and who, at such date, is in the diligent prosecution of work leading to the discovery of oil or gas, shall not be affected or impaired by such order so long as such occupant or claimant shall continue in diligent prosecution of said work: Provided further, That this Act shall not be construed as a recognition, abridgment, or enlargement of any asserted rights or claims initiated upon any oil or gas bearing lands after any withdrawal of such lands made prior to June twenty-fifth, nineteen hundred and ten: And provided further, That there shall be excepted from the force and effect of any withdrawal made under the provisions of

this Act all lands which are, on the date of such withdrawal, embraced in any lawful homestead or desert-land entry theretofore made, or upon which any valid settlement has been made and is at said date being maintained and perfected pursuant to law; but the terms of this proviso shall not continue to apply to any particular tract of land unless the entryman or settler shall continue to comply with the law under which the entry or settlement was made: And provided further, That hereafter no forest reserve shall be created, nor shall any additions be made to one heretofore created, within the limits of the States of California, Oregon, Washington, Idaho, Montana, Colorado, or Wyoming, except by Act of Congress." Approved, August 24, 1912.

## **NATIONAL PARKS.**

### **ACQUIREMENTS OF PATENTED LANDS IN YOSEMITE—SCRIP PROVIDED FOR.**

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior for the purpose of eliminating private holdings within the Yosemite National Park and the preservation intact of the natural timber along the roads in the scenic portions of the park, both on patented and park lands, is hereby empowered, in his discretion, to obtain for the United States the complete title to any or all of the lands held in private ownership within the boundaries of said park, by the exchange of decayed or matured timber, that can be removed from such parts of the park as will not affect the scenic beauty thereof, for lands of equal value held in private ownership therein, and also, in his discretion, to exchange for timber standing near the public roads on patented lands timber of equal value on park lands in other parts of the park.

Sec. 2. That the value of patented lands within the park offered in exchange, and the value of the timber on park lands proposed to be given in exchange for such patented lands, shall be ascertained in such manner as the Secretary of the Interior may, in his discretion, direct, and all expenses incident to ascertaining such values shall be paid by the owners of said patented lands, and such owners shall, before any exchange is effective, furnish the Secretary of the Interior evidence satisfactory to him of title to the patented lands offered in exchange, and if the value of the timber on park lands exceeds the value of the patented lands deeded to the Government in the exchange such excess, shall be paid to the Secretary of the Interior by the owners of the patented lands before any of the timber is removed from the park, and shall be deposited and covered into the Treasury as miscellaneous receipts. The same course shall be pursued in relation to exchange for timber standing near public roads on patented lands for timber to be exchanged on park lands: Provided, That the lands conveyed to the Government under this Act shall become a part of the Yosemite National Park.

Sec. 3. That all timber must be cut and removed from the park under regulations to be prescribed by the Secretary of the Interior, and any damage which may result to the roads or any part of the park in consequence of the cutting and removal of the timber from

the reservation shall be borne by the owners of the patented lands, and bond satisfactory to the Secretary of the Interior must be given for the payment of such damages, if any, as shall be determined by the Secretary of the Interior.

Sec. 4. That the Secretary of the Interior may also sell and permit the removal of such matured or dead or down timber as he may deem necessary or advisable for the protection or improvement of the park, and the proceeds derived therefrom shall be deposited and covered into the Treasury as miscellaneous receipts.

(Public No. 117, Approved, April 9, 1912.)

### AGRICULTURAL ENTRIES.

#### ON OIL AND GAS LANDS IN UTAH—HOMESTEADS, DESERTS, ISOLATED TRACTS, CAREY ACT SELECTIONS—MINERAL RESERVED TO U. S.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this Act unreserved public lands of the United States in the State of Utah, which have been withdrawn or classified as oil lands, or are valuable for oil, shall be subject to appropriate entry under the homestead laws by actual settlers only, the desert-land law, to selection by the State of Utah under grants made by Congress and under section four of the Act approved August eighteenth, eighteen hundred and ninety-four, known as the Carey Act, and to withdrawal under the Act approved June seventeenth, nineteen hundred and two, known as the reclamation Act, and to disposition in the discretion of the Secretary of the Interior under the law providing for the sale of isolated or disconnected tracts of public lands, whenever such entry, selection, or withdrawal shall be made with a view of obtaining or passing title, with a reservation to the United States of the oil and gas in such lands and of the right to prospect for, mine, and remove the same. But no desert entry made under the provisions of this Act shall contain more than one hundred and sixty acres: Provided, That those who have initiated nonmineral entries, selections, or locations in good faith, prior to the passage of this Act, on lands withdrawn or classified as oil lands, may perfect the same under the provisions of the laws under which said entries were made, but shall receive the limited patent provided for in this Act.

Sec. 2. That any person desiring to make entry under the homestead laws or the desert-land law, and the State of Utah desiring to make selection under section four of the Act of August eighteenth, eighteen hundred and ninety-four, known as the Carey Act, or under grants made by Congress, and the Secretary of the Interior in withdrawing under the reclamation Act lands classified as oil lands, or valuable for oil, with a view of securing or passing title to the same in accordance with the provisions of said Acts, shall state in the application for entry, selection, or notice of withdrawal that the same is made in accordance with and subject to the provisions and reservations of this Act.

Sec. 3. That upon satisfactory proof of full compliance with the provisions of the laws under which entry is made and of this Act

the entryman shall be entitled to a patent to the land entered by him, which patent shall contain a reservation to the United States of all the oil and gas in the lands so patented, together with the right to prospect for, mine, and remove the same upon rendering compensation to the patentee for all damages that may be caused by prospecting for and removing such oil or gas. The reserved oil and gas deposits in such lands shall be disposed of only as shall be hereafter expressly directed by law.

(Public No. 314, Approved, August 24, 1912.)

### **FOREST LANDS.**

#### **TIMBER, MATURE, DEAD AND DOWN, TO BE SOLD HOMESTEADERS AND FARMERS AT ACTUAL COST.**

That the Secretary of Agriculture, under such rules and regulations as he shall establish, is hereby authorized and directed to sell at actual cost, to homestead settlers and farmers, for their domestic use, the mature, dead, and down timber in national forests, but it is not the intent of this provision to restrict the authority of the Secretary of Agriculture to permit the free use of timber as provided in the Act of June fourth, eighteen hundred and ninety-seven.

(Part of Public No. 261, Agricultural Appropriation Act, Approved, August 10, 1912.)

### **HOMESTEADS.**

#### **SETTLERS ON ENLARGED HOMESTEADS GIVEN PREFERENCE RIGHTS—MUST ENTER WITHIN THREE MONTHS—ACT OF MAY 14, 1880, AMENDED.**

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section three of the Act of Congress approved May fourteenth, eighteen hundred and eighty (Twenty-first Statutes at Large, page one hundred and forty), be, and the same is hereby, amended by adding thereto the following:

Provided, That any settler upon lands designated by the Secretary of the Interior as subject to the provisions of sections one to five of the enlarged homestead Acts of February nineteenth, nineteen hundred and nine (Thirty-fifth Statutes at Large, page six hundred and thirty-nine), and June seventeenth, nineteen hundred and ten (Thirty-sixth Statutes at Large, page five hundred and thirty-one), shall be entitled to the preference right of entry accorded by this section, provided he shall have plainly marked the exterior boundaries of the lands claimed as his homestead: **And provided further,** That after the designation by the Secretary of the Interior of public lands for entry under the nonresidence provisions of the enlarged homestead Acts of February nineteenth, nineteen hundred and nine, and June seventeenth, nineteen hundred and ten, any person who shall have plainly marked the exterior boundaries of the lands claimed under said provisions of law and made valuable improvements thereon shall have a preference right to enter the lands so claimed and improved at any time within three months after the date on which such lands become subject to entry; but such right



shall forfeit unless the settler or claimant under the provisions of the enlarged homestead Acts shall annually cultivate and improve the lands in the form and manner and to the extent therein required following date of initiation of his claim hereunder.

(Public No. 258, Approved, August 9, 1912.)

### **HOMESTEADS.**

#### **THREE-YEAR LAW AMENDED—FAILURE TO GIVE NOTICE OF ELECTION SHALL NOT PREJUDICE RIGHTS.**

That the failure of a homestead entryman to give notice of election of making his proof as required by the Act of June sixth, nineteen hundred and twelve, being an Act to amend sections two hundred and ninety-one and two hundred and ninety-seven of the Revised Statutes of the United States, relating to homesteads, shall not in anywise prejudice his rights to proceed in accordance with the law under which such entry was made.

(Part of Public No. 302, Approved, August 24, 1912.)

[Circular No. 176.]

#### **THREE-YEAR HOMESTEAD LAW—ELECTION.**

Department of the Interior,  
General Land Office,  
Washington, October 1, 1912.

Registers and Receivers,

United States Land Offices.

Sirs: Your attention is directed to the following provision in the act approved August 24, 1912 (Public, No. 302), making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1913:

That the failure of a homestead entryman to give notice of election of making his proof as required by the act of June sixth, nineteen hundred and twelve, being an act to amend sections twenty-two hundred and ninety-one (2291) and twenty-two hundred and ninety-seven (2297) of the Revised Statutes of the United States relating to homesteads, shall not in anywise prejudice his rights to proceed in accordance with the law under which such entry was made.

In view of the foregoing, paragraph 22, circular No. 142, of July 15, 1912, is no longer in force.

In this connection you will observe the following provision of paragraphs 18 and 19 of said circular:

By the section I am authorized, under rules and regulations to be prescribed by me, to reduce the required area of cultivation. Acting thereunder, I have prescribed the following rule to govern action on proof where the homestead entry was made prior to June 6, 1912, but through failure of election must be adjudicated under the new law.

Respecting cultivation necessary to be shown upon such an entry, in all cases where, upon considering the whole record, the good faith of the entryman appears, the proof will be acceptable if it

shows cultivation of at least one-sixteenth for one year and of at last one-eighth for the next year and each succeeding year until final proof, without regard to the particular year of the homestead period in which the cultivation of the one-sixteenth was performed.

The new law also requires that the proof shall be made within five years from date of entry, and if the entry is to be administered under that law the department is not authorized to extend the period within which proof may be made, but when submitted after that time, in the absence of adverse claims, the entry may be submitted to the board of equitable adjudication for confirmation.

Very respectfully,

S. V. PROUDFIT,  
Assistant Commissioner.

Approved:

SAMUEL ADAMS,  
First Assistant Secretary.

## TOWNSHIP PLAT.

[4-590.]

Township No. .... Range No. .... Mer.

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
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