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# ***THE RED BOOK***

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**TITLE**

**STATUS**

**RECORDS**

**PART 1 - ABBREVIATED HISTORICAL HIGHLIGHTS.**

**PART 2 - A PRIMER ON THE RECTANGULAR SYSTEM OF SURVEYING. LAND DESCRIPTIONS.**

**PART 3 - SELECTED PAGES FROM LAND AND MINERAL LAWS.**

**PART 4 - BUREAU OF LAND MANAGEMENT RECORDS.**

Bureau of Land Management  
Phoenix Training Center  
Phoenix, Arizona

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# *PART 1*

## **ABBREVIATED HISTORICAL HIGHLIGHTS.**



# ABBREVIATED HISTORICAL HIGHLIGHTS

- 1780** New York ceded all western land claims to new Government. Virginia surrendered vast region north of Ohio River in 1781. Massachusetts ceded all western claims in 1784. Connecticut followed in 1786. South Carolina in 1787. North Carolina in 1790. Georgia in 1802. All of these areas, collectively, constituted the public domain.
- 1785** Land Ordinance established rectangular system of cadastral surveys of public lands in Northwest Territory, north of Ohio River. This surveying system, by means of degrees of latitude and meridians of longitude, divided large areas of public lands into townships about 6 miles square, and subdivided each township into 36 square sections of 640 acres each. Survey lines ran either east and west, or north and south. Rectangular system accepted as standard for all future Federal surveys, because provided an easy way to describe and locate tracts of the public domain. The Land Ordinance also established important land reservations. In every surveyed township, 1 section was reserved for future use or support of public elementary education, and 4 sections were reserved for future disposition by Government of any mineral resources. Remaining 31 sections of each surveyed township authorized for sale by auction at minimum of \$1 an acre—but to be sold only in units of either a section of 640 acres, or a partial township of about 20,000 acres. After survey and reservations, such lands were to be subsequently sold at auction by the Board of Treasury of the new Government.
- 1787** Sale of first public lands directed by Congress as soon as four of “The Seven Ranges” in Northwest Territory had been surveyed, and plats forwarded to Commissioners of the Board of Treasury. Then, at irregular but well-advertised periods, at office of the Board in New York City, salable lands indicated on plats were offered for sale to highest bidders over minimum price of \$1 an acre. Sales continued, sporadically, for several years.
- 1788** First patent for single tract of public lands issued March 4th at office of Commissioners of the Board of Treasury in New York City. This and subsequent patents prepared by the Treasury Department, personally signed by the President, countersigned by the Secretary of State, and recorded by the State Department—before delivery.
- 1796** Act of May 18th provided for administration, survey, and sale of public lands in central part of Northwest Territory, north of Ohio River. The act established position of executive Surveyor General, who supervised work of professional surveyors under contract to the Government. The established system of rectangular surveys was continued, but arrangement of the 36 sections within each township was modified slightly and then utilized in that numerical pattern for all subsequent surveys of public lands. As part of their work, surveyors were required to describe the nature of soil, water, vegetation, and other aspects of lands under survey.

As plats of survey were completed, they were forwarded to the Treasury Department in Philadelphia, where certain reservations were made in accordance with the act. Any salt spring or saline water was reserved by the Government—the first reservation of this type.

First road grant of public lands authorized for construction and maintenance of wagon trail, later known as Zane's Trace, and also ferry service, between Wheeling in western Virginia and Limestone in Ohio Territory.

**1801** Act of March 3d instituted first of many laws on pre-emption or preference rights of pioneers. Pre-emption favored squatters, and discriminated against land speculators and investors. During subsequent 40 years, Congress enacted 16 pre-emption laws.

**1803** Louisiana Purchase, negotiated by President Jefferson, resulted in acquisition of more than 500-million acres of public lands west of the Mississippi River.

**1812** Act of April 25th established the General Land Office in Washington, D.C., as a bureau of Treasury Department. Functions of General Land Office embraced issuance of land warrants and grants, schedule of sales at various district land offices, collection of monies from land sales, preparation and issuance of patents or deeds, and the maintenance of land records—including copies of plats of survey, tract books, original entries, copies of patents, case records, and related data. Under supervision of a Commissioner, staff of first General Land Office consisted of chief clerk, draftsman, general clerk, and six junior clerks. Commissioner was responsible for all planning, administration, and staff duties pertaining to organization and operations of the General Land Office and all district land offices. First Commissioner appointed was Edward Tiffin, an Ohio statesman and former surveyor, who immediately became chief architect and executive manager of first organized system of public land management. This incipient system included all aspects of control, administration, recording, and transfer of public lands—by grant, sale, or other means—by the General Land Office, supported by district land offices located appropriately throughout the Nation. At district land offices, tracts of surveyed public lands were sold at auction to highest bidder—at or above minimum price per acre specified by Congress. Auction sales were held irregularly, and lasted about 2 weeks—if enough tracts remained to be sold, and if enough prospective bidders appeared. After auction period, all lands remaining unsold were available indefinitely for over-the-counter sales at minimum price. To do this work, each district land office was staffed by a register of records, a receiver of monies, clerical assistants, and, from time to time, an auctioneer and his special clerk. Records of all land transactions were forwarded to the General Land Office for filing and subsequent preparation of patents or other land documents. Every issued patent was personally signed by the President until 1833, when a full-time secretary was authorized by Congress to sign the President's name. Completed patents were returned by General Land Office to original district land office for delivery to new owner of property. All of these processes and procedures were functional aspects of the new system of public land management organized and introduced by Commissioner Tiffin of the General Land Office.



- 1819** Spanish cession of Florida plus adjustment of Spanish boundaries west of Mississippi River added more than 46 million acres to public domain.
- 1820** Act of April 24th abandoned credit system for buying public lands. Minimum price fixed at \$1.25 an acre, and minimum unit of sale 80 acres. Public lands initially offered by district land offices at preannounced, scheduled public auction. Then, if unsold, lands available for purchase at minimum price on first-come-first-served basis.
- 1823** First grant of public lands for construction of public wagon road in central Ohio. Various other wagon road grants made from time to time, until 1869.
- 1836** Act of July 4th reorganized and expanded the operations of the General Land Office, but retained the existing field system of subordinate district land offices. Reorganization and expansion of the General Land Office was primarily an attempt to adjust to increasing work and to eliminate delays of several months in handling and processing of land transactions. Surveying became a new responsibility of the General Land Office, ending continual conflict with various Surveyors General. Under a Commissioner, the General Land Office was reorganized divisionally for: private land claims, public land claims, surveys, records, and adjudication. A recorder was authorized to certify and affix the seal of the General Land Office to all patents and similar documents. Also employed was a solicitor to perform judicial work. Retained for physically signing the President's name to all land patents was a secretary, who was replaced in 1878 by an executive clerk for the same purpose. Beginning in 1841, any appeals from decisions of the Commissioner were heard by the Secretary of the Treasury. (See: 1849, Act of March 3d.)
- 1837** On 25th Anniversary of founding of first organized system of public land management, there were 65 district land offices associated with the General Land Office.
- 1841** Act of September 4th—also known as Pre-emption Act of 1841—established further preferential rights to settlers and squatters on public lands, in event of conflicts evolving from sale of disputed lands. Under conditions of building a dwelling and settling, a claimant could buy up to 160 acres, at \$1.25 an acre. Act also granted 500,000 acres of public lands to each new State admitted to the Union for “internal improvements.” Act also reserved saline lands from entry; this was the first salt reservation of public lands. Act was repealed in 1891.
- 1845** Texas became a State, but retained title to all unoccupied lands. Thus, Texas was not a public-land State.
- 1846** Oregon Compromise settled British boundaries in far Northwest, providing United States with additional area of over 183 million acres of public lands—including present States of Washington, Oregon, Idaho, and western parts of Montana and Wyoming.

- 1846** First bill authorizing free public lands for homesteads introduced by Andrew Johnson, but defeated in Congress.
- 1847** Mormons first settled at Great Salt Lake, after long trek westward over part of Oregon Trail, following religious persecutions in Missouri and Illinois.
- 1848** Discovery of gold in California sparked rush of prospectors and miners, both amateur and professional, to the West. All claims made under local rules and miners' customs.

Mexico ceded a vast territory in Southwest, providing United States with additional 338 million acres of public lands—including present States of California, Nevada, Utah, Arizona, and portions of New Mexico, Colorado, and Wyoming.

- 1849** Act of March 3d created the Department of the Interior, a new executive or cabinet-level Department concerned with domestic needs and internal affairs of the Nation. Originally known also as the Home Department, first organization composed of four bureaus: General Land Office, transferred from the Treasury Department; Department of Indian Affairs, transferred from the War Department; the Patent Office, transferred from the State Department; the Pension Office, transferred from the War Department.

- 1850** Purchase from Texas of a large area north and west of State, provided the United States with an additional 75 million acres of public lands.

- 1853** Gadsden Purchase of 19 million acres from Mexico, provided United States with additional public lands in southern Arizona and New Mexico.

- 1862** The Homestead Act authorized unrestricted settlement on public lands to all settlers, requiring only residence, cultivation, and some improvement of a tract of 160 acres. Any person was eligible who was head of a family or had reached the age of 21, who was a citizen or intended to become one, and who did not own as much as 160 acres. After living on the land and farming it for 6 months, he could buy the homestead at \$1.25 an acre. But after 5 continuous years, he could apply for and receive a patent or title to the 160 acres for a filing fee of \$15. Originally passed by Congress on May 20th, the Homestead Act was later amended to increase area limitations under certain conditions. Subsequent liberalizations of the act were in accord with prevailing philosophy that public lands should be given free to bona fide farmers and stockmen, whose homesteads would ultimately become permanent settlements. While the once-vital act served its original purpose of stimulating settlement of the Nation, it was destined for an active life of only about 70 years—when there no longer were enough public lands suitable for homesteading and capable of supporting a farm family. (See also: 1863, The Homestead Act; 1877, Desert Land Act; 1902, The Reclamation Act; 1904, Kincaid Act; 1916, Stock-Raising Homestead Act.)

Act of July 1st granted extensive areas of public lands for construction, operation, and maintenance of transcontinental railroad and telegraph system between Missouri River and the Pacific Ocean. Granted to the Union Pacific and Central Pacific Railroad Companies were lands for the right-of-

way, alternate sections to a depth of 10 miles on each side of the line, plus additional lands for stations, shops, and other property—a cumulative total of more than 20 million acres. Some of the granted lands were sold to settlers as a means of developing future railroad business. Other settlers, following the lifeline of the railroad, migrated to alternate sections of public lands along the right-of-way, and purchased tracts up to 80 acres usually at speculative prices.

Morrill or Land Grant Act authorized grants of public lands to help establish and support designated State vocational colleges teaching agriculture and mechanical arts. This act of July 2d established a land grant system substantially the same as that first proposed in 1849 by Commissioner Butterfield of the General Land Office. Under the system, appropriate colleges and universities existing prior to 1862 could accept provisions of the act by individual State legislation, and were then known as land-grant institutions. As new colleges and universities accepted provisions of the act by State legislation, they also became land-grant institutions. Each State accepting the act was granted an acreage of public lands in proportion to representation in Congress. For States embracing substantial areas of public lands, the grants were made in those States. If there were too few or no acres of public lands in a State, indemnity scrip was issued for public lands in another State having such lands. Granted lands could be used in place. But usually, the lands were sold or leased for the benefit of the land-grant college or university.

- 1865** First report of petroleum on public lands was recorded by the register and receiver of the district land office at Humboldt, California. A few months later tracts believed to be valuable for such fuel minerals were withdrawn from any disposition. This was the first reservation of petroleum on public lands.
- 1866** The Mining Act declared all mineral lands of the public domain free and open to exploration and occupation. Mineral surveying districts established by the General Land Office. Prospectors, after filing at nearest land office, could claim mineral vein or lode upon payment of \$5 an acre. (See also: 1870, Placer Mining Act; 1872, The Mining Act.)
- 1867** Purchase of Alaska from Russia on June 20th, provided the United States with a vast territory—more than 365 million acres—of additional public lands.
- 1870** Act of July 9th provided for survey and sale of placer mining lands at \$2.50 an acre. Also known as Placer Mining Act.
- 1872** General Mining Law identified mineral lands as a distinct class of public lands subject to exploration, occupation, and purchase under stipulated conditions. Claims for metallic minerals on about 20 acres of public lands were filed under this act, which legalized the appropriation of such lands for mining purposes much in accordance with local procedures established during the California gold rush which, in turn, were based on earlier Spanish mining laws of the early Southwest. The act promoted private prospecting and development of metallic minerals on public lands by protecting private interests in mining claims. Under this act, all mineral lands were declared open to exploration and occupation, mining claims located on such lands were recognized

and confirmed, and patents to such lands could be obtained from the Government. To obtain a patent for mining lands, it was necessary (1) to make a valid mineral discovery, (2) to invest \$100 in improvements annually for 5 years, (3) to pay for a boundary survey, and (4) apply for the surface area of the lands included by the boundary, at \$2.50 an acre for a placer mine, or at \$5.00 an acre for a lode mine.

First national park, created from lands of the public domain. Yellowstone National Park established near junction of boundaries of Idaho, Montana, and Wyoming.

**1873** Act of March 3d authorized the location and sale of lands chiefly valuable for coal deposits.

Timber Culture Act granted tracts of public lands to settlers who planted and cared for trees on the plains. This was first legislation intended to encourage reforestation as a means of conservation. Less than an unqualified success, the act was repealed in 1891.

**1877** Movement to create forest reservations spearheaded by Secretary of the Interior. Protection and conservation of timber on public lands assumed by special force of timber agents, supervised directly by Commissioner of the General Land Office. This was first official recognition of urgent need for conservation of natural resources.

Desert Land Act authorized disposition of 640-acre tract of arid public lands at \$1.25 an acre to homesteaders upon proof of reclamation of lands by irrigation. Difficulties of reclamation subsequently reflected by more than 10 relief acts by Congress to aid aspiring settlers. In 1891, area limitation was reduced to 320 acres of desert lands. (See: 1902, Reclamation Homestead Act.)

**1878** Timber and Stone Act authorized the negotiated sale of public lands especially valuable for either timber or stone, and otherwise unfit for cultivation. Act repealed in 1955.

**1879** After extensive survey and study of lands and resources of the West, Major John W. Powell recommended to Congress the early revision of public land laws, which he characterized as antiquated and incongruous. Advocating classification of the various types of lands, he urged establishment of scientific system of survey and disposition for each of the land classes. He also recommended: a minimum farm unit or homestead of 2,560 acres in arid regions, communal pasturage districts without fences for homesteaders, and immediate measures for soil and water conservation in the West.

Act of March 3d established the Geological Survey as a bureau of the Department of the Interior. A basic research agency of the Government, the Geological Survey became responsible for: collecting information on the occurrence, distribution, and quantity of the Nation's vast water and mineral resources; classifying and appraising various types of the Nation's land surface; and presenting geologic, geographic, or other scientific information as specialized reports or topographic maps. In 1880, Major John W. Powell became director of the Geological Survey.

**1880** Further pre-emption or preference rights allowed squatters and settlers on public lands, whether or not surveyed, with 12 to 33 months credit for previous residence on same tract of lands.

Office of National Parks established under the Department of the Interior. In 1916 became a separate bureau, and renamed National Park Service.

**1881** Board of Law Review established within framework of the General Land Office to assist in judicial matters. Board of three members—Commissioner McFarland and two of his lawyers—provided legal guidance. Board discontinued after several years, when more legal personnel employed by the General Land Office.

**1884** Bureau of Labor created within the Department of the Interior. Renamed Department of Labor and became independent Government agency, in 1888. Transferred to Department of Commerce and Labor, in 1903. Attained cabinet-level status as Department of Labor, in 1913.

**1887** On 75th Anniversary of founding of the first organized system of public land management, there were 113 district land offices associated with the General Land Office.

Hatch Act provided funds for establishing agricultural experiment stations at land-grant institutions.

**1890** Population of United States: over 62 million.

A peak number of 123 district land offices in operation as field components of Federal system of land and resource management.

Second Morrill Act authorized permanent annual endowment to each land-grant college or university accepting the Land Grant Act of 1862. Endowment started at \$15,000 per year, and increased over ten-year period to \$25,000 per year. This act contained historic provision barring money from State institutions discriminating against Negroes. States in the South practicing segregation but which had equal but separate educational facilities were permitted equitable division of endowments between colleges for white and colored students. (See also: 1862, Morrill or Land Grant Act; 1907, Act of March 14th.)

**1891** Act of March 3d decreased area limitation to 320 acres for homesteads under Desert Land Act of 1877. This act also repealed Timber Culture Act of 1873, and several pre-emption and general sales laws.

President authorized by Congress to withdraw and reserve public lands with forests, to assure protection of Federal timber lands and upland watershed areas. Care and conservation of such lands remained responsibility of Department of the Interior.

**1894** Cary Act authorized grants for reclamation of arid public lands. To encourage State as well as private irrigation efforts, the act offered certain States up to one million acres of arid public lands if occupying settlers would irrigate and cultivate the lands. Minimum size of tracts specified 160 acres, with at least 20 acres under cultivation. Act was unsuccessful, largely because States lacked technical knowledge of large-scale irrigation projects.

**1897** Act of June 4th assigned responsibility to the Department of the Interior for administration, conservation, and use of large areas of public lands with forests. Designated National Forest Reserves, these large forest areas were surveyed, protected, and managed by the General Land Office. Act also authorized mineral prospecting, location, and entry of mining claims on these forest lands.

Act of February 11th included under the placer mining law all public lands chiefly valuable for petroleum and other mineral oils.

First National Forest Reserve, designated the Yellowstone Park Timberland Reserve, under the control and management of the General Land Office.

**1898** Annexation of Hawaiian Islands by the United States. Since Hawaii had been an independent nation, it had no public lands.

Principal public land laws extended to Territory of Alaska.

**1900** Conservation movement propelled by President Theodore Roosevelt, who stated: "The forest and water problems are perhaps the most vital internal questions facing the United States."

**1901** Act of January 31st authorized the location and sale of saline lands under the mining laws.

Bureau of Forestry created in the Department of the Interior. (See: 1905, Act of February 1st.)

**1902** Reclamation Act established system of water-development projects for the irrigation of arid lands and other purposes. Act also created a revolving fund, which was sustained by receipts from the sale and disposition of public lands in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, Oklahoma, South Dakota, Utah, Washington, and Wyoming. Act also authorized homesteading on as much as 160 acres of arid public lands, provided lands were reclaimed through irrigation and cost of water paid by each homesteader.

Division of Reclamation created within Geological Survey. Became Reclamation Service in 1907. Renamed Bureau of Reclamation in 1923. All status and name changes under the Department of the Interior.

**1905** Act of February 1st transferred Bureau of Forestry and assigned all national forest reserves from the Department of the Interior to the Department of Agriculture. Bureau of Forestry renamed the Forest Service. But functions of surveying and administration of the mining and land laws on forest lands remained under management of the General Land Office of the Department of the Interior.

**1906** All public lands valuable for deposits of coal withdrawn from entry by the Department of the Interior.

Forest Homestead Act authorized limited homesteading on as much as 160 acres of public lands, classified for agriculture but located within a national forest. Few tracts were homesteaded under this act.

First national monuments created at: Devils Tower, in Wyoming; Montezuma Castle and Petrified Forest, Arizona; El Morro, in New Mexico. Many other national monuments created in later years.

**1909** Enlarged Homestead Act increased area limitation in western States to 320 acres of public lands, when classified as dry-farming lands and not susceptible to irrigation.

Act of March 3d authorized extensive resurveys of public lands at discretion of the Commissioner of the General Land Office. Act also authorized patents to homesteaders on public lands when such lands had potential coal value, but reserved mineral rights to the Government. A year later, act amended to open public lands having coal value to general entry.

**1912** On the centennial of its founding, the General Land Office continued its important functions associated with the administration, conservation, and use of the public lands and natural resources of the remaining public domain. Under Commissioner Dennett, about 530 persons were employed in the General Land Office, which occupied most of the Land Office Building—sometimes called the Old Post Office Building—in Washington, D.C. At 102 district land offices throughout the Nation were 415 office personnel plus 275 surveyors. Additional field service personnel brought the total employment to over 1,420 persons. Considerably expanded since its establishment 100 years earlier, the General Land Office administered a far more effective and modern system of public land and resource management for the Department of the Interior.

**1914** Act of July 17th allowed entry of mineral lands containing nitrate, phosphate, potash, oil, gas, and asphalt. But such minerals reserved to the Government.

**1916** Stock-Raising Homestead Act increased area limitation for homesteading to 640 acres when public lands were suitable only for grazing livestock. Under this act, no cultivation of lands required, but some range improvements necessary. Repealed in 1934 by Taylor Grazing Act.

Chamberlain-Ferris Act provided for revestment to Government of title to lands remaining unsold and held by O&C (Oregon & California) Railroad. Lands originally granted for construction of railroad from northern boundary of California to Portland, Oregon. Administration of revested lands became responsibility of the General Land Office.

**1917** Act of October 2d included potash deposits among minerals subject to disposition under prospecting permits and leases.

**1919** Undeveloped area of public lands in western Oregon, originally granted to Coos Bay Wagon Road Co. for construction of a military wagon road, reconveyed to the Government. Administration of these lands became responsibility of the General Land Office.

**1920** Federal Power Commission created to control and coordinate private development of hydroelectric power on public lands.

Mineral Leasing Act authorized Federal leasing of public lands for private extraction of oil, gas, coal, phosphate, sodium, and other minerals. Act assured orderly prospecting and exploration, and opportunity for conservation. Initially, prospecting permits issued for exploration of minerals. Then, if deposit found, successful prospector given preference for issuance of lease. Lessee paid annual rental plus graduated royalty on own mineral production.

**1922** General Exchange Act authorized exchange of tracts or areas of Federal lands for lands in private ownership, when lands to be exchanged were appraised at about equal value.

**1924** A total of 84 district land offices supported the public land and resource management system of the General Land Office. In the following year, this total was reduced to 44 district land offices. Also in 1925, the positions of register and receiver were combined at each remaining land office.

**1925** Patent Office, under the Department of the Interior since 1849, transferred to the Department of Commerce.

**1928** Color of Title Act authorized discretionary issuance of patent to as much as 160 acres of public lands held in good faith but adverse possession for more than 20 years under claim or color of title. (See: 1953, Act of July 28th.)

A total of about 700 personnel were employed collectively at the General Land Office, at 29 district land offices, and in various field services-- all related to public land and resource management.

**1933** Act of March 31st created the CCC--Civilian Conservation Corps--to activate and advance a public works program of national rehabilitation and conservation work. Under jurisdiction of the Department of the Interior, there were 175 CCC camps operating by the spring of 1934.

Soil Erosion Service established as an activity of the Department of the Interior to initiate and administer erosion projects throughout the United States. In 1935, transferred to Department of Agriculture, and expanded and renamed Soil Conservation Service.

Division of Subsistence Homesteads created under the Department of the Interior to make loans and otherwise aid in purchase of subsistence homesteads under National Recovery Act. In 1935, function transferred to Rural Resettlement Administration.



**1934** Taylor Grazing Act introduced one of the most comprehensive conservation programs ever attempted for the public lands and resources of the Nation. Primary purpose of the act was to stop continuing injury to the public rangelands through overgrazing, soil deterioration, and other misuse of the natural resources of this vast area mainly in the West. All remaining unreserved and unappropriated public lands—chiefly in 10 western States, and excluding Alaska—were closed to indiscriminate settlement and use. Although reserved from transfer to private ownership, the lands remained open for staking mining claims and for public hunting, fishing, camping, and other outdoor recreation. The act authorized classification of the lands in order to assure proper usage, the exchange of lands of equivalent value between Government and State or private owners, and Federal procedures to improve, develop, and conserve the public lands. The act also authorized establishment of grazing districts—a total area of 80 million acres—for use of the livestock industry. Grazing permits were issued within each district. And isolated tracts not within a grazing district were leasable, with preference given to adjacent or nearby landowners in the stockraising business. Because of its reserved and preferential property status during subsequent years, this vast area of public lands became known as the national land reserve.

Division of Grazing formed within the Department of the Interior to administer various grazing districts established under the Taylor Grazing Act. In 1939, renamed the Grazing Service.

General Land Office administered grazing leases on public lands outside of grazing districts and other land transfers under the Taylor Grazing Act.

All remaining public lands withdrawn from sale prior to classification.

**1937** Bankhead-Jones Farm Tenant Act (title III) authorized Federal purchase of privately owned farmlands. Known as Land Utilization projects, these submarginal lands were incapable of producing sufficient income to support the family of each farm owner. Owner and family were relocated elsewhere, and the submarginal lands retired from agricultural production. Various tracts were then added piecemeal—at various times during ensuing 25 years—to national parks, national forests, grazing districts, or reserved for other purposes. About 2 million acres—scattered through Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Wyoming, and other States—later transferred to jurisdiction of the Department of the Interior, and subsequently administered by the Bureau of Land Management.

Act of August 28th authorized and promulgated the first comprehensive program for timber conservation and production through sustained yield management of forests on O&C lands of western Oregon. Area included revested (Oregon & California Railroad) lands and reconveyed (Coos Bay Wagon Road Company) lands—about 2,681,000 acres of forest. Under control and administration of the General

Land Office, the extensive program embraced: development and improvement of the lands on a continuing basis, care and conservation of forest resources, and utilization of lands and resources to obtain the highest financial return consistent with sound forest management. As a subsequent result of this continuing program, the O&C lands provided annual crops of more than a billion board feet of timber.

**1938** Small Tract Act authorized sale or lease to United States citizens of tracts not exceeding 5 acres of public lands, for use as home, cabin, camp, recreation, or business sites. Mineral rights were reserved by Government.

**1940** Activities of the Soil Conservation Service of the Department of Agriculture pertaining to soil and moisture conservation on lands of the Interior Department transferred to General Land Office of the Department of the Interior. The Soil Conservation Service had been originally founded by the Department of the Interior in 1933, and transferred in 1935 to the Department of Agriculture.

Transportation Act afforded opportunity for some railroads to increase rates for passenger and freight traffic, providing they released all claims to earlier land grants by the Government. More than 70 land-grant claim releases were presented and approved, resulting in subsequent restoration of about 8 million acres of lands to Federal ownership. This ended a 90-year era in which vast tracts of public lands were granted by Congress for the promotion of new railroad construction. During this 90-year era, more than 75 land grants were made, aggregating over 158 million acres of public lands, and resulting in 21,500 miles of trackage forming an important transcontinental transportation network of the United States.

**1946** Bureau of Land Management created within the Department of the Interior, on July 16th. The new bureau became successor to both the General Land Office (founded in 1812) and the Grazing Service (founded in 1934). Responsibilities, functions, and personnel of both organizations were combined and transferred to the new Bureau of Land Management.

Oil and Gas Division established under the Department of the Interior to unify policies and coordinate functions pertaining to Federal petroleum activities. In 1955, renamed Office of Oil and Gas.

**1947** Acquired Lands Leasing Act authorized the issue of leases and permits for oil, gas, and other mineral resources on lands acquired by the Government.

**1948** Revested O&C (Oregon & California Railroad) lands opened to exploration, location, entry, and disposition under the general mining laws. In all issued mineral patents, surface and surface resources retained in public ownership.

Elimination of President's signature on all land patents. Since 1833, the President's name had been written on every land patent by an authorized secretary or executive clerk. Prior to 1833, the President personally signed each land patent before issuance by the General Land Office.

**1953** Act of July 28th amended and simplified the Color of Title Act of 1928. Under the new act, patents could be issued for claims of long standing, without reservation of minerals to Government. A tract of as much as 160 acres of lands held in good faith but adverse possession for a period from prior to January 1, 1901, continuously until date of application was entitled to patent, provided tax payments were made on the lands during this entire period.

**1954** Recreation and Public Purposes Act, which amended and extended the General Recreation Act of 1926, pertained to disposition of public lands for outdoor recreation and other public purposes. New Act authorized lease or sale of as much as 640 acres of public lands in any 1 year to any State, county, or local government, or to a nonprofit corporation or association. Lands could be used for outdoor recreation or other public purposes.

**1954** Amendment to Small Tract Act of 1938 extended provisions of the act to unsurveyed public lands and to O&C lands. Act also permitted the sale or lease of small tracts to corporations, associations, and governmental units as well as to individuals.

Act of August 13th amending the general mining laws and the mineral leasing laws in order to permit the multiple development of all minerals, both locatable and leasable, on the same tract of lands.

**1955** Timber and Stone Act repealed.

Act of July 23d—also known as the Multiple Surface Use Act—was essentially a conservation amendment to the general mining laws, since it allowed for multiple use of both the surface and subsurface of the same tracts of public lands. The act prevented mining claims from being either staked or used for nonmining purposes; it also prevented timber waste on unpatented mining claims. Under this act, the Government was authorized to manage the surface resources, including timber and forage, of all unpatented mining claims staked after passage of the act. On mining claims previously staked, the Government could acquire rights to surface resources by means of legal procedure. Also under this act, common varieties of minerals such as sand and gravel—were excluded by the mining laws, and placed under jurisdiction of the Materials Act of 1947. As a result, sand and gravel were no longer valid for staking and using lands under the mining laws, and were subsequently sold by competitive bids under the Materials Act.

Act of August 11th (Public Law 357) provided for entry and location under the mining laws of uranium and other fissionable source materials on public lands classified or known to be valuable for deposits of lignite coal. These uraniumiferous lignite deposits were mainly in Montana, North Dakota, and South Dakota.

Act of August 11th (Public Law 359) provided for entry and location under the mining laws of mineral resources on a total of more than 7 million acres of public lands—scattered throughout 23 States and Alaska. These were lands which had originally been withdrawn, more than 40 years previously, for use as power and water sites.

**1956** On 10th Anniversary of the Bureau of Land Management, there were 2,267 persons employed, of which nearly 90 percent were in field offices. Five major activities—lands, minerals, range, forestry, and engineering—constituted the basic system of public land and resource management.

**1959** Alaska formally admitted to the Union on January 3, the last public land State.

Amendment to the Recreation and Public Purposes Act of 1954 extended to the O&C lands all land-leasing provisions of the original act. Another amendment, in 1960, liberalized acreage limitations for public lands transferred principally for State park and other outdoor recreation and public purposes.

Hawaii formally became a State on August 21st. Composed mainly of lands in private ownership, Hawaii was not a public land State.

Highest recorded price for privilege of drilling for oil on 1 acre of public lands on the Outer Continental Shelf was bid of \$10,442 per acre for submerged lands in the South Pass area off the coast of Louisiana.

**1962** On the sesquicentennial of the establishment of the General Land Office and the founding of the first organized system of public land management, a total of 15 land offices support the Bureau of Land Management—successor to the General Land Office. Organization and functions of the Bureau of Land Management today reflect the principal areas of interest: Lands and recreation, range and wildlife, forest resources, mineral resources, conservation and protection, and supporting services of administration and engineering. All of these are elements of the national system of public land management, many times improved since its original establishment in 1812.

# *PART 2*

**A PRIMER ON THE RECTANGULAR  
SYSTEM OF SURVEYING.  
LAND DESCRIPTIONS.**



A PRIMER  
ON THE  
RECTANGULAR SYSTEM OF SURVEYING

A HANDY-DANDY  
GLOSSARY

- Surveying - The art of measuring and locating lines, angles, and elevations on the curved surface of the earth, and on the beds of bodies of water.
- Initial Point - Is the intersection of the principal meridian and the base line from which the townships are numbered northerly and southerly, and ranges are numbered easterly and westerly.
- Principal Meridian - The true north-south line extending from the initial point in both directions.
- Base Line - The true east-west line extending from the initial point in both directions.
- Standard Parallels - Also called correction lines, are extended east and west from the principal meridian generally at intervals of 24 miles to the north and 24 miles to the south of the base line.
- Guide Meridians - True north-south lines extended from points on the base line or standard parallels, east and/or west of the principal meridian, generally at intervals of 24 miles each.
- Correctional Lines - See Standard Parallels.
- Polaris - The North Star.
- Townships - A tract of land contained within the boundaries of the north-south range lines containing approximately 36 square miles or 23,040 acres "as near as may be."
- Range - A row or tier of townships lying east or west of the principal meridian and numbered successively to the east and to the west from the principal meridian.
- Section - A tract of land, 1 mile square, within a township containing 640 acres "as near as may be." Approximately 1/36 of a township.
- Township Lines - The east-west lines that run on a true parallel approximately 6 miles apart and make up the north and south boundaries of each township.

- Range Lines - True north-south lines approximately 6 miles apart, either east and/or west of the Principal Meridian and of each other, that make up the east and west boundaries of each township.
- Section Lines - North-south and east-west lines that are respectively parallel to and at intervals of 1 mile from the eastern and southern boundaries of each township.
- Quarter-Section Corners - The monuments on the ground that divide the section into quarters and are located halfway between each of the four section corners in a normal section.
- Legal Subdivision - For general purposes under the public land laws, a quarter-quarter section, or one lot. Under certain of these laws and under special conditions, applicants, claimants, etc., can select subdivisions smaller than a quarter-quarter section or lot.
- Aliquot Parts - Legal subdivisions, except fractional lots, or further subdivision of any smallest legal subdivision, except fractional lots, by division into halves or fourths, ad infinitum.
- Lots - Fractional or odd shaped tracts of land not generally describable by aliquot parts.
- "More or Less" - When used in connection with quantity or distance in a conveyance of land, are considered words of safety or precaution, intended to cover some slight or unimportant inaccuracy. The same applies to the use of the word "about."



## HISTORY

The present system for the surveying of the public lands in the United States was established by law in 1785, under the Articles of Confederation. As a result, all of the States in the Union, except the Thirteen Original States, and the States of Kentucky, Maine, Vermont, West Virginia, Tennessee, and Texas, became subject to the rectangular survey system. At that time, the existing system of "Pitches," whereby a man selected his own land in any shape, was the general practice. A comparison of the irregular and unreliable metes-and-bounds descriptions used by the original colonies with the streamlined rectangular system now in use in 29 States, and in Alaska, clearly establishes the advantages of the rectangular net over the other system.

## SCOPE

The structure of the rectangular system of survey is basically very simple. The control point for the entire system is built around the initial point, the geographical position of which is determined by astronomical observation or through ties to other points of known geographical position. A north-south line (true north, not magnetic north) and an east-west line (a parallel of latitude) intersect at this initial point, and they constitute the prime framework for the entire structure. The vertical north-south line is called the Principal Meridian, and the horizontal east-west line is called the Base Line.

## THE TWENTY-FOUR MILE TRACT

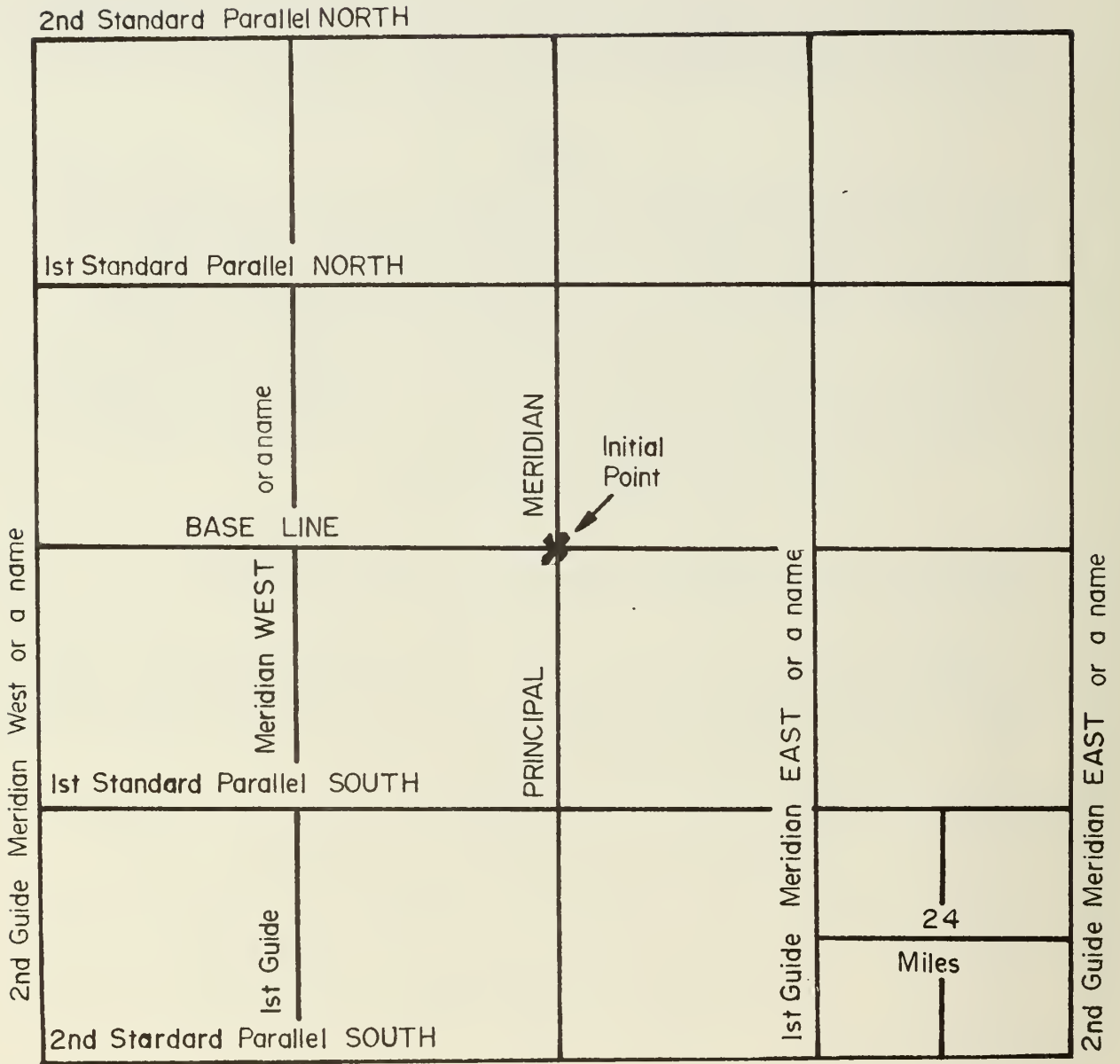
The first major control in the structure of the rectangular system is the establishment of Guide Meridians and Standard Parallels.

GUIDE MERIDIANS extend true north and south, generally at intervals of 24 miles to the east and to the west of the principal meridian. The vertical lines to the east or west of the principal meridian are identified by either a name or a number, such as "1st Guide Meridian East" or "1st Guide Meridian West," 2nd, 3rd, and so forth.

STANDARD PARALLELS extend true east and west, generally at intervals of 24 miles to the north and to the south of the base line. The first horizontal line to the north of the base line is called the "1st Standard Parallel North," and the next successive line north is called the "2nd Standard Parallel North," etc. The first horizontal line to the south of the baseline is called the "1st Standard Parallel South," and the next successive line south is called the "2nd Standard Parallel South," etc. The following is a generalized diagram of the 24-mile square pattern.

Note that each of the squares in Diagram No. 1 represents a 24-mile square tract (not 24 square miles), or an area of approximately 576 square miles; also, that there can be additional guide meridians to the east and to the west and additional standard parallels to the north and to the south, depending upon the control needed for the establishment of further surveys.

DIAGRAM NO. 1

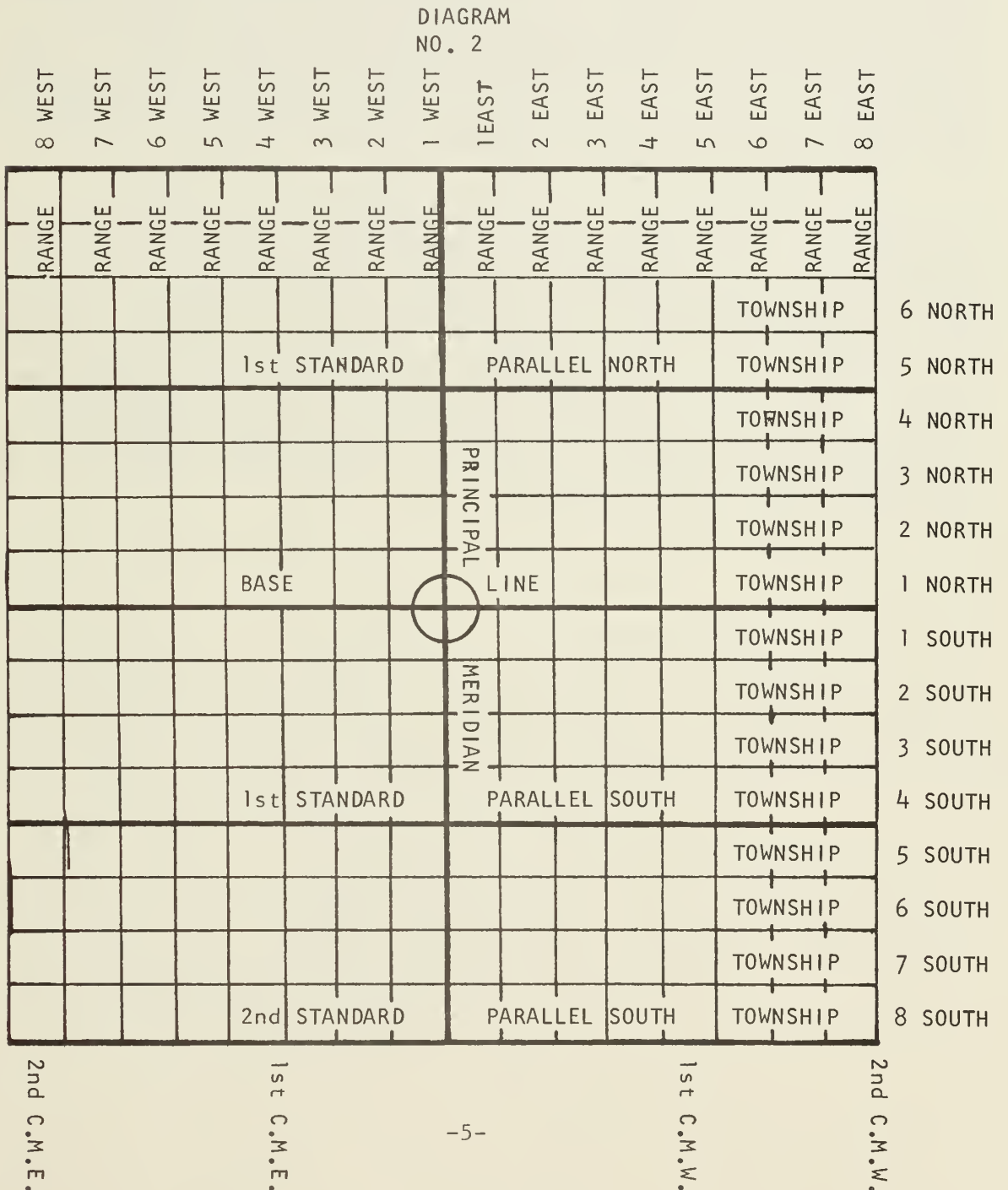


TOWNSHIPS

Each 24-mile square tract is subdivided into 16 approximately equal parts that are 6 miles square (approximately 36 square miles each). Each of the 6 miles square tracts are called townships. There is no relationship whatever between a political township or town and the surveyor's township unit of measure. The vertical north-south lines within the 24-mile square tract are called "Range Lines," and the horizontal east-west lines within the 24-mile square tract are called "township lines."

RANGE LINES are established true north and south at intervals of 6 miles to the east and 6 miles to the west from the principal meridian. The range lines are not numbered, but the tiers of ranges within those lines are numbered successively to the east and to the west of the principal meridian. For example, the tier of townships lying between the principal meridian and the first range line east is designated as "Range 7 East." The tier of townships lying between the principal meridian and the first range line west is designated "Range 1 West," and the tier of townships lying between the fourth and fifth west range lines is designated "Range 5 West."

TOWNSHIP LINES are established east and west at intervals of 6 miles to the north and 6 miles to the south of the base line. The township lines, like the range lines, are not numbered, but the column of townships within those lines are numbered successively to the north and to the south of the base line. The following is a generalized diagram of the township grid pattern:



RANGES are the columns of townships on the east and west of the principal meridian. The range designation is not altered by the fact that it is either south or north of the base line. To state it otherwise, ranges are one of the two coordinates used to locate a particular township. The township designation is the other coordinate.

TOWNSHIP--Perhaps no more unfortunate term could have been selected than township, to designate a row of townships as one of the coordinates in the rectangular system, and, at the same time, as one 6-mile square area that is situated within two adjacent range lines and two adjacent township lines. However, it should not be too difficult to overcome the threatened confusion resulting from this poverty of language, as long as one remains alert to the threat.

This subparagraph is limited to a consideration of the rows of townships to the north and to the south of the base line. A study of Diagram No. 2 will reveal that the townships are in no way altered by the fact that they are either to the east or to the west of the principal meridian. As stated above, the rows of townships are one of the two coordinates, along with the tiers of ranges, that are used to locate a township--the 6-mile square variety. For example, to locate Township 6 South, Range 6 West within the 24-mile square tract between the 1st and 2nd Standard Parallels south and between the 1st and the 2nd Guide Meridians west, count down to the sixth row of townships and west to the sixth tier of ranges: This would be the shaded township tract in Diagram No. 2. This description could be abbreviated to read in the way that it is customarily written, that is, T. 6 S., R. 6 W." Note that the township description always precedes the range description in the rectangular system of land descriptions.

In formal land descriptions, each of the principal meridians has a distinguishing given name, such as "Copper River" or "First Principal." Assuming, then, that the principal meridian in Diagram No. 2 is actually the Copper River Meridian, the same land description would read, "T. 6 S., R. 6 W., CMR." This very concise and precise land description, consisting of a combination of only nine letters and numerical digits, when understood, has all of the clarity and beauty of a formula in higher mathematics. Note, however, that the land description must be both complete and accurate to be useful. To reiterate, the land description, thus far, must contain three distinct elements: The township, the range, and the name of the principal meridian.

SECTIONS

Each 6-mile square township in the rectangular system is composed of 36 sections approximately 1 square mile in area. Although the area of each of the sections may vary somewhat, they are, "as near as may be," basically identical. The section boundaries are established by north-south and east-west section lines at intervals of 1 mile from the eastern and southern boundaries on the township. The sections in each township are always numbered consecutively, beginning with number one in the northeast corner of the township and counting westerly six sections; then, with number seven, south of section six, counting back to the east side of the township, and so on, weaving back and forth through the sections of the township and ending with number 36 in the southeast corner. See Diagram No. 3.

DIAGRAM  
NO. 3

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

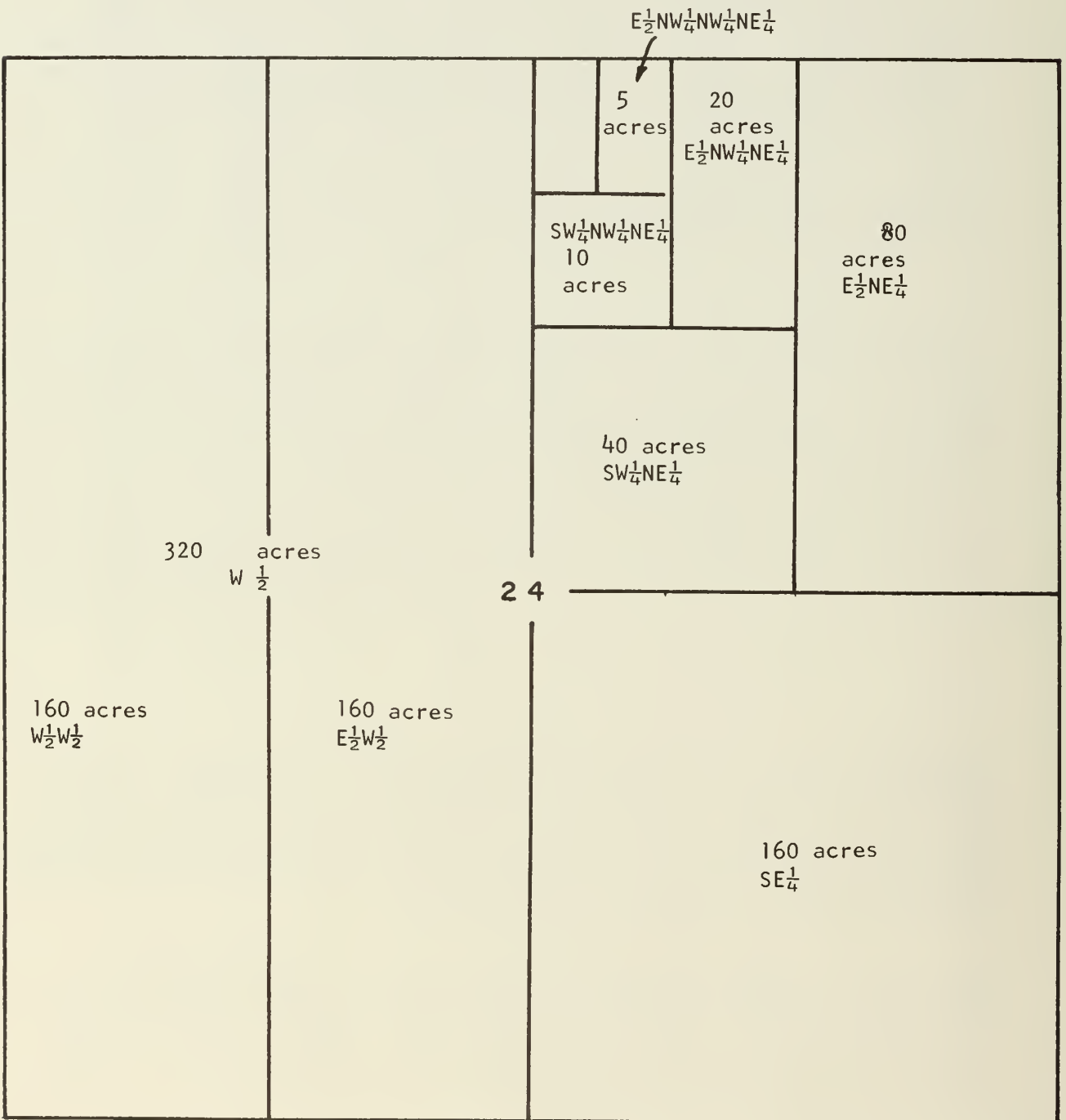
It is important to know that each section is always referred to by its permanent number, as it appears in Diagram No. 3. For example, should it be desired to locate Section 26 within the township described previously, the land description would read, "Section 26, T. 6 S., R. 6 W., C.R.M." Note: Although a principal meridian may have several sections with identical numbers, such as 26, no such section referring to that meridian can ever have the identical township and range numbers.

Each section contains approximately 640 acres of land. This figure is important to remember, because it is the base from which aliquot parts of a section are often considered when dividing the section into 160-acre (homestead) tracts, and into "eighties" and/or "forties." The 160-acre tract is also known as a quarter-section, and the 40-acre tract is also known as a quarter-quarter section.

ALIQUOT PARTS--When section lines are established, markers or monuments are placed at each half-mile point, thereby creating an accurate base from which the section can be divided into halves or into quarters. Although the practical effect may be to divide the section into two 320-acre tracts or into one 320-acre tract and two 160-acre tracts, as near as may be, the method used is the equal halving or quartering, whatever the resulting acreage may be.

The half-section or the quarter-section can be subdivided again into halves or quarters and those parts can again be subdivided into smaller halves or quarters. Although the dictionary defines aliquot as the part of a number that divides the number evenly and leaves no remainder, that definition does not apply here, because, according to the dictionary definition, the whole can be divided into thirds or fifths or other equal parts, whereas in the rectangular system, the aliquot part is NEVER other than a half or a quarter of the next larger subdivision. The section can be divided into the north half and the south half, or the east half and the west half. The following is a schematic diagram, and appropriate descriptions, of a section divided into aliquot parts:

DIAGRAM No. 4



Note from the diagram that the half-section can be subdivided lengthwise, as well as widthwise, and that the same rule applies to all of the smaller subdivisions.

FRACTIONAL LOTS--Fractional Lots are those irregular tracts of land in a section or tract which cannot be described by aliquot parts. They are generally located on the north or the west sides of a township, or adjacent to meandered lakes, ponds, or rivers that may cover a part of a section. The lots in a section of the north tier of a township should be numbered consecutively from east to west, and the lots on the west side should be numbered from north to south, starting with the number following the last numbered lot on the northern tier. See Diagram No. 5.

DIAGRAM No. 5

4 36.70 ACRES	3 40.40 ACRES	2 40.80 ACRES	1 41.20 ACRES
5 37.10 ACRES	40 ACRES	80 ACRES	
6 37.50 ACRES	80 ACRES	160 ACRES	
7 37.90 ACRES			

In the event the section is partly covered by a meandered lake in such manner that there are irregular lots on the east and the south boundaries only, the numbering would then be started in the north-east lot, thence consecutively south, thence west. Generally, the method used in numbering lots is identical to the system used in numbering sections.

There are other technical considerations with regard to fractional lots that must be understood by any competent status clerk. They are, however, beyond the scope of this primer; the purpose here being to acquaint the new employee with the fact that fractional lots do exist, and ultimately their place in the rectangular system must be learned.

READING AND WRITING ALIQUOT PARTS IN LAND DESCRIPTIONS--The aliquot parts of a section are described as simply as are the larger tracts in the rectangular net. For example, to describe the west half of a section, it is necessary to write "W $\frac{1}{2}$ " only; or, again, the east half would appear as "E $\frac{1}{2}$ ." The same rule would apply to the north half and to the south half, "N $\frac{1}{2}$ " and S $\frac{1}{2}$ " respectively. To describe each of the quarter-sections, it is necessary to add one notation; that is, show which of the four corners is intended, such as "NW $\frac{1}{4}$ ," or "SW $\frac{1}{4}$ ," or "SE $\frac{1}{4}$ ," or "NE $\frac{1}{4}$ ." The " $\frac{1}{2}$ " and the " $\frac{1}{4}$ " are the only fractions that appear in the description of land by aliquot parts. All subsequent subdivisions being by halves or by quarters

are always shown by again adding a notation, only this time it is necessary to add a complete notation. For example, suppose that it is desired to describe the northwest quarter of the 160-acre tract in Diagram No. 5:

It will be recalled that the location of the 160-acre tract is "SE $\frac{1}{4}$ ." Therefore, to describe the northwest quarter of that quarter-section, it would be written to read "NW $\frac{1}{4}$ SE $\frac{1}{4}$ ." It can readily be seen that to describe a tract of land within another tract of land, the smaller tract always appears on the left of the larger tract. Suppose, however, that it was desired to describe the north half or east half of that quarter-section. It would then be written "N $\frac{1}{2}$ SE $\frac{1}{4}$ " or "E $\frac{1}{2}$ SE $\frac{1}{4}$ " respectively. Note that the description of the larger tract from which a half or quarter was taken does not change. Now suppose that it is desired to describe the east half or the west half of the 320-acre tract in Diagram No. 4. It would be written "E $\frac{1}{2}$ W $\frac{1}{2}$ ." In other words, it would be the "E $\frac{1}{2}$  of the W $\frac{1}{2}$ " or the "W $\frac{1}{2}$  of the W $\frac{1}{2}$ " respectively. Both descriptions, "E $\frac{1}{2}$  of the W $\frac{1}{2}$ " and "E $\frac{1}{2}$ W $\frac{1}{2}$ " mean the same thing; the only difference being that one is an abbreviated form. It is the abbreviated form that is used in writing official land descriptions. It may be relevant to mention, at this point, that it would not be considered good practice to describe the S $\frac{1}{2}$  or the N $\frac{1}{2}$  of the 320-acre tract in the same way as the E $\frac{1}{2}$  and W $\frac{1}{2}$  were described, because the S $\frac{1}{2}$  and the N $\frac{1}{2}$  can be more simply described as quarter-section and should, therefore, be shown as such.

To carry the subdivision of the section to its next logical step, suppose that it was desired to describe the numbered 10-acre tract in Diagram No. 4. It is obvious that the 10-acre tract is one-quarter of the 40-acre tract, and that is, in turn, one-quarter of the 160-acre tract.

In rough draft longhand, instead of  $\frac{1}{4}$ , the number 4 may be employed; and 2 for  $\frac{1}{2}$ . Thus, the E $\frac{1}{2}$ NW $\frac{1}{4}$ , in longhand, may be written E<sup>2</sup>NW<sup>4</sup>.

Therefore, the 160-acre tract is the NE $\frac{1}{4}$  and the 40-acre tract is "NW $\frac{1}{4}$ NE $\frac{1}{4}$ ," and the 10-acre tract is "SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ ." The 20-acre tract in that same quarter-quarter section would be described as "E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ ." The underlining and the quotation marks are included for emphasis and identification only; they have no place in a correct land description. Suppose, now, that it was desired to describe the numbered 5-acre tract in Diagram No. 4. Note that it is  $\frac{1}{2}$  of the smallest subdivision previously described. In other words, it is the E<sup>2</sup> of a quarter-quarter-quarter section or "E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ ." This description could, perhaps, be further clarified by showing it in the following setting:

"E $\frac{1}{2}$	NW $\frac{1}{4}$	NW $\frac{1}{4}$	NE $\frac{1}{4}$ "
5	10	40	160
acres	acres	acres	acres

It is now unmistakable that a 40 or an 80-acre tract must contain two aliquot-part notations, and that a 10 or 20-acre tract must contain three aliquot-part notations, and that a 2 $\frac{1}{2}$  or 5-acre tract must contain four aliquot-part notations. It is also clear now that, although English is read from left to right and Chinese is read from top to bottom, to identify a parcel of land on a plat, first identify the right-hand term to arrive at the correct aliquot part. One final word on the land descriptions appearing above. Note that NONE of the parts are divided by commas. The reason for that is that commas, in land descriptions, mean "AND," whereas the absence of commas means "of the."

It will be recalled that only contiguous quarter-sections could be read together as half-sections; therefore, quarter sections or quarter-quarter sections that are diagonal from each other and whose corners only touch, must be described by their separate parts as follows: NW $\frac{1}{4}$ , SE $\frac{1}{4}$ , or SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ . The first description describes two separate tracts of 160 acres each, while two separate 160-acre tracts of the same section. To follow



the description one further step and assume that the second description did not contain a comma, then, instead of describing two separate 40-acre tracts, it would describe one 2½-acre tract.

The correct use of the comma--its omission or its inclusion--is so all important that it seems warranted to belabor the point with one additional example:

"SW¼, NE¼"	-	describes 320 acres
"SW¼NE¼"	-	describes 40 acres

It is, therefore, obvious that seldom can the omission or the insertion of a comma be more misleading and do more damage than in a land description.

The reader has been led through the elements of the principal meridian, the range, the township, the section, and the subdivision of a section, and is now ready to fit all of the segments into a complete land description. Assuming that the 5-acre tract in Diagram No. 4 is to be described within the section, a correct description could be made by starting on the right with the principal meridian and working to the left, e.g.:

5 acres	10 acres	40 acres	160 acres	Sec.	T.	R.	Mer.
	Q-Q-Q Sec.	Q-Q Sec.	Q Sec.	Sec. 26	T. 6 S.	R. 6 W.	CRM
E½	NW¼	NW¼	NE¼				

Two separate 5-acre tracts can be described the same way, if they are in the same section, by separating each complete aliquot-part description with a comma, such as, "W½NE¼SW¼SW¼, E½NW¼NW¼NE¼, Sec. 26, T. 6 S., R. 6 W., MPM."

Fractional lots can also be described by giving the lot number on the left of the legal description and the name of the meridian on the right, such as:

"Lot 4, Sec. 6, T. 6 S., R. 6 W., MPM."

The foregoing is intended to be no more than the name of this chapter implies: A primer of the simplest uses of the fundamentals of the rectangular system of survey, without going into the details of irregular tracts of land or the system of adjustments and its accompanying compensations with lot lines.

The more involved aspects of the rectangular system will be considered in a subsequent article. The reader is, however, encouraged to read the less technical portions of the Bureau of Land Management Manual of Surveying. He may be elated to discover it makes interesting, as well as intelligible, reading.

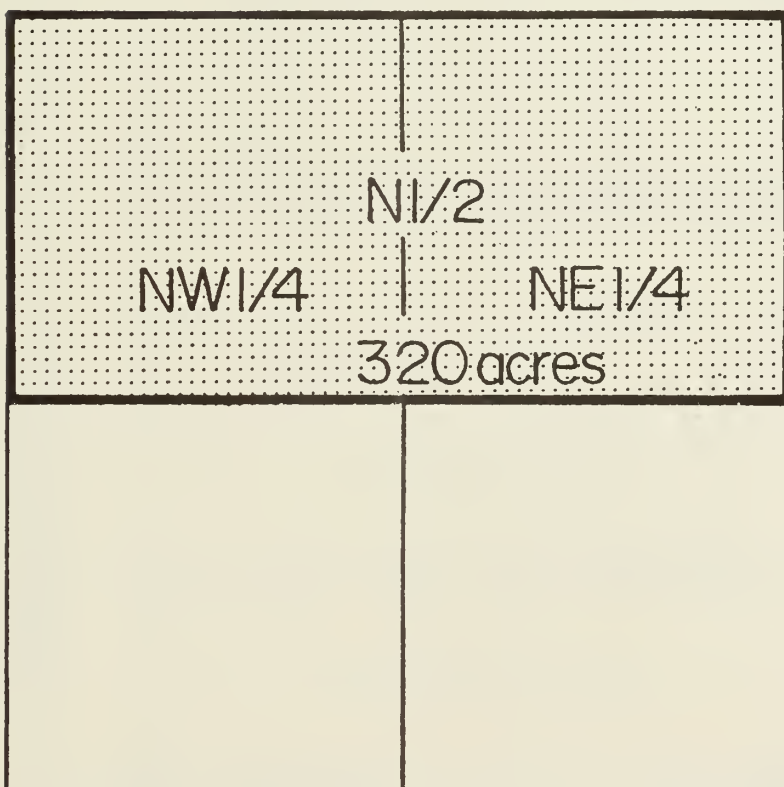


LEGAL

DESCRIPTIONS

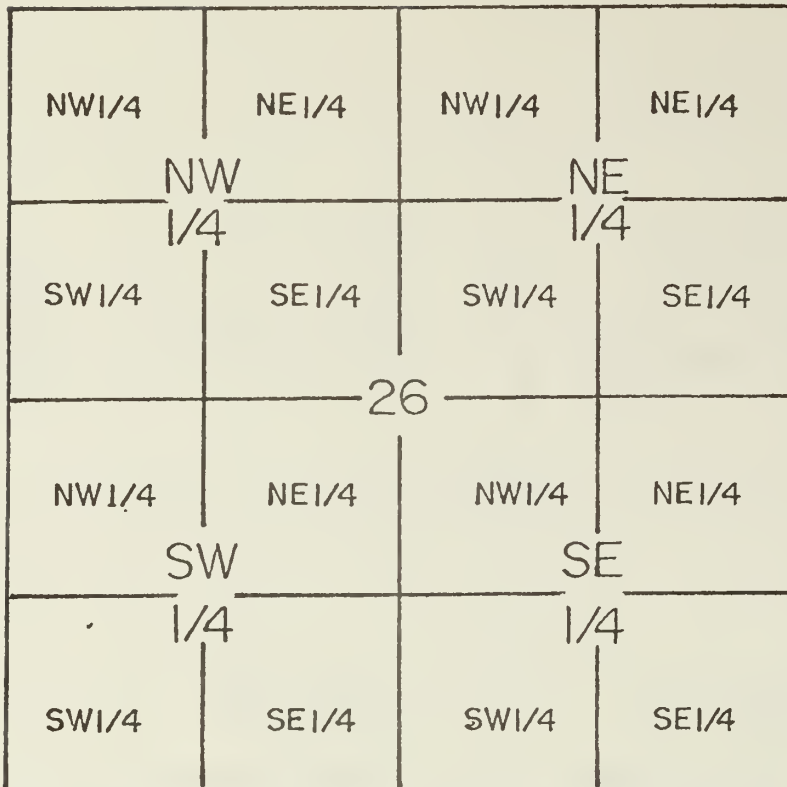
<p>NW 1/4 160 acres</p>	<p>NE 1/4 160 acres</p>
<p>SW 1/4 160 acres</p>	<p>SE 1/4 160 acres</p>

The 160 acre quarter of a section is referred to as a quadrant.

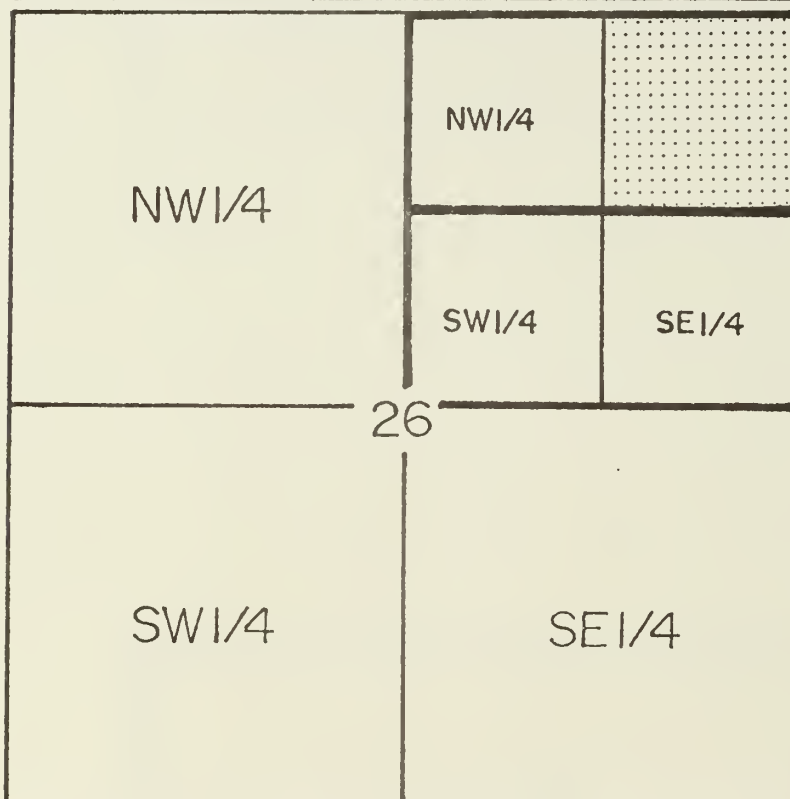


If adjacent quarter sections are to be described, combine NE 1/4 and NW 1/4 to make N 1/2.

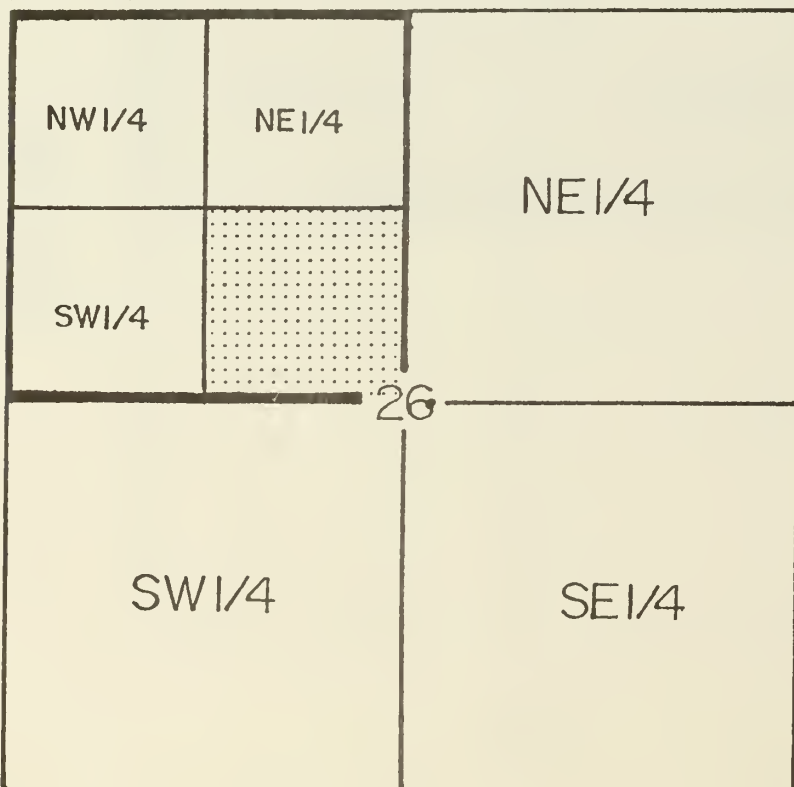
# LEGAL DESCRIPTION



This is the arrangement of the quarter quarters within each quadrant of a section.

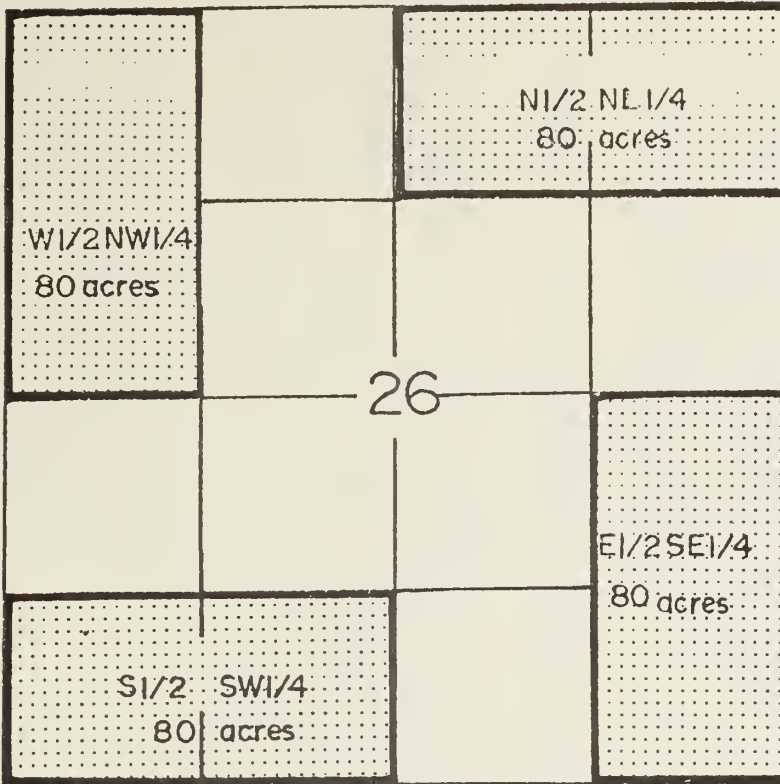


The dark line is for the boundary of the  $NE\frac{1}{4}$ . The shaded area shows the  $NE\frac{1}{4}$  within the  $NE\frac{1}{4}$  described as  $NE\frac{1}{4}NE\frac{1}{4} = 40$  acres.

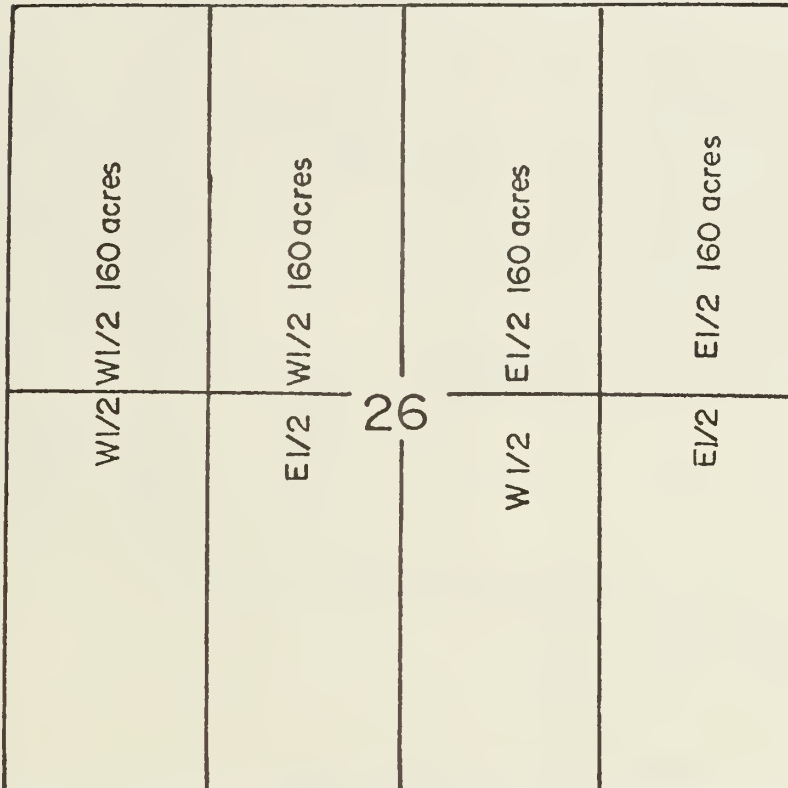


The dark line is for the boundary of the  $NW\frac{1}{4}$ . The shaded area shows the  $SE\frac{1}{4}$  within the  $NW\frac{1}{4}$  described as  $SE\frac{1}{4}NW\frac{1}{4} = 40$  acres.

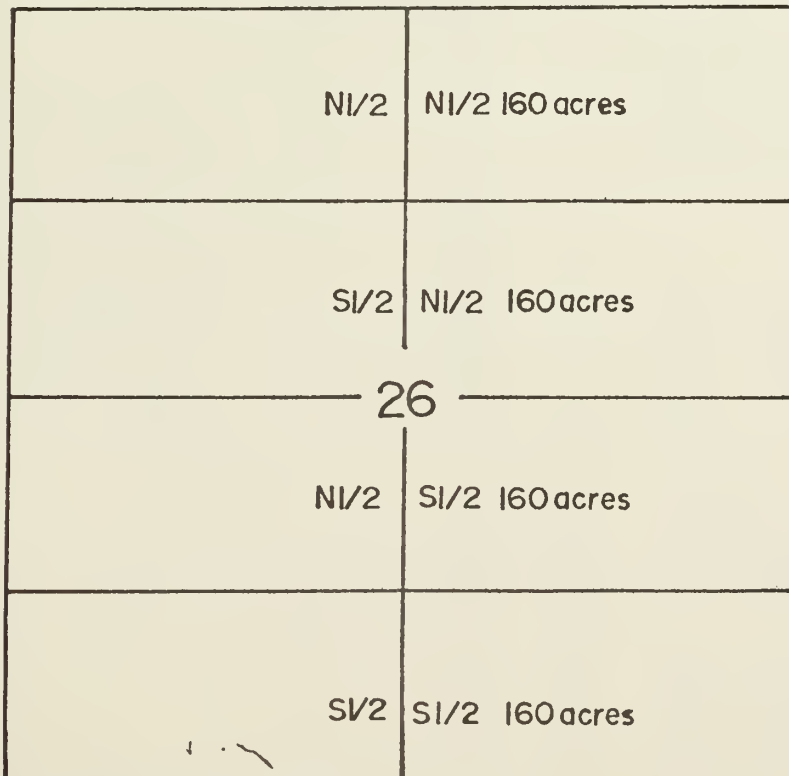
# LEGAL DESCRIPTION



Combination of subdivisions within quadrants

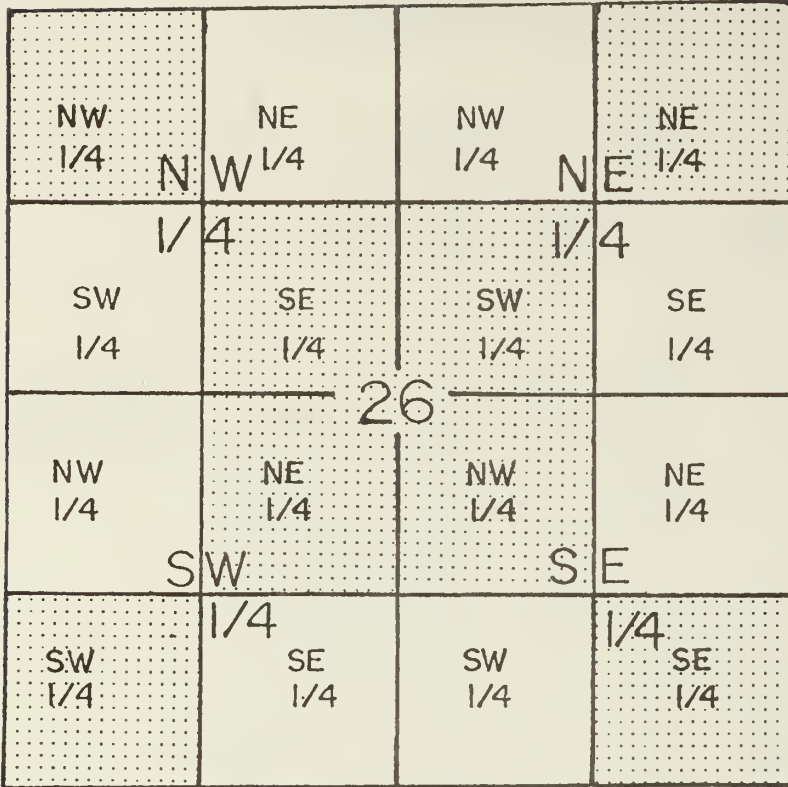


Combination of subdivisions within the section

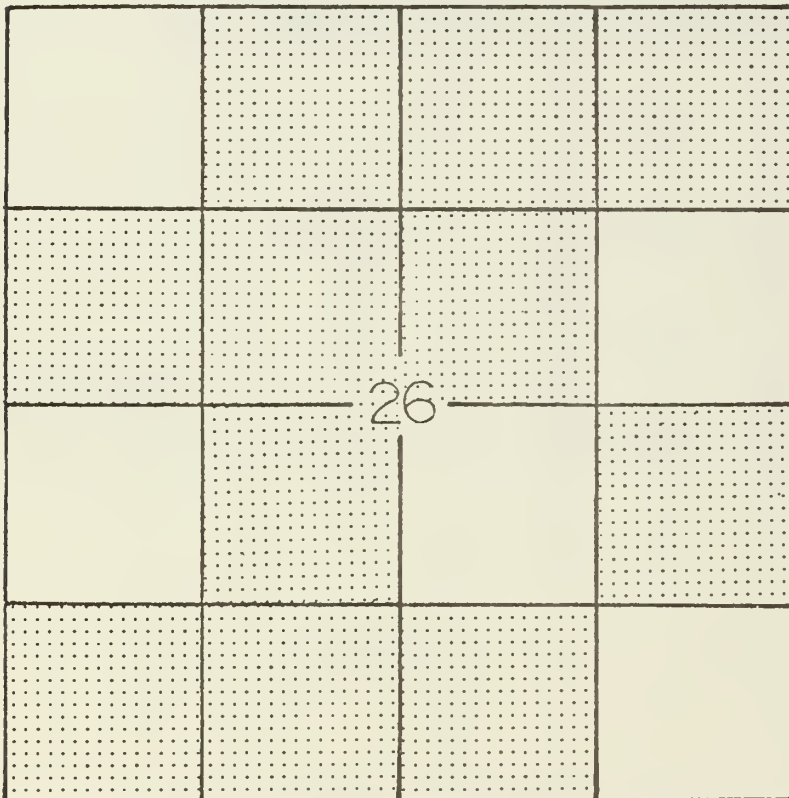


Combination of subdivisions within the section

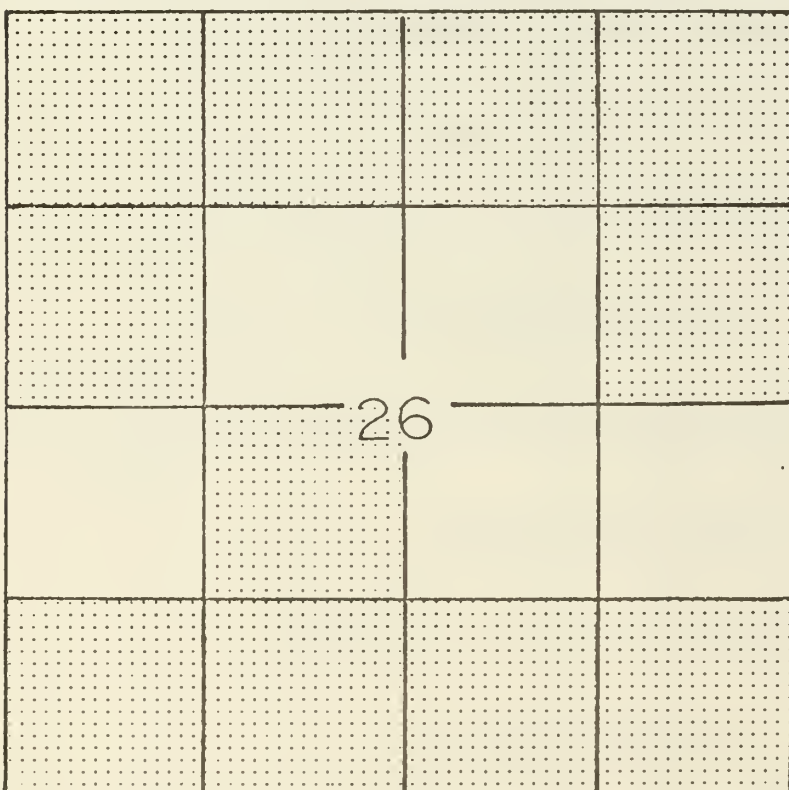
# LEGAL DESCRIPTION



When describing land start in the NE $\frac{1}{4}$  of the NE quadrant and move counterclockwise in the quadrant. Do the same for the NW, SW and SE quadrant. Counterclockwise in the quadrant and counterclockwise by quadrant in the section. The shaded land would be described as:  
 NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$  = 320 acres.

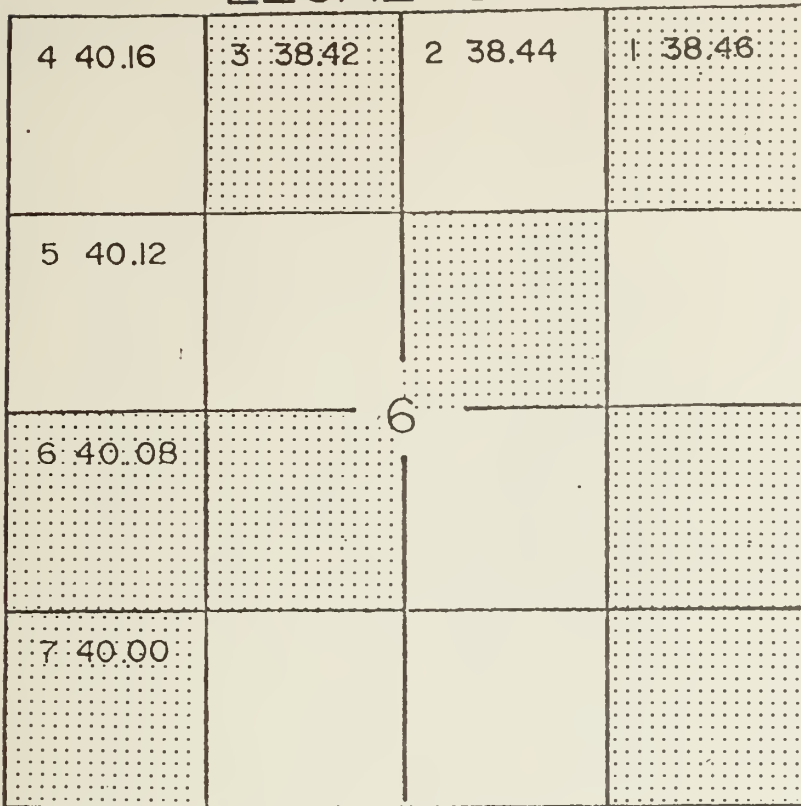


Always combine the subdivisions to the largest area possible. However, if you do not have a tier of four subdivisions running north and south or east and west combinations you cannot go beyond quadrant boundary. The shaded area is described as follows:  
 NE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  = 440 acres.

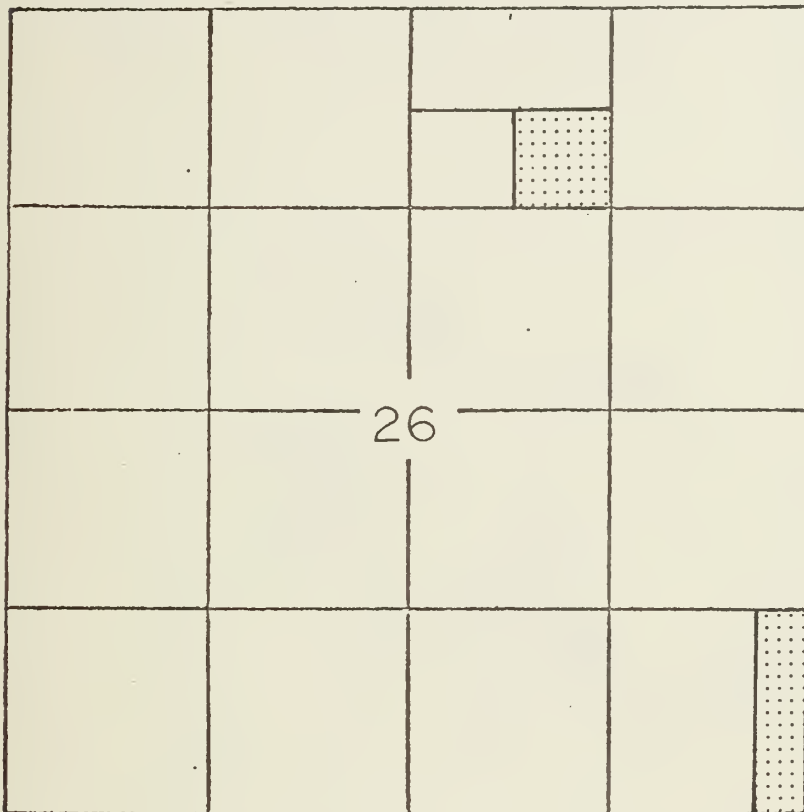


If you have a tier of four subdivisions contiguous, north and south or east and west, you can combine beyond the quadrant boundary. The shaded area is described as follows:  
 N $\frac{1}{2}$ N $\frac{1}{2}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ S $\frac{1}{2}$  = 440 acres.

# LEGAL DESCRIPTION



If lots exist in a section they are described first in sequence irrespective of where in the section they may be located. Lots adjoining cannot be combined. - Thereafter in your 40 acre description, you move counterclockwise. The shaded portion would be described as:  
 Lots 1,3,6,7,  $SW\frac{1}{4}NE\frac{1}{4}$ ,  $NE\frac{1}{4}SW\frac{1}{4}$ ,  $E\frac{1}{2}SE\frac{1}{4}$  = 316.96 acres.



Here we have less than 40 acres. An aliquot part is never other than a half or quarter of the previously described larger area of land. The shaded portion is described as:  
 $SE\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}$  = 10 acres.  
 Note absence of a comma.

This description is  
 $E\frac{1}{2}E\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$  = 10 acres.

A section can be divided into parts as small as 2.5 acres or even 1.25 acres.

Shaded area is described as:  
 $SE\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$  = 2.5 acres

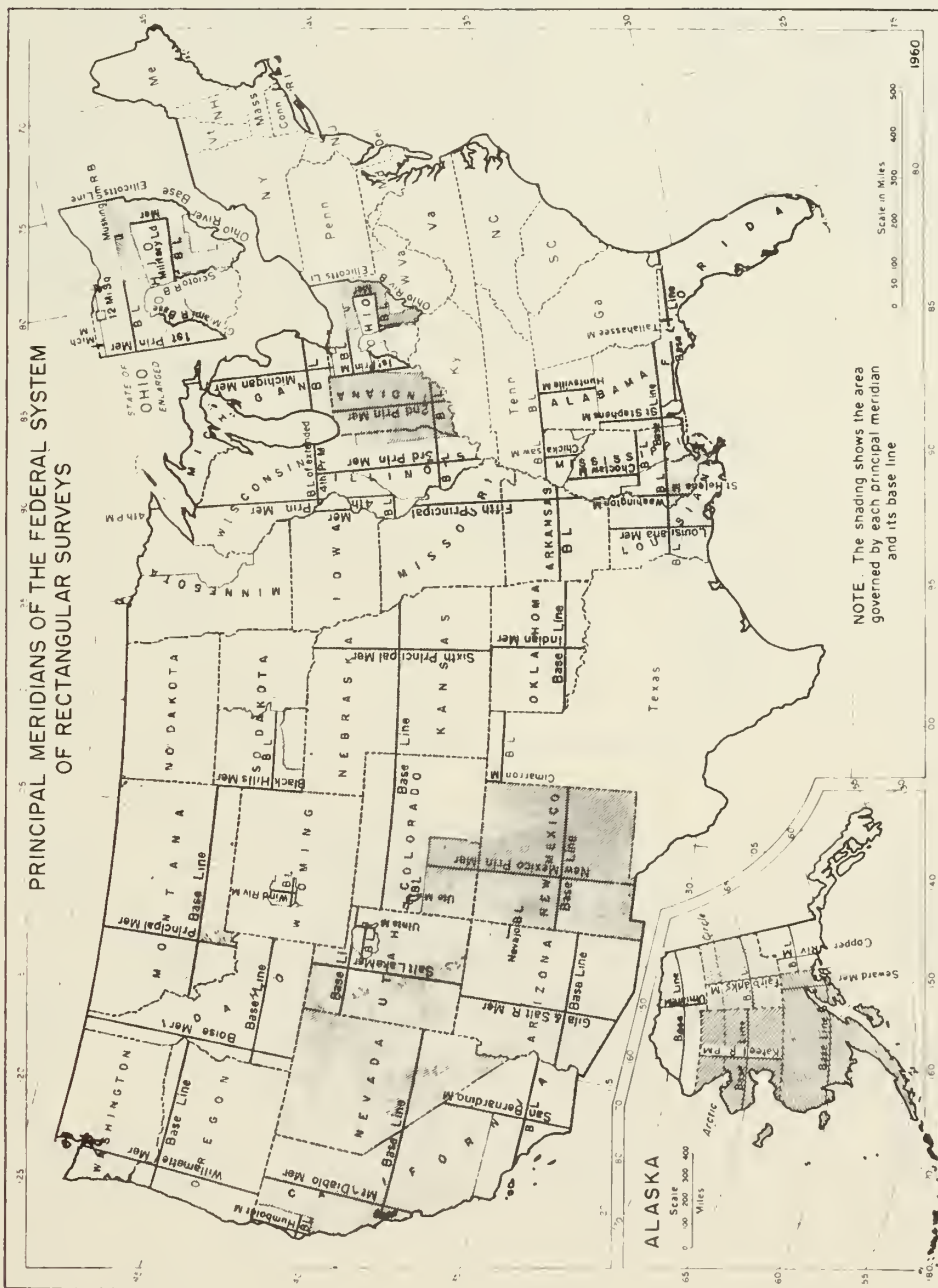
Shaded area is described as:  
 $E\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$  = 1.25 acres

Note absence of comma and boundary of area described travels in a cardinal direction.

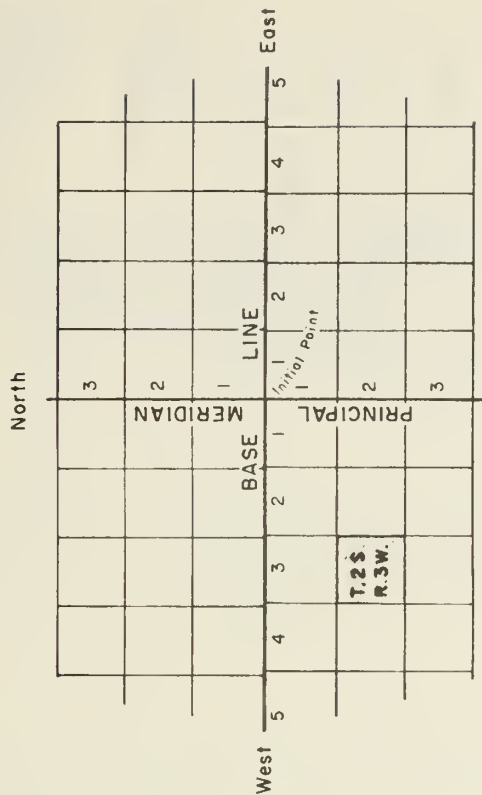




# GENERALIZED DIAGRAM OF THE RECTANGULAR SYSTEM OF SURVEYS

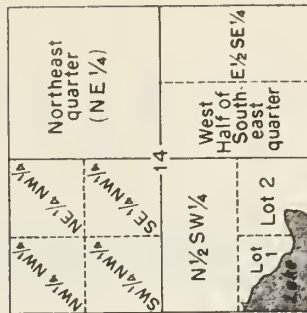


## TOWNSHIP GRID



## TOWNSHIP 2 SOUTH, RANGE 3 WEST

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

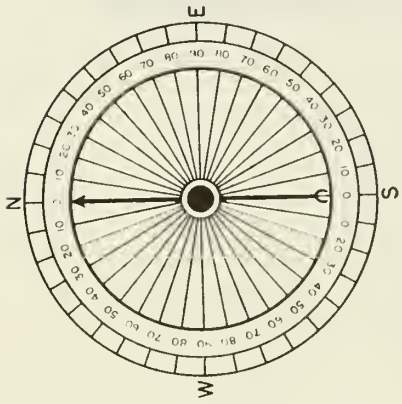


# Table of Land Measurements

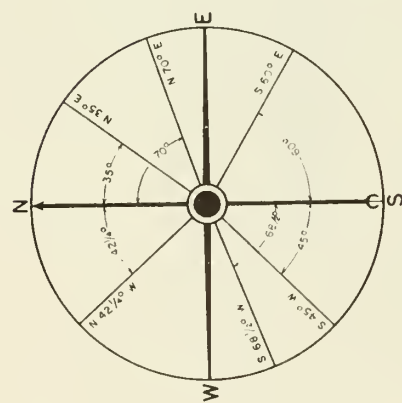
LINEAR MEASURE	SQUARE MEASURE
1 inch = .0833 ft.	144 sq. in. = 1 sq. foot
7.92 inches = 1 link	9 sq. feet = 1 sq. yard
12 inches = 1 foot	30 1/2 sq. yds. = 1 sq. rod
1 vara = 33 inches	16 sq. rods = 1 sq. chain
2 1/4 feet = 1 vara	1 sq. rod = 272 1/4 sq. ft.
3 feet = 1 yard	1 sq. ch. = 4356 sq. ft.
25 links = 16 1/2 feet	10 sq. chs. = 1 acre
25 links = 1 rod	160 sq. rods = 1 acre
100 links = 1 chain	4840 sq. yds. = 1 acre
16 1/2 feet = 1 rod	43560 sq. ft. = 1 acre
5 1/2 yards = 1 rod	640 acres = 1 sq. mile
4 rods = 100 links	1 sq. mile = 1 section
66 feet = 1 chain	36 sq. miles = 1 Twp.
80 chains = 1 mile	6 miles sq. = 1 Twp.
320 rods = 1 mile	1 sq. mi. = 2.59 sq. kilom
8000 links = 1 mile	
5280 feet = 1 mile	
1760 yards = 1 mile	

**AN ACRE IS:**

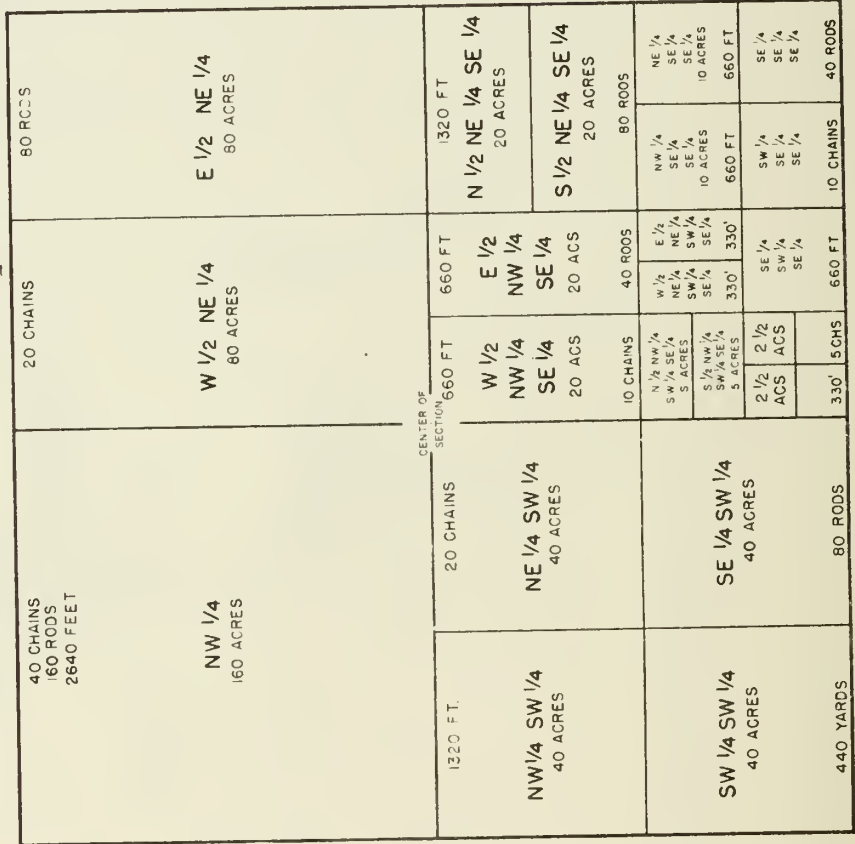
- 43,560 sq. feet.
  - 165 feet x 264 feet.
  - 198 feet x 220 feet.
  - 660 feet x 66 feet.
  - 160 square rods.
  - 208' 8" square.
- or any rectangular tract, the product of the length and width of which totals 43,560 sq. ft.



90 degrees in a right angle  
360 degrees in a circle



60 seconds equal one minute  
60 minutes equal one degree



STANDARD	T5N	PARALLEL	
	T4N		
	T3N		
	T2N		
	T1N		
	T0N		
	T1S		
	T2S		
	T3S		

Diagram showing division of tract into Townships

36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6

Sectional map of Township showing adjoining Sections

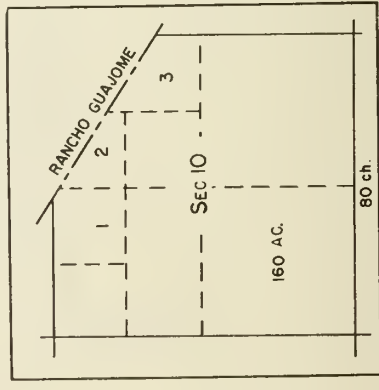


Diagram illustrating division of Fractional Section into Government Lots

# *PART 3*

**SELECTED PAGES FROM LAND  
AND MINERAL LAWS.**



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SELECTED PAGES FROM LAND AND MINERAL LAWS

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Abstracts to be made out and forwarded to the Secretary of the Treasury by the commissioners.

SEC. 7. *And be it further enacted*, That the said commissioners shall respectively, under such instructions as the Secretary of the Treasury may, with the approbation of the President of the United States, transmit to them in relation thereto, prepare, and cause to be prepared, abstracts from the records of the claims filed as aforesaid, in which the claims shall be arranged into classes, according to their respective merits, and other circumstances whereby they may be diversified; the abstracts shall contain the substance of the evidence adduced in support of, or obtained respecting the claims, and shall contain such other information and remarks as may be necessary to a proper decision thereon, which abstracts the commissioners shall respectively, as soon as may be, report to the Secretary of the Treasury, and shall by him be laid before Congress at the next session thereafter for their determination thereon.

A list of actual settlers to be made by commissioners and reported to Congress.

SEC. 8. *And be it further enacted*, That the said commissioners be, and they are hereby authorized and required to collect and report to Congress, at their next session, a list of all the actual settlers on land in said districts, respectively, who have no claims to land derived either from the French, British or Spanish governments, and the time at which such settlements were made.

Rates of compensation.

SEC. 9. *And be it further enacted*, That each of the said commissioners shall be allowed as compensation for his services in relation to the said claims, at the rate of fifteen hundred dollars a year; and each of the clerks, at the rate of one thousand dollars a year: *Provided*, that not more than eighteen months' compensation be thus allowed to the commissioner and clerk for the district east of Pearl river; nor more than two years' compensation be allowed to the commissioner and clerk for the district west of Pearl river; and the commissioner for the eastern district, on making his report to the Secretary of the Treasury, as aforesaid, shall be entitled to receive in addition seven hundred and fifty dollars, and his clerk five hundred dollars; and the commissioner for the western district, on making his report aforesaid, shall receive one thousand dollars, and his clerk seven hundred and fifty dollars; and the said allowances shall be in full for their services under this act.

Proviso.

APPROVED, April 25, 1812.

STATUTE I.

April 25, 1812.

CHAP. LXVIII.—*An Act for the establishment of a General Land-Office in the Department of the Treasury.*(a)

Office established.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be established in the department of the treasury an office, to be denominated the

Commissioner to be appointed.

General Land-Office; the chief officer of which shall be called the commissioner of the general land-office, whose duty it shall be, under the direction of the head of the department, to superintend, execute and perform, all such acts and things, touching or respecting the public lands of the United States, and other lands patented or granted by the United States, as have heretofore been directed by law to be done or performed in the office of the Secretary of State, of the Secretary and Register of the Treasury, and of the Secretary of War, or which shall hereafter by law be assigned to the said office.

His duties.

Chief clerk to be appointed.

SEC. 2. *And be it further enacted*, That there shall be in the said office, an inferior officer, to be appointed by the said principal officer, to be employed therein as he shall deem proper, and to be called the chief clerk of the general land-office, who, in all cases, when the said principal officer shall become vacant, during such vacancy, shall have the charge and custody of the seal, and of all records, books and papers, belonging to the said office.

(a) See act of July 4, 1836, chap. 352.

SEC. 3. *And be it further enacted,* That the said principal officer, and every other person to be appointed and employed in the said office, shall, before he enters on the duties of his office or appointment, take an oath or affirmation, truly and faithfully to execute the trust committed to him.

Oaths of office to be taken by all persons employed.

SEC. 4. *And be it further enacted,* That the said commissioner shall cause a seal of office to be made and provided for the said office, with such device as the President of the United States shall approve; and copies of any records, books or papers, belonging to the said office, under the signature of the said commissioner, or, when the office shall be vacant, under the signature of the chief clerk; and the said seal shall be competent evidence in all cases in which the original records, books or papers could be evidence.

A seal to be provided.

Copies of records under the signature of the commissioner and the seal evidence.

Act of July 4, 1836, ch. 352, sec. 7.

SEC. 5. *And be it further enacted,* That the said commissioner shall, forthwith, after his appointment, be entitled to the custody, and shall take charge of the said seal, and also of all records, books and papers, remaining in the offices of the Secretary of State, of the Secretary and Register of the Treasury, and of the Secretary of War, touching or concerning the public lands of the United States; and the said records, books and papers shall become, and be deemed the records, books and papers, of the said office.

Commissioner to have the custody of the seal and of the books, papers and records relating to land.

SEC. 6. *And be it further enacted,* That the said commissioner shall, when required by the President of the United States, or either house of Congress, make a plat of any land surveyed under the authority of the United States, and give such information respecting the public lands, and concerning the business of his office, as shall be directed.

Commissioner upon the requisition of the President or Congress, to make plats, &c.

SEC. 7. *And be it further enacted,* That in all cases in which land has heretofore, or shall hereafter be given by the United States for military services, warrants shall be granted to the parties entitled to such land by the Secretary of War: and such warrants shall be recorded in the said land-office, in books to be kept for the purpose, and shall be located as is, or may be provided by law; and patents shall afterwards be issued accordingly.

Warrants to be given by Secretary of War for military lands.

Patents to be issued.

SEC. 8. *And be it further enacted,* That all patents issuing from the said office, shall be issued in the name of the United States, and under the seal of the said office, and be signed by the President of the United States, and countersigned by the commissioner of the said office; and shall be recorded in the said office, in books to be kept for the purpose.

Patents how to be executed. Act of July 4, 1836, ch. 352, sec. 10.

SEC. 9. *And be it further enacted,* That all returns relative to the public lands, heretofore directed to be made to the Secretary of the Treasury, shall hereafter be made to the said commissioner, who shall have power to audit and settle all public accounts relative to the public lands: *Provided,* that it shall be the duty of the said commissioner, upon the settlement of any such account, to certify the balance, and transmit the account with the vouchers and certificate to the comptroller of the treasury, for his examination and decision thereon.

Returns to be made to the Secretary of the Treasury.

Accounts to be settled at the commissioner's office.

Proviso.

SEC. 10. *And be it further enacted,* That no person appointed to an office instituted by this act, or employed in any such office, shall directly or indirectly be concerned in the purchase of any right, title or interest, in any public land, either in his own right, or in trust for any other person, or in the name or right of any other person in trust for himself, nor shall take or receive any fee or emolument for negotiating or transacting the business of the office. And any person offending in the premises against the prohibitions of this act, shall forfeit and pay one hundred dollars; and, upon conviction, shall be removed from office.

No person employed in the office to be engaged, directly or indirectly in the purchase of public lands.

Act of July 4, 1836, ch. 352, sec. 14.

SEC. 11. *And be it further enacted,* That the commissioner of the said land-office, shall be appointed by the President of the United States, by and with the advice and consent of the Senate; and shall receive an annual salary, equal to the salary of the auditor of the treasury, payable

Commissioner of the land-office, how to be appointed.



Yellowstone National Park first national park created 1872.

A RATHER EARLY TRESPASS CASE?

miles north of the house. Numerous  
excellent trails also lead from the  
house in various directions. A man  
named McCartney keeps a hotel  
on the reservation near the Hot  
Springs. He sells bad whiskey, in-  
courages gambling, and charges  
orbitant prices. He has no permission  
nor authority to live on the reservation,  
and should be put off, although  
it would require physical force to  
do it. The wagon-roads are good  
and were much used by tourists  
last summer. Describe these build-  
ings because they are within 14  
miles of the boundary. There are  
about a dozen cabins built and  
occupied, along the Yellowstone  
River, between the boundary line  
and forty miles below it. The  
nearest ones are about four miles north  
of the line, or one mile below the  
mouth of Gardiner's River. There

## STATUTE I.

April 24, 1820.

CHAP. LI. — *An Act making further provision for the sale of the public lands.*

Act of March 3, 1819, ch. 92.  
Act of March 24, 1821, ch. 12.  
Act of March 3, 1823, ch. 57.  
Public sale of lands in half quarter sections, after 1st July, 1820.

At private sale, in entire, half, quarter, or half quarter sections.

Act of Feb. 11, 1805, ch. 14.  
Fractional sections, less than 160 acres, to be sold entire.

Proviso.

No credit on sales of public lands, after 1st July, 1820.

Purchasers at private sale to produce a receipt for the money before entry.

Price of lands 1 dollar 25 cts. per acre after 1st July, 1820.

No sales for less than 1 dollar 25 cts. per acre.

Lands offered at public sales, and unsold, subject to private sale, at 1 dollar 25 cts. per acre.  
Exceptions.

Lands reverted, &c. to be offered at public, before private sales.  
Sale of lands

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the first day of July next, all the public lands of the United States, the sale of which is, or may be authorized by law, shall, when offered at public sale, to the highest bidder, be offered in half quarter sections; and when offered at private sale, may be purchased, at the option of the purchaser, either in entire sections, half sections, quarter sections, or half quarter sections; and in every case of the division of a quarter section, the line for the division thereof shall run north and south, and the corners and contents of half quarter sections which may thereafter be sold, shall be ascertained in the manner, and on the principles directed and prescribed by the second section of an act entitled, "An act concerning the mode of surveying the public lands of the United States," passed on the eleventh day of February, eighteen hundred and five; and fractional sections, containing one hundred and sixty acres, or upwards, shall, in like manner, as nearly as practicable, be sub-divided into half quarter sections, under such rules and regulations as may be prescribed by the Secretary of the Treasury; but fractional sections, containing less than one hundred and sixty acres, shall not be divided, but shall be sold entire: *Provided*, That this section shall not be construed to alter any special provision made by law for the sale of land in town lots.*

SEC. 2. *And be it further enacted, That credit shall not be allowed for the purchase money on the sale of any of the public lands which shall be sold after the first day of July next, but every purchaser of land sold at public sale thereafter, shall, on the day of purchase, make complete payment therefor; and the purchaser at private sale shall produce, to the register of the land office, a receipt from the treasurer of the United States, or from the receiver of public moneys of the district, for the amount of the purchase money on any tract, before he shall enter the same at the land office; and if any person, being the highest bidder, at public sale, for a tract of land, shall fail to make payment therefor, on the day on which the same was purchased, the tract shall be again offered at public sale, on the next day of sale, and such person shall not be capable of becoming the purchaser of that or any other tract offered at such public sales.*

SEC. 3. *And be it further enacted, That from and after the first day of July next, the price at which the public lands shall be offered for sale, shall be one dollar and twenty-five cents an acre; and at every public sale, the highest bidder, who shall make payment as aforesaid, shall be the purchaser; but no land shall be sold, either at public or private sale, for a less price than one dollar and twenty-five cents an acre; and all the public lands which shall have been offered at public sale before the first day of July next, and which shall then remain unsold, as well as the lands that shall thereafter be offered at public sale, according to law, and remain unsold at the close of such public sales, shall be subject to be sold at private sale, by entry at the land office, at one dollar and twenty-five cents an acre, to be paid at the time of making such entry as aforesaid; with the exception, however, of the lands which may have reverted to the United States, for failure in payment, and of the heretofore reserved sections for the future disposal of Congress, in the states of Ohio and Indiana, which shall be offered at public sale, as hereinafter directed.*

SEC. 4. *And be it further enacted, That no lands which have reverted, or which shall hereafter revert, and become forfeited to the United States for failure in any manner to make payment, shall, after the first day of July next, be subject to entry at private sale, nor until the same shall have been first offered to the highest bidder at public sale; and all such*

Et,

# The United States of America,

To all to whom these presents shall come, Greeting:

**CERTIFICATE**

No. 686

Montana Territory,

has deposited in the General Land Office of the United States a Certificate of the Register of the said Office of Helena Montana Territory, whereby it appears that full payment has been made by the said James Fisher,

Secretary to the purchase of the Act of Congress of the 21st of April, 1820, entitled "An Act making further provision for the sale of the Public Lands," for and the purchase money therefor for the South half of the South-east quarter of Section twenty nine and the North half of the North-east quarter, of Section thirty two in Township two North of Range two West in the district of lands subject to Public Sale in Helena Montana Territory (containing one hundred acres more or less, more

according to the Official Plat of the Survey of the said Lands, returned to the General Land Office by the Surveyor General, which said Tract has been purchased by the said James Fisher.

Now know ye, That the United States of America, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, have given and granted, and by these presents do give and grant unto the said James Fisher,

and his heirs, the said Tract above described: To have and to hold the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereto belonging, unto the said James Fisher

and to his heirs and assigns forever; subject to any and several water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditch and drain and in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and usage of courts, and also subject to the right of the proprietors of a vein or lode to extract and remove therefrom should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

In testimony whereof, J. Rutherford B. Hayes, President of the United States of America, has caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

Given under my hand at the City of Washington, the twenty second day of July, in the year of our Lord one thousand eight hundred and eighty, and of the Independence of the United States the sixtieth and fifth

BY THE PRESIDENT: R. B. Hayes

By Wm. H. Crook, Secretary

A. G. Clark, Recorder of the General Land Office

ville, and Prairie du Chien, to Fort Snelling. From Bellevue to Galena, Illinois. From Mineral point, by way of T. J. Parish's, to the English prairie. From Galena, Illinois, by way of White Oak springs, Gratiot's Grove, and Wioata, McNutt's Diggings and Wisconsin city, to intersect the Root river and Cassville route. From Coldwater, in Branch county, to Michigan city, in the State of Indiana, via Centreville, Constantine, Mottville, Bristol, Elkhart, Mishawaukie, South Bend, and Laporte. From Jacksonburg to White Pigeon, via Spring Arbor, Concord, Homer, Tekonsha, Goodwinville, Durham, Nottawa and Centreville. From Warsaw, Illinois, by Keokuck, Fort Desmoines, Fort Madison, Gibson's ferry, Burlington, Iowa, Clark's ferry, Davenport, Parkhurst, Bellevue, Du Buque, Peru, Durango, Weyman's, Cassville, and Prairie du Chien, to Fort Snelling. From Du Buque, by Suisinawa, and Blast Furnace, to Elkgrove. From Mineral point, by Dodgeville and Helena, to Arena. From Galena, by Vinegarhill, Elkgrove, and Bellemont, to Mineral point. From Fort Winnebago, by Fond du Lac, Calumet village, to Grand Kalkalin. From Chicago, by Pike river, Racine, Milwaukee, Chebawgan, Pigeon, Manlitowack, to Green bay. From Wisconsin to the city of the Four Lakes. From the city of the Four Lakes, by Fond du Lac, and the city of Winnebago, at the northeast end of Lake Winnebago, to a point of intersection with the route from Prairie du Chien, to Green bay. From Fond du Lac, at the south end of Lake Winnebago, to Milwaukee. From Milwaukee, by the city of the Four Lakes, to the Blue mound, there to intersect the route from Green bay to Prairie du Chien.

Post routes discontinued. Maine. Ohio.

*In Maine.*—From Camden to Vinal Haven.

*In Ohio.*—From Waupakonetta to Sugar Grove. From Piqua to Waupakonetta.

*In South Carolina.*—From Mount Hill to Varennes. From Stauntonville, by Golden Grove, to Greenville court-house.

South Carolina.

APPROVED, July 2, 1836.

CHAP. CCXC.—*An Act to extend the privilege of franking letters and packages to Dolly P. Madison.*

STATUTE I.  
July 2, 1836.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all letters and packages to and from Dolly P. Madison, relict of the late James Madison, shall be received and conveyed by post, free of postage, for and during her life.

Act of March 3, 1845, ch. 43.

APPROVED, July 2, 1836.

CHAP. CCCLII.—*An Act to reorganize the General Land Office.*(a)

STATUTE I.  
July 4, 1836.

*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, the executive duties now prescribed, or which may hereafter be prescribed by law, appertaining to the surveying and sale

Duties relating to public lands under supervision of the commissioner.

of the public lands of the United States, or in anywise respecting such public lands, and, also, such as relate to private claims of land, and the issuing of patents for all grants of land under the authority of the Government of the United States, shall be subject to the supervision and control of the Commissioner of the General Land Office, under the direction of the President of the United States.

SEC. 2. *And be it further enacted,* That there shall be appointed in said office, by the President, by and with the advice and consent of the Senate, two subordinate officers, one of whom shall be called Principal Clerk of the Public Lands, and the other Principal Clerk on Private Land Claims, who shall perform such duties as may be assigned to them by the Commissioner of the General Land Office; and in case of vacancy in the office of the Commissioner of the General Land Office, or of the absence or sickness of the Commissioner, the duties of said office shall devolve upon and be performed, ad interim, by the Principal Clerk of the public lands.

A principal clerk of public lands, and one on private land claims, to be appointed.

SEC. 3. *And be it further enacted,* That there shall be appointed by the President, by and with the advice and consent of the Senate, an officer to be styled the Principal Clerk of the Surveys, whose duty it shall be to direct and superintend the making of surveys, the returns thereof, and all matters relating thereto, which are done through the officers of the Surveyor General; and he shall perform such other duties as may be assigned to him by the Commissioner of the General Land Office.

A principal clerk of the surveys.

SEC. 6. *And be it further enacted,* That it shall be lawful for the President of the United States, by and with the advice and consent of the Senate, to appoint a Secretary, with a salary of fifteen hundred dollars per annum, whose duty it shall be, under the direction of the President, to sign in his name, and for him, all patents for land sold or granted under the authority of the United States.

A secretary to sign patents for lands.

hereby authorized to have the Sixth Census documents bound in a plain and substantial manner, the cost of which shall not exceed fifty cents per volume; and that the amount thereof shall be paid out of any money in the Treasury not otherwise appropriated.

Sixth census documents to be bound.

SEC. 3. *And be it further enacted*, That it shall and may be lawful for the marshal of the State of Maryland, and he is hereby required, under the direction of the Secretary of State, to cause the number of inhabitants within Montgomery county, in the State aforesaid, to be again taken according to the directions of the act to which this is a supplement, and the same to be returned before the first day of December next, and when so taken and returned shall be considered as the correct enumeration of the inhabitants of the said county: *Provided*, That nothing herein contained shall be deemed to release such marshal and his assistants from the penalties contained in the act aforesaid: *And provided further*, That no persons be included in the returns made under the present act, unless such persons shall have been inhabitants of the district for which such returns shall be made on the first day of June, one thousand eight hundred and forty: *And provided, also*, That the said corrected return shall not delay the printing of the Census: and that the said corrected return be printed by itself separately.

The number of inhabitants of Montgomery co., Maryland, to be again taken.

Proviso.

Proviso.

Proviso.

APPROVED, September 1, 1841.

STATUTE I.

CHAP. XVI.—*An Act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights.* (a)

Sept. 4, 1841.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the thirty-first day of December, in the year of our Lord one thousand eight hundred and forty-one, there be allowed and paid to each of the States of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, Louisiana, Arkansas, and Michigan, over and above what each of the said States is entitled to by the terms of the compacts entered into between them and the United States, upon their admission into the Union, the sum of ten per centum upon the nett proceeds of the sales of the public lands, which, subsequent to the day aforesaid, shall be made within the limits of each of said States respectively: *Provided*, That the sum so allowed to the said States, respectively, shall be in no wise affected or diminished on account of any sums which have been heretofore, or shall be hereafter, applied to the construction or continuance of the Cumberland road, but that the disbursements for the said road shall remain, as heretofore, chargeable on the two per centum fund provided for by compacts with several of the said States.

Act of May 29, 1830, ch. 208.

Certain States to be paid 10 per cent. on nett proceeds of sales of public lands therein, &c.

Proviso.

SEC. 2. *And be it further enacted*, That after deducting the said ten per centum, and what, by the compacts aforesaid, has heretofore been allowed to the States aforesaid, the residue of the nett proceeds, which nett proceeds shall be ascertained by deducting from the gross proceeds all the expenditures of the year for the following objects: salaries and expenses on account of the General Land Office; expenses for surveying public lands; salaries and expenses in the surveyor general's offices; salaries, commissions, and allowances to the registers and receivers; the five per centum to new States, of all the public lands of the United States, wherever situated, which shall be sold subsequent to the said thirty-first day of December, shall be divided among the twenty-six States of the Union and the District of Columbia, and the Territories of Wisconsin, Iowa, and Florida, according to their respective federal representative population as ascertained by the last census, to be applied by the Legislatures of the said States to such purposes as the said Legislatures may direct: *Provided*, That the distributive share to which the

After deducting said 10 per cent. &c. residue to be divided among the States, &c. of the Union; *hous.*

To be applied as the Legislatures may direct. *Proviso.*

(a) See notes to the act of May 29, 1830, chap. 208.



CHAP. CVIII. — *An Act to establish the Home Department, and to provide for the Treasury Department an Assistant Secretary of the Treasury, and a Commissioner of the Customs.*

March 3, 1849.

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, there shall be created a new executive department of the government of the United States, to be called the Department of the Interior; the head of which department shall be called the Secretary of the Interior, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and who shall hold his office by the same tenure, and receive the same salary, as the Secretaries of the other executive departments, and who shall perform all the duties assigned to him by this act.

New executive department created, to be called the "Department of the Interior."

Secretary of the Interior—how to be appointed: his salary.

SEC. 2. *And be it further enacted*, That the Secretary of the Interior shall exercise and perform all the acts of supervision and appeal in regard to the office of Commissioner of Patents, now exercised by the Secretary of State; and the said Secretary of the Interior shall sign all requisitions for the advance or payment of money out of the treasury on estimates or accounts, subject to the same adjustment or control now exercised on similar estimates or accounts by the First or Fifth Auditor and First Comptroller of the Treasury.

Secretary of the Interior to have supervision of the patent office;

SEC. 3. *And be it further enacted*, That the Secretary of the Interior shall perform all the duties in relation to the General Land Office, of supervision and appeal, now discharged by the Secretary of the Treasury; and the said Secretary of the Interior shall sign all requisitions for the advance or payment of money out of the treasury, on estimates or accounts, approved or certified by the Commissioner of the General Land Office, subject to the same control now exercised by the First Comptroller of the Treasury.

And of the General Land Office;

SEC. 4. *And be it further enacted*, That the supervisory power now exercised by the Secretary of the Treasury over the accounts of the marshals, clerks, and other officers of all the courts of the United States, shall be exercised by the Secretary of the Interior, who shall sign all requisitions for the advance or payment of money out of the treasury, on estimates or accounts, subject to the same control now exercised on like estimates or accounts by the First Auditor and First Comptroller of the Treasury.

And of the accounts of marshals, clerks, and officers of Courts of the United States, &c.;

SEC. 5. *And be it further enacted*, That the Secretary of the Interior shall exercise the supervisory and appellate powers now exercised by the Secretary of the War Department, in relation to all the acts of the Commissioner of Indian Affairs; and shall sign all requisitions for the advance or payment of money out of the treasury, on estimates or accounts, subject to the same adjustment or control now exercised on similar estimates or accounts by the Second Auditor and Second Comptroller of the Treasury.

And of the Commissioner of Indian Affairs, &c.;

SEC. 6. *And be it further enacted*, That the Secretary of the Interior shall exercise the supervisory and appellate powers now exercised by the Secretaries of the War and Navy Departments, in relation to all the acts of the Commissioner of Pensions; and shall sign all requisitions for the advance or payment of money out of the treasury, on estimates or accounts, subject to the same adjustment or control now exercised on similar estimates or accounts by the Third or Fourth Auditors and Second Comptroller of the Treasury.

And of the Commissioner of Pensions, &c.;

SEC. 7. *And be it further enacted*, That the Secretary of the Interior shall exercise all the supervisory and appellate powers now exercised by the Secretary of State, in relation to all acts of marshals and others in taking and returning the census of the United States; and shall sign all requisitions for the advance or payment of money out of the treasury, on estimates or accounts, subject to the same adjustment or

And of the taking and making returns of census, &c.;

control now exercised over similar estimates and accounts by the Fifth Auditor and First Comptroller of the Treasury.

And of the lead and other mines of the U. States;

Sec. 8. *And be it further enacted*, That the supervisory and appellate powers now exercised by the Secretary of the Treasury over the lead and other mines of the United States, and over the accounts of the agents thereof, shall be exercised by the Secretary of the Interior; who shall sign all requisitions for the advance or payment of money out of the treasury, on estimates or accounts, subject to the same adjustment or control now exercised on similar estimates or accounts by the Second Auditor and Second Comptroller of the Treasury.

And of the Commissioner of Public Buildings, &c.;

Sec. 9. *And be it further enacted*, That the supervisory and appellate powers now exercised by the President of the United States over the Commissioner of Public Buildings, shall be exercised by the Secretary of the Interior; who shall sign all requisitions for the advance or payment of money out of the treasury, on estimates or accounts, subject to the same adjustment or control now exercised on similar estimates or accounts by the First Auditor and First Comptroller of the Treasury: *Provided*, That nothing in this section contained shall be construed to take from the presiding officers of the two Houses of Congress the power now possessed by them to make and enforce rules and regulations for the care, preservation, orderly keeping, and police of the Capitol, and its appurtenances.

Proviso.

And over the penitentiary of the District of Columbia.

Sec. 10. *And be it further enacted*, That the Secretary of the Interior shall have and exercise a supervisory power and control over the Board of Inspectors and warden of the Penitentiary of the District of Columbia; and shall sign all requisitions for the advance or payment of money out of the treasury on estimates or accounts, subject to the same adjustment or control now exercised on similar estimates or accounts by the First Auditor and First Comptroller of the Treasury.

Secretary to appoint a chief clerk: his salary.

Sec. 11. *And be it further enacted*, That the Secretary of the Interior is hereby authorized to appoint a chief clerk of his department, who shall receive a salary of two thousand dollars per annum; and that the President of the United States, on the recommendation of the said Secretary of the Interior, may transfer from the Treasury Department proper, to the Department of the Interior, such clerks in the office of the Secretary of the Treasury as perform the duties over which the supervision and control are given by this act to the Secretary of the Interior; which said clerks shall be hereafter subject to the appointing and removing power of the Secretary of the Interior, as also the clerks in the several bureaus heretofore appointed or removable by the heads of departments, which bureaus are transferred by this act to the Department of the Interior.

Certain clerks in the Treasury Department to be transferred to the office of Secretary of the Interior.

Appointment of clerks.

Commissioner of Customs to be appointed. His salary.

Sec. 12. *And be it further enacted*, That an officer shall be appointed by the President of the United States, by and with the advice and consent of the Senate, in the Department of the Treasury, as one of its bureaus, to be called the Commissioner of Customs, who shall perform all the acts and exercise all the powers, now devolved by law on the First Comptroller of the Treasury, relating to the receipts from customs and the accounts of collectors and other officers of the customs, or connected therewith; who shall hold his office by the same tenure, and receive the same amount of salary, as the First Auditor of the Treasury, and payable in the same manner. And the Secretary of the Treasury shall transfer from the office of the First Comptroller such clerks as may be necessary to the bureau of the Commissioner of Customs, for whom the said Secretary of the Treasury shall also appoint one chief clerk, at a salary of seventeen hundred dollars per annum.

Clerks to be transferred from office of First Comptroller, and chief clerk to be appointed by Secretary of the Treasury.

Assistant Secretary of the Treasury to be

Sec. 13. *And be it further enacted*, That an officer shall be appointed in the Treasury Department by the Secretary of the Treasury, to be



Repeal of inconsistent laws.

SEC. 20. *And be it further enacted*, That all acts and parts of acts heretofore passed, which are inconsistent with any of the provisions of this act, are, for the purposes of this act, hereby repealed, so far as the same are inconsistent herewith.

APPROVED, May 17, 1862.

May 20, 1862.

CHAP. LXXV. — *An Act to secure Homesteads to actual Settlers on the Public Domain.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who shall have filed his declaration of intention to become such, as required by the naturalization laws of the United States, and who has never borne arms against the United States Government or given aid and comfort to its enemies, shall, from and after the first January, eighteen hundred and sixty-three, be entitled to enter one quarter section or a less quantity of unappropriated public lands, upon which said person may have filed a preëmption claim, or which may, at the time the application is made, be subject to preëmption at one dollar and twenty-five cents, or less, per acre; or eighty acres or less of such unappropriated lands, at two dollars and fifty cents per acre, to be located in a body, in conformity to the legal subdivisions of the public lands, and after the same shall have been surveyed: *Provided*, That any person owning and residing on land may, under the provisions of this act, enter other land lying contiguous to his or her said land, which shall not, with the land so already owned and occupied, exceed in the aggregate one hundred and sixty acres.

Such persons to make affidavit.

Contents of affidavit.

Certificates and patents, when to issue and upon what proof.

Affidavit.

Provision in case of death of applicant, &c.

SEC. 2. *And be it further enacted*, That the person applying for the benefit of this act shall, upon application to the register of the land office in which he or she is about to make such entry, make affidavit before the said register or receiver that he or she is the head of a family, or is twenty-one years or more of age, or shall have performed service in the army or navy of the United States, and that he has never borne arms against the Government of the United States or given aid and comfort to its enemies, and that such application is made for his or her exclusive use and benefit, and that said entry is made for the purpose of actual settlement and cultivation, and not either directly or indirectly for the use or benefit of any other person or persons whomsoever; and upon filing the said affidavit with the register or receiver, and on payment of ten dollars, he or she shall thereupon be permitted to enter the quantity of land specified: *Provided, however*, That no certificate shall be given or patent issued therefor until the expiration of five years from the date of such entry; and if, at the expiration of such time, or at any time within two years thereafter, the person making such entry; or, if he be dead, his widow; or in case of her death, his heirs or devisee; or in case of a widow making such entry, her heirs or devisee, in case of her death; shall prove by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of five years immediately succeeding the time of filing the affidavit aforesaid, and shall make affidavit that no part of said land has been alienated, and that he has borne true allegiance to the Government of the United States; then, in such case, he, she, or they, if at that time a citizen of the United States, shall be entitled to a patent, as in other cases provided for by law: *And provided, further*, That in case of the death of both father and mother, leaving an infant child, or children, under twenty-one years of age, the right and fee shall enure to the benefit of said infant child or children; and the executor, administrator, or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children for the time being have their domicile, sell

said land for the benefit of said infants, but for no other purpose; and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States, on payment of the office fees and sum of money herein specified.

SEC. 3. *And be it further enacted*, That the register of the land office shall note all such applications on the tract books and plats of his office, and keep a register of all such entries, and make return thereof to the General Land Office, together with the proof upon which they have been founded.

Record of applications to be made.

SEC. 4. *And be it further enacted*, That no lands acquired under the provisions of this act shall in any event become liable to the satisfaction of any debt or debts contracted prior to the issuing of the patent therefor.

Such lands not to be subject to prior debts.

SEC. 5. *And be it further enacted*, That if, at any time after the filing of the affidavit, as required in the second section of this act, and before the expiration of the five years aforesaid, it shall be proven, after due notice to the settler, to the satisfaction of the register of the land office, that the person having filed such affidavit shall have actually changed his or her residence, or abandoned the said land for more than six months at any time, then and in that event the land so entered shall revert to the government.

When lands thus entered revert to government.

SEC. 6. *And be it further enacted*, That no individual shall be permitted to acquire title to more than one quarter section under the provisions of this act; and that the Commissioner of the General Land Office is hereby required to prepare and issue such rules and regulations, consistent with this act, as shall be necessary and proper to carry its provisions into effect; and that the registers and receivers of the several land offices shall be entitled to receive the same compensation for any lands entered under the provisions of this act that they are now entitled to receive when the same quantity of land is entered with money, one half to be paid by the person making the application at the time of so doing, and the other half on the issue of the certificate by the person to whom it may be issued; but this shall not be construed to enlarge the maximum of compensation now prescribed by law for any register or receiver: *Provided*, That nothing contained in this act shall be so construed as to impair or interfere in any manner whatever with existing preëmption rights: *And provided, further*, That all persons who may have filed their applications for a preëmption right prior to the passage of this act, shall be entitled to all privileges of this act: *Provided, further*, That no person who has served, or may hereafter serve, for a period of not less than fourteen days in the army or navy of the United States, either regular or volunteer, under the laws thereof, during the existence of an actual war, domestic or foreign, shall be deprived of the benefits of this act on account of not having attained the age of twenty-one years.

Not over one quarter section can be thus acquired.

Rules and regulations of Land Office.

Fees of registers and receivers, when to be paid.

Existing preëmption rights not impaired.

Certain minors may have the privileges of this act.

SEC. 7. *And be it further enacted*, That the fifth section of the act entitled "An act in addition to an act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes," approved the third of March, in the year eighteen hundred and fifty-seven, shall extend to all oaths, affirmations, and affidavits, required or authorized by this act.

Punishment for false swearing under this act.

1857, ch. 116, § 5. Vol. xi. p. 250.

SEC. 8. *And be it further enacted*, That nothing in this act shall be so construed as to prevent any person who has availed him or herself of the benefits of the first section of this act, from paying the minimum price, or the price to which the same may have graduated, for the quantity of land so entered at any time before the expiration of the five years, and obtaining a patent therefor from the government, as in other cases provided by law, on making proof of settlement and cultivation as provided by existing laws granting preëmption rights.

Applicant may have the land upon paying minimum price, &c., before the five years expire.

APPROVED, May 20, 1862.

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FIRST HOMESTEAD PATENT  
IN THE UNITED STATES  
ISSUED PURSUANT TO  
THE PROVISIONS OF THE  
ACT OF 1862

# The United States of America,

To all to whom these presents shall come, Greeting:

Homestead Certificate No. 1

Application 1

Whereas, there has been deposited in the General Land Office of the United States, a CERTIFICATE of the Register of the Land Office at Brownsville Nebraska, whereby it appears that pursuant to the Act of Congress approved 20th May, 1862, "To secure Homesteads to actual Settlers on the public domain," and the acts supplemental thereto the claim of Daniel Freeman

has been established and duly consummated in

conformity to law for the South half of the North West quarter and <sup>the</sup> North East quarter of the North West quarter and the South West quarter of the North East quarter of Section twenty six in Township four North of Range five East in the District of lands formerly subject to sale at Brownsville near Beatrice Nebraska - containing One hundred and sixty acres

according to the Official Plat of the Survey of the said Land returned to the General Land Office by the Surveyor General.

Now know ye, That there is therefore granted by the UNITED STATES unto the said Daniel Freeman the tract of Land above described: To Have and to Hold the said tract of Land, with the appurtenances thereof, unto the said Daniel Freeman and to his heirs and assigns forever.

In testimony whereof, *S. Myron Grant*, PRESIDENT OF THE UNITED STATES OF AMERICA, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

Given under my hand, at the CITY OF WASHINGTON, the first day of September, in the year of our Lord one thousand eight hundred and sixty nine, and of the INDEPENDENCE OF THE UNITED STATES the ninety fourth



By the President: *W. S. Grant*  
By *J. A. Barrett*, Secy  
*J. A. Craigie*, Recorder of the General Land Office

# The United States of America,

To all to whom these Presents shall come, Greeting:

607  
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Whereas, There has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Helena, Montana Territory, whereby it appears that pursuant to the Act of Congress approved 21st May, 1862, "To secure Homesteads to actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Stephann Kottke

has been established and duly consummated, in conformity to law, for the South half of the north east quarter and the North west quarter of the South east quarter of section fifteen and the South west quarter of the north west quarter of section fourteen, in township nine north of range two west of Montana Meridian, in Montana Territory containing one hundred and twenty acres

according to the Official Plat of the Survey of said Land, returned to the General Land Office by the Surveyor General.

Now know ye that these is, therefore, granted by the United States unto the said Stephann Kottke

the tract of Land above described: To have and to hold the said tract of Land, with the appurtenances thereof, unto the said Stephann Kottke and to his heirs and assigns forever, subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietors of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

In testimony whereof, Chester A. Arthur PRESIDENT OF THE UNITED STATES OF AMERICA, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

Given under my hand at the City of Washington, the fourteenth day of June in the year of our Lord one thousand eight hundred and eighty four and of the Independence of the United States the one hundred and ninety



In the presence of Chester A. Arthur  
Wm. H. Brock Secretary  
S. W. Clark Recorder of the General Land Office

seventive miles of the road mentioned in the foregoing section, in the manner provided for other roads mentioned in this act, and the act to which this is an amendment, the President of the United States shall appoint three commissioners to examine and report to him in relation thereto; and if it shall appear to him that twenty miles of said road have been completed as required by this act, then, upon certificate of said commissioner[s] to that effect, patents shall issue conveying the right and title to said lands to said company on each side of said road, as far as the same is completed, to the amount aforesaid; and such examination, report, and conveyance, by patents, shall continue from time to time, in like manner, until said road shall have been completed. And the President shall appoint said commissioners, fill vacancies in said commission, as provided in relation to other roads mentioned in the act to which this is an amendment. And the said company shall be entitled to all the privileges and immunities granted to the Hannibal and Saint Joseph's Railroad Company by the said last-mentioned act, so far as the same may be applicable: *Provided*, That no government bonds shall be issued to the said Burlington and Missouri River Railroad Company to aid in the construction of said extension of its road: *And provided, further*, That said extension shall be completed within the period of ten years from the passage of this act.

Patents to issue.

Provisos.

SEC. 21. *And be it further enacted*, That before any land granted by this act shall be conveyed to any company or party entitled thereto under this act, there shall first be paid into the treasury of the United States, the cost of surveying, selecting, and conveying the same, by the said company or party in interest, as the titles shall be required by said company, which amount shall, without any further appropriation, stand to the credit of the proper account, to be used by the commissioner of the general land-office for the prosecution of the survey of the public lands along the line of said road, and so from year to year until the whole shall be completed, as provided under the provisions of this act.

Cost of surveying, &c., to be paid before conveyances are made.

SEC. 22. *And be it further enacted*, That congress may, at any time, alter, amend, or repeal this act.

This act may be altered, &c.

APPROVED, July 2, 1864.

CHAP. CCXVII. — *An Act granting Lands to aid in the Construction of a Railroad and Telegraph Line from Lake Superior to Puget's Sound, on the Pacific Coast, by the Northern Route.*

July 2, 1864.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That Richard D. Rice, John A. Poore, Samuel P. Strickland, Samuel C. Fessenden, Charles P. Kimball, Augustine Haines, Edwin R. W. Wiggin, Anson P. Morrill, Samuel J. Anderson, of Maine; Willard Sears, I. S. Withington, Josiah Perham, James M. Becket, A. W. Banfield, Abiel Abbott, John Newell, Austin L. Rogers, Nathaniel Greene, jr., Oliver Frost, John A. Bass, John O. Bresbrey, George Shiverick, Edward Tyler, Filander J. Forristall, Ivory H. Pope, of Massachusetts; George Opdyke, Fairley Holmes, John Huggins, Philander Reed, George Briggs, Chauncey Vibbard, John C. Fremont, of New York; Ephraim Marsh, John P. Jackson, jr., of New Jersey; S. M. Felton, John Toy, O. J. Dickey, B. F. Archer, G. W. Cass, J. Edgar Thompson, John A. Green, of Pennsylvania; T. M. Allyn, Moses W. Wilson, Horace Whittaker, Ira Bliss, of Connecticut; Joseph A. Gilmore, Onslow Stearns, E. P. Emerson, Frederick Smyth, William E. Chandler, of New Hampshire; Cyrus Aldrich, H. M. Rice, John McKusick, H. C. Waite, Stephen Miller, of Minnesota; E. A. Chapin, John Gregory Smith, George Merrill, of Vermont; James Y. Smith, William S. Slater, Isaac H. Southwick, Earl P. Mason, of Rhode Island; Seth Fuller, William Kellogg, U. S. Grant, William B. Ogden, William G. Greene, Leonard Sweat, Henry W. Blodgett, Porter Sheldon, of Illinois; J. M. Winchell, Elsworth Cheesbrough, James S. Emery, of Kansas; Richard

Northern Pacific Railroad Company Incorporated.  
Names of corporators.

other meetings, naming the time and place thereof. It shall be the duty of said board of commissioners to open books, or cause books to be opened, at such times, and in such principal cities or other places in the United States, as they, or a quorum of them, shall determine, within six months after the passage of this act, to receive subscriptions to the capital stock of said corporation, and a cash payment of ten per centum on all subscriptions, and to receipt therefor. So soon as twenty thousand shares shall in good faith be subscribed for, and ten dollars per share actually paid into the treasury of the company, the said president and secretary of said board of commissioners shall appoint a time and place for the first meeting of the subscribers to the stock of said company, and shall give notice thereof in at least one newspaper in each state in which subscription books have been opened, at least fifteen days previous to the day of meeting, and such subscribers as shall attend the meeting so called, either in person or by lawful proxy, then and there shall elect by ballot thirteen directors for said corporation; and in such election each share of said capital stock shall entitle the owner thereof to one vote. The president and secretary of the board of commissioners, and, in case of their absence or inability, any two of the officers of said board, shall act as inspectors of said election, and shall certify under their hands the names of the directors elected at said meeting; and the said commissioners, treasurer, and secretary, shall then deliver over to said directors all the properties, subscription books, and other books in their possession, and thereupon the duties of said commissioners, and the officers previously appointed by them, shall cease and determine forever, and thereafter the stockholders shall constitute said body politic and corporate. Annual meetings of the stockholders of the said corporation for the choice of officers (when they are to be chosen) and for the transaction of business shall be holden at such time and place and upon such notice as may be prescribed in the by-laws.

SEC. 2. *And be it further enacted,* That the right of way through the public lands be, and the same is hereby, granted to said "Northern Pacific Railroad Company," its successors and assigns, for the construction of a railroad and telegraph as proposed; and the right, power, and authority is hereby given to said corporation to take from the public lands, adjacent to the line of said road, material of earth, stone, timber, and so forth, for the construction thereof. Said way is granted to said railroad to the extent of two hundred feet in width on each side of said railroad where it may pass through the public domain, including all necessary ground for station buildings, workshops, depots, machine shops, switches, side tracks, turn-tables, and water-stations; and the right of way shall be exempt from taxation within the territories of the United States. The United States shall extinguish, as rapidly as may be consistent with public policy and the welfare of the said Indians, the Indian titles to all lands falling under the operation of this act, and acquired in the donation to the [road] named in this bill.

SEC. 3. *And be it further enacted,* That there be, and hereby is, granted to the "Northern Pacific Railroad Company," its successors and assigns, for the purpose of aiding in the construction of said railroad and telegraph line to the Pacific coast, and to secure the safe and speedy transportation of the mails, troops, munitions of war, and public stores, over the route of said line of railway, every alternate section of public land, not mineral, designated by odd numbers, to the amount of twenty alternate sections per mile, on each side of said railroad line, as said company may adopt, through the territories of the United States, and ten alternate sections of land per mile on each side of said railroad whenever it passes through any state, and whenever on the line thereof, the United States have full title, not reserved, sold, granted, or otherwise appropriated, and free from preemption, or other claims or rights, at the time the line of said road is definitely fixed, and a plat thereof filed in the office

Meetings.

Books of subscription.

First meeting of subscribers to stock.

Directors.

Inspectors of election.

Commissioners to deliver to directors.

Annual meetings.

Right of way.

Materials for construction.

Indian titles to be extinguished.

Grant of public lands.

of the commissioner of the general land-office; and whenever, prior to said time, any of said sections or parts of sections shall have been granted, sold, reserved, occupied by homestead settlers, or preempted, or otherwise disposed of, other lands shall be selected by said company in lieu thereof, under the direction of the Secretary of the Interior, in alternate sections, and designated by odd numbers, not more than ten miles beyond the limits of said alternate sections: *Provided*, That if said route shall be found upon the line of any other railroad route to aid in the construction of which lands have been heretofore granted by the United States, as far as the routes are upon the same general line, the amount of land heretofore granted shall be deducted from the amount granted by this act: *Provided, further*, That the railroad company receiving the previous grant of land may assign their interest to said "Northern Pacific Railroad Company," or may consolidate, confederate, and associate with said company upon the terms named in the first section of this act:

**Lands in lieu of those reserved, &c.**  
**Proviso.** *Provided, further*, That all mineral lands be, and the same are hereby, excluded from the operations of this act, and in lieu thereof a like quantity of unoccupied and unappropriated agricultural lands, in odd numbered sections, nearest to the line of said road may be selected as above provided: *And provided, further*, That the word "mineral," when it occurs in this act, shall not be held to include iron or coal: *And provided, further*, That no money shall be drawn from the treasury of the United States to aid in the construction of the said "Northern Pacific Railroad."

**Mineral lands excluded.**

**Commissioners.** SEC. 4. *And be it further enacted*, That whenever said "Northern Pacific Railroad Company" shall have twenty-five consecutive miles of any portion of said railroad and telegraph line ready for the service contemplated, the President of the United States shall appoint three commissioners to examine the same, and if it shall appear that twenty-five consecutive miles of said road and telegraph line have been completed in a good, substantial, and workmanlike manner, as in all other respects required by this act, the commissioners shall so report to the President of the United States, and patents of lands, as aforesaid, shall be issued to said company, confirming to said company the right and title to said lands, situated opposite to, and coterminous with, said completed section of said road; and, from time to time, whenever twenty-five additional consecutive miles shall have been constructed, completed, and in readiness as aforesaid, and verified by said commissioners to the President of the United States, then patents shall be issued to said company conveying the additional sections of land as aforesaid, and so on as fast as every twenty-five miles of said road is completed as aforesaid: *Provided*, That not more than ten sections of land per mile, as said road shall be completed, shall be conveyed to said company for all that part of said railroad lying east of the western boundary of the State of Minnesota, until the whole of said railroad shall be finished and in good running order, as a first-class railroad, from the place of beginning on Lake Superior to the western boundary of Minnesota: *Provided, also*, That lands shall not be granted under the provisions of this act on account of any railroad, or part thereof, constructed at the date of the passage of this act.

**Patents.**

**Proviso.**

**Railroad to be constructed in, &c.** SEC. 5. *And be it further enacted*, That said Northern Pacific Railroad shall be constructed in a substantial and workmanlike manner, with all the necessary draws, culverts, bridges, viaducts, crossings, turnouts, stations, and watering places, and all other appurtenances, including furniture, and rolling stock, equal in all respects to railroads of the first class, when prepared for business, with rails of the best quality, manufactured from American iron. And a uniform gauge shall be established throughout the entire length of the road. And there shall be constructed a telegraph line, of the most substantial and approved description, to be operated along the entire line: *Provided*, That the said company shall not charge the government higher rates than they do individuals for like

**Gauge.**

**Telegraph line.**



transportation and telegraphic service. And it shall be the duty of the Northern Pacific Railroad Company to permit any other railroad which shall be authorized to be built by the United States, or by the legislature of any territory or state in which the same may be situated, to form running connections with it, on fair and equitable terms.

Other roads may form connections.

SEC. 6. *And be it further enacted*, That the President of the United States shall cause the lands to be surveyed for forty miles in width on both sides of the entire line of said road, after the general route shall be fixed, and as fast as may be required by the construction of said railroad; and the odd sections of land hereby granted shall not be liable to sale, or entry, or preemption before or after they are surveyed, except by said company, as provided in this act; but the provisions of the act of September, eighteen hundred and forty-one, granting preemption rights, and the acts amendatory thereof, and of the act entitled "An act to secure homesteads to actual settlers on the public domain," approved May twenty, eighteen hundred and sixty-two, shall be, and the same are hereby, extended to all other lands on the line of said road, when surveyed, excepting those hereby granted to said company. And the reserved alternate sections shall not be sold by the government at a price less than two dollars and fifty cents per acre, when offered for sale.

Lands on both sides of road to be surveyed, &c.

1841, ch. 16,  
Vol. v. p. 453.

1862, ch. 75,  
Vol. xii. p. 392.

SEC. 7. *And be it further enacted*, That the said "Northern Pacific Railroad Company" be, and is hereby, authorized and empowered to enter upon, purchase, take, and hold any lands or premises that may be necessary and proper for the construction and working of said road, not exceeding in width two hundred feet on each side of the line of its railroad, unless a greater width be required for the purpose of excavation or embankment; and also any lands or premises that may be necessary and proper for turnouts, standing places for cars, depots, station-houses, or any other structures required in the construction and working of said road. And the said company shall have the right to cut and remove trees and other material that might, by falling, encumber its road-bed, though standing or being more than two hundred feet from the line of said road. And in case the owner of such lands or premises and the said company cannot agree as to the value of the premises taken, or to be taken, for the use of said road, the value thereof shall be determined by the appraisal of three disinterested commissioners, who may be appointed, upon application by either party, to any court of record in any of the territories in which the lands or premises to be taken lie; and said commissioners, in their assessment of damages, shall appraise such premises at what would have been the value thereof if the road had not been built. And upon return into court of such appraisal, and upon the payment into the same of the estimated value of the premises taken for the use and benefit of the owner thereof, said premises shall be deemed to be taken by said company, which shall thereby acquire full title to the same for the purposes aforesaid. And either party feeling aggrieved at said appraisal may, within thirty days after the same has been returned into court, file an appeal therefrom, and demand a jury of twelve men to estimate the damage sustained; but such appeal shall not interfere with the rights of said company to enter upon the premises taken, or to do any act necessary and proper in the construction of its road. And said party appealing shall give bonds, with sufficient surety or sureties, for the payment of any cost that may arise upon such appeal; and in case the party appealing does not obtain a verdict, increasing or diminishing, as the case may be, the award of the commissioners, such party shall pay the whole cost incurred by the appellee, as well as his own, and the payment into court, for the use of the owner of said premises taken, of a sum equal to that finally awarded, shall be held to vest in said company the title of said land, and of the right to use and occupy the same for the construction, maintenance, and operation of said road. And in case any

Company may take lands necessary for its road.

Damages, how determined.

Appeal from assessment.

Patent 1885

## The United States of America

Whereas the acts to whom these presents shall come, reciting:  
 Whereas the act of Congress, approved July 2, 1862, entitled  
 "An act granting lands to aid in the construction of a  
 Railroad and Telegraph line from Lake Umbagog to Puget  
 Sound on the Pacific Coast by the Northern Route" and  
 the Joint Resolution of May 3, 1857, there was granted  
 to the Northern Pacific Railway Company, its successors  
 and assigns, for the purpose of aiding in the construc-  
 tion of said railroad and telegraph line and branch,  
 to the Pacific Coast "every alternate section of public  
 land not mineral designated by odd numbers, to the  
 amount of twenty alternate sections per mile on each  
 side of said railroad line as said company may  
 adopt through the Territories of the United States and  
 ten alternate sections of land per mile on each  
 side of said railroad, whenever it passes through  
 any State, and whenever on the line thereof, the  
 United States have full title, not reserved, sold,  
 granted or otherwise appropriated and free from pre-  
 emption or other claims or rights, at the time the line  
 of said road is definitely fixed, and a plat thereof  
 filed in the office of the Commissioner of the General  
 Land Office and

Whereas official statements from the Secretary of the  
 Interior have been filed in the General Land Office,  
 showing that the Commissioner appointed by the  
 President under the provisions of the fourth  
 section of the first named act have reported  
 to him that the said Northern Pacific Railroad  
 and Telegraph Line and Branch, extending from  
 Astoria, Oregon to Washington, and Petrol,  
 Oregon declared forfeited by the Act of September  
 29, 1860, have been constructed and fully com-  
 pleted and finished in the manner prescribed  
 by the Act relative thereto, and the same  
 accepted by the President, and

Whereas, there has been filed in the office of the Secretary  
 of the Interior, evidence showing that the Northern Pacific  
 Railway Company is the lawful successor, in interest  
 of the Northern Pacific Railroad Company as to all  
 lands within the limits of the grant made to the  
 said Northern Pacific Railroad Company by

Whereas certain tracts of land have been ceded under the Act aforesaid in the main authorized report of said Northern Pacific Railroad in compliance with Northern Pacific Railway Company as required by its original acts approved by the local land office and now on file in the General Land Office and

Whereas said tracts of land lie contiguous to the constructed line of road and are particularly described as follows, to-wit:

North of base line and West of Montana Meridian,

State of Montana.

Township Nine Range Two.

All of section eleven containing six hundred and forty acres. The North West quarter of the North East quarter of section fifteen containing forty acres.

Township Eleven Range Two.

The lot numbered ten and the South East quarter of the South West quarter of section nine containing seventy-two acres and thirty hundredths of an acre. The South East quarter of the North East quarter of section twenty-seven containing forty acres.

Township Fifteen Range Two.

All of section three containing six hundred and fifty-four acres and eighty hundredths of an acre. All of section five containing six hundred and fifty-six acres and eighty hundredths of an acre. All of section seven containing six hundred and twenty-five acres and thirty-six hundredths of an acre. All of section nine containing six hundred and forty acres. All of section eleven containing six hundred and forty acres. All of section fifteen containing six hundred and forty acres. All of section seventeen containing six hundred and forty acres. All of section nineteen containing six hundred and twenty-seven acres and forty-eight hundredths of an acre. All of section twenty-one containing

CHAP. CCLIII. — *An Act to grade East Capitol Street and establish Lincoln Square.* July 25, 1866.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the commissioner of public buildings be, and he hereby is, authorized and directed, in such manner as he may deem most proper, to cause East Capitol Street to be graded from Third Street east to Eleventh Street east, and to cause the square at the intersection of said street with Massachusetts, North Carolina, Tennessee, and Kentucky avenues, between Eleventh and Thirteenth streets east, to be enclosed with a wooden fence, and the same shall be known as Lincoln Square. And the sum of fifteen thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, to enable the said improvement to be made.

East Capitol Street to be graded and Lincoln Square enclosed.

Appropriation.

APPROVED, July 25, 1866.

CHAP. CCLIV. — *An Act in Relation to the unlawful Tapping of Government Water Pipes.* July 25, 1866.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the unlawful tapping of any water pipe laid down in the District of Columbia by authority of the United States is hereby declared to be a misdemeanor and an indictable offence; and any person who may be indicted for and convicted of such offence in the criminal court of the District of Columbia shall be subject to such fine as the court may think proper to impose, not exceeding five hundred dollars, or to imprisonment for a term not exceeding one year. And it is hereby made the special duty of the commissioner of public buildings to bring to the notice of the attorney of the United States for the District of Columbia, or to the grand jury, any infraction of this law.

Unlawful tapping of government water pipes punishable by fine or imprisonment.

Commissioners of public buildings to prosecute.

APPROVED, July 25, 1866.

CHAP. CCLV. — *An Act to authorize the Entry and Clearance of Vessels at the Port of Calais, Maine.* July 25, 1866.

*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, the Secretary of the Treasury may authorize, under such regulations as he shall deem necessary, the deputy collector of customs at the port of Calais, in the State of Maine, to enter and clear vessels, and to perform such other official acts as the said Secretary shall think advisable.

Deputy collector of customs at Calais, Me., may enter and clear vessels, &c.

APPROVED, July 25, 1866.

CHAP. CCLXII. — *An Act granting the Right of Way to Ditch and Canal Owners over the Public Lands, and for other Purposes.* July 29, 1866.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the mineral lands of the public domain, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and occupation by all citizens of the United States, and those who have declared their intention to become citizens, subject to such regulations as may be prescribed by law, and subject also to the local customs or rules of miners in the several mining districts, so far as the same may not be in conflict with the laws of the United States.

Mineral lands declared open to occupation to all citizens, &c. subject to regulations, &c.

SEC. 2. *And be it further enacted,* That whenever any person or association of persons claim a vein or lode of quartz, or other rock in place, bearing gold, silver, cinnabar, or copper, having previously occupied and improved the same according to the local custom or rules of miners in the district where the same is situated, and having expended in actual labor and improvements thereon an amount of not less than one thousand dol-

Persons, &c. claiming, without opposition, any vein of quartz-bearing gold, &c. having occupied and made expenditures on the

SEC. 8. *And be it further enacted*, That the right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted.

Right of way for highways.

SEC. 9. *And be it further enacted*, That whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes, have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals for the purposes aforesaid is hereby acknowledged and confirmed: *Provided, however*, That whenever, after the passage of this act, any person or persons shall, in the construction of any ditch or canal, injure or damage the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

Owners of vested rights to use of water for mining, &c. to be protected, and right of way for canals and ditches granted.

Damages.

SEC. 10. *And be it further enacted*, That wherever, prior to the passage of this act, upon the lands heretofore designated as mineral lands, which have been excluded from survey and sale, there have been homesteads made by citizens of the United States, or persons who have declared their intention to become citizens, which homesteads have been made, improved, and used for agricultural purposes, and upon which there have been no valuable mines of gold, silver, cinnabar, or copper discovered, and which are properly agricultural lands, the said settlers or owners of such homesteads shall have a right of pre-emption thereto, and shall be entitled to purchase the same at the price of one dollar and twenty-five cents per acre, and in quantity not to exceed one hundred and sixty-acres; or said parties may avail themselves of the provisions of the act of Congress approved May twenty, eighteen hundred and sixty-two, entitled "An act to secure homesteads to actual settlers on the public domain," and acts amendatory thereof.

Owners of homesteads made upon lands designated as mineral, in which no valuable mines of gold, &c. have been found, &c. may pre-empt the same, &c.;

or may take them as homesteads. 1862, ch. 76. Vol. XII. p. 392.

SEC. 11. *And be it further enacted*, That upon the survey of the lands aforesaid, the Secretary of the Interior may designate and set apart such portions of the said lands as are clearly agricultural lands, which lands shall thereafter be subject to pre-emption and sale as other public lands of the United States, and subject to all the laws and regulations applicable to the same.

Upon survey, lands clearly agricultural may be set apart and made subject to pre-emption and sale.

APPROVED, July 26, 1866.

CHAP. CCLXIII. — *An Act to authorize "The Chesapeake Bay and Potomac River Tidewater Canal Company" to enter the District of Columbia, and extend their Canal to the Anacostia River at any Point above Benning's Bridge.* July 26, 1866.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That "The Chesapeake Bay and Potomac River Tide-water Canal Company," incorporated by the general assembly of the State of Maryland, at the January session thereof, eighteen hundred and sixty-six, by an act entitled "An act to incorporate the Chesapeake Bay and Potomac River Tide-water Canal Company," be, and the same are hereby, authorized to extend their canal from the point where it strikes the boundary line of the District of Columbia, thence in and through the said District to the Anacostia River at any point thereon above Benning's bridge.

The Chesapeake Bay, &c. Canal Company may extend its canal to Anacostia River;

SEC. 2. *And be it further enacted*, That the said company are hereby authorized and empowered to take, purchase, and hold, for the purpose[s] of this act, so much real estate and other property as shall be necessarily required for the proper construction of the extension aforesaid, and for the construction of all proper and convenient basins, locks, reservoirs, docks, and wharves, to be connected with said extension. And where the said company shall not be able to procure such real estate by purchase

may take and hold property necessary for proper construction of extension, &c.

Proceedings where land can-

August 18, 1856, chapter 169, volume 11, page 138.  
 February 5, 1859, chapter 22, volume 11, page 380.  
 February 18, 1861, chapter 37, volume 12, page 130.  
 March 3, 1865, chapter 126, volume 13, page 540.  
 February 18, 1867, chapter 43, volume 14, page 395.

APPROVED, July 8, 1870.

CHAP. CCXXXV. — *An Act to amend "An Act granting the Right of Way to Ditch and Canal Owners over the public Lands, and for other Purposes."* July 9, 1870.  
 1866, ch. 262.  
 Vol. xiv. p. 251.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the act granting the right of way to ditch and canal owners over the public lands, and for other purposes, approved July twenty-six, eighteen hundred and sixty-six, be, and the same is hereby, amended by adding thereto the following additional sections, numbered twelve, thirteen, fourteen, fifteen, sixteen, and seventeen, respectively, which shall hereafter constitute and form a part of the aforesaid act.

SEC. 12. *And be it further enacted,* That claims, usually called "placers," including all forms of deposit, excepting veins of quartz, or other rock in place, shall be subject to entry and patent under this act, under like circumstances and conditions, and upon similar proceedings, as are provided for vein or lode claims: Provided, That where the lands have been previously surveyed by the United States, the entry in its exterior limits shall conform to the legal subdivisions of the public lands, no further survey or plat in such case being required, and the lands may be paid for at the rate of two dollars and fifty cents per acre: Provided further, That legal subdivisions of forty acres may be subdivided into ten-acre tracts; and that two or more persons, or associations of persons, having contiguous claims of any size, although such claims may be less than ten acres each, may make joint entry thereof: And provided further, That no location of a placer claim, hereafter made, shall exceed one hundred and sixty acres for any one person or association of persons, which location shall conform to the United States surveys; and nothing in this section contained shall defeat or impair any bona fide pre-emption or homestead claim upon agricultural lands, or authorize the sale of the improvements of any bona fide settler to any purchaser.

Placer claims to be subject to entry and patent.  
 If lands have been surveyed, entry to conform, &c.  
 Price of lands.  
 Ten-acre tracts.  
 Joint entry of contiguous claims.  
 Placer claim not to exceed one hundred and sixty acres.  
 Homestead and pre-emption rights not affected.

SEC. 13. *And be it further enacted,* That where said person or association, they and their grantors, shall have held and worked their said claims for a period equal to the time prescribed by the statute of limitations for mining claims of the State or Territory where the same may be situated, evidence of such possession and working of the claims for such period shall be sufficient to establish a right to a patent thereto under this act, in the absence of any adverse claim: *Provided, however,* That nothing in this act shall be deemed to impair any lien which may have attached in any way whatever to any mining claim or property thereto attached prior to the issuance of a patent.

What evidence of possession, &c. to establish a right to a patent.  
 Existing liens not affected.

SEC. 14. *And be it further enacted,* That all ex parte affidavits required to be made under this act, or the act of which it is amendatory, may be verified before any officer authorized to administer oaths within the land district where the claims may be situated.

Ex parte affidavits.

SEC. 15. *And be it further enacted,* That registers and receivers shall receive the same fees for services under this act as are provided by law for like services under other acts of Congress; and that effect shall be given to the foregoing act according to such regulations as may be prescribed by the commissioner of the general land office.

Fees of registers and receivers.  
 Regulations to carry act into effect.

SEC. 16. *And be it further enacted,* That so much of the act of March third, eighteen hundred and fifty-three, entitled "An act to provide for the survey of the public lands in California, the granting of pre-emption

Part of act 1853, ch. 147, § 3, Vol. x, p. 245, repealed.

fiel person: *Provided*, That all the persons availing themselves of the provisions of this section shall be required to pay, and there shall be collected from them, at the time of making payment for their land, interest on the total amounts paid by them, respectively, at the rate of five per centum per annum, from the date at which they would have been required to make payment under the act of July fifteenth, eighteen hundred and seventy, until the date of actual payment: *Provided further*, That the twelfth section of said act of July sixteenth, eighteen hundred and seventy, is hereby so amended that the aggregate amount of the proceeds of sale received prior to the first day of March of each year shall be the amount upon which the payment of interest shall be based.

Five per cent interest to be paid on what sum and for what time.

SEC. 3. That the sale or transfer of his or her claim upon any portion of these lands by any settler prior to the issue of the commissioner's instructions of April twenty-sixth, eighteen hundred and seventy-one, shall not operate to preclude the right of entry, under the provisions of this act, upon another tract settled upon subsequent to such sale or transfer: *Provided*, That satisfactory proof of good faith be furnished upon such subsequent settlement: *Provided further*, That the restrictions of the pre-emption laws relating to previous enjoyment of the pre-emption right, to removal from one's own land in the same State, or the ownership of over three hundred and twenty acres, shall not apply to any settler actually residing on his or her claim at the date of the passage of this act.

Settler, transferring claims prior to, &c., not precluded from entering upon another tract, if, &c.

Certain restrictions of the pre-emption laws not to apply.

APPROVED, May 9, 1872.

CHAP. CLII. — *An Act to promote the Development of the mining Resources of the United States.*

May 10, 1872.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase, by citizens of the United States and those who have declared their intention to become such, under regulations prescribed by law, and according to the local customs or rules of miners, in the several mining-districts, so far as the same are applicable and not inconsistent with the laws of the United States.

See 1873, ch. 159. Post, p. 465.

Valuable mineral deposits in public lands and the lands to be open to citizens, &c.

SEC. 2. That mining-claims upon veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits heretofore located, shall be governed as to length along the vein or lode by the customs, regulations, and laws in force at the date of their location. ) A mining-claim located after the passage of this act, whether located by one or more persons, may equal, but shall not exceed, one thousand five hundred feet in length along the vein or lode; but no location of a mining-claim shall be made until the discovery of the vein or lode within the limits of the claim located. No claim shall extend more than three hundred feet on each side of the middle of the vein at the surface, nor shall any claim be limited by any mining regulation to less than twenty-five feet on each side of the middle of the vein at the surface, except where adverse rights existing at the passage of this act shall render such limitation necessary. The end-lines of each claim shall be parallel to each other.

Length of mining-claims upon veins or lodes;

width;

end-lines.

SEC. 3. That the locators of all mining locations heretofore made, or which shall hereafter be made, on any mineral vein, lode, or ledge, situated on the public domain, their heirs and assigns, where no adverse claim exists at the passage of this act, so long as they comply with the laws of the United States, and with State, territorial, and local regulations not in conflict with said laws of the United States governing their possessory title, shall have the exclusive right of possession and enjoyment of all the surface included within the lines of their locations, and of all veins, lodes, and ledges throughout their entire depth, the top or apex of which

Locators of mining locations where there is no adverse claim, &c., to have what exclusive rights of possession and enjoyment.

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

Patent for land claimed, &c., for valuable deposits, how to be obtained.

SEC. 7. That where an adverse claim shall be filed during the period of publication, it shall be upon oath of the person or persons making the same, and shall show the nature, boundaries, and extent of such adverse claim, and all proceedings, except the publication of notice and making and filing of the affidavit thereof, shall be stayed until the controversy shall have been settled or decided by a court of competent jurisdiction, or the adverse claim waived. It shall be the duty of the adverse claimant, within thirty days after filing his claim, to commence proceedings in a court of competent jurisdiction, to determine the question of the right of possession, and prosecute the same with reasonable diligence to final judgment; and a failure so to do shall be a waiver of his adverse claim. After such judgment shall have been rendered, the party entitled to the possession of the claim, or any portion thereof, may, without giving further notice, file a certified copy of the judgment-roll with the register of the land-office, together with the certificate of the surveyor-general that the requisite amount of labor has been expended, or improvements made thereon, and the description required in other cases, and shall pay to the receiver five dollars per acre for his claim, together with the proper fees, whereupon the whole proceedings and the judgment-roll shall be certified by the register to the commissioner of the general land office, and a patent shall issue thereon for the claim, or such portion thereof as the applicant shall appear, from the decision of the court, to rightly possess. If it shall appear from the decision of the court that several parties are entitled to separate and different portions of the claim, each party may pay for his portion of the claim, with the proper fees, and file the certificate and description by the surveyor-general, whereupon the register shall

Proceedings if adverse claim is filed.

Judgment of court to be obtained.

After judgment, patent to issue to party entitled to possession upon, &c.

Where there are several parties entitled to different portions of claim.



<p>Proof of citizenship. 1868, ch. 262. Vol. xiv. p. 251. 1870, ch. 235. Vol. xvi. p. 217.</p>	<p>certify the proceedings and judgment-roll to the commissioner of the general land office, as in the preceding case, and patents shall issue to the several parties according to their respective rights. Proof of citizenship under this act, or the acts of July twenty-sixth, eighteen hundred and sixty-six, and July ninth, eighteen hundred and seventy, in the case of an individual, may consist of his own affidavit thereof, and in case of an association of persons unincorporated, of the affidavit of their authorized agent, made on his own knowledge or upon information and belief, and in case of a corporation organized under the laws of the United States, or of any State or Territory of the United States, by the filing of a certified copy of their charter or certificate of incorporation; and nothing herein contained shall be construed to prevent the alienation of the title conveyed by a patent for a mining-claim to any person whatever.</p>
<p>Alienation of title by patent.</p>	<p>SEC. 8. That the description of vein or lode claims, upon surveyed lands, shall designate the location of the claim with reference to the lines of the public surveys, but need not conform therewith; but where a patent shall be issued as aforesaid for claims upon unsurveyed lands, the surveyor-general, in extending the surveys, shall adjust the same to the boundaries of such patented claim, according to the plat or description thereof, but so as in no case to interfere with or change the location of any such patented claim.</p>
<p>Description of vein claims on surveyed lands how to designate location; on unsurveyed lands.</p>	<p>SEC. 9. That sections one, two, three, four, and six of an act entitled "<u>An act granting the right of way to ditch and canal owners over the public lands, and for other purposes,</u>" approved July twenty-sixth, eighteen hundred and sixty-six, are hereby repealed, but such repeal shall not affect <u>existing rights.</u> Applications for patents for mining-claims now pending may be prosecuted to a final decision in the general land office; but in such cases where adverse rights are not affected thereby, patents may issue in pursuance of the provisions of this act; and all patents for mining-claims heretofore issued under the act of July twenty-sixth, eighteen hundred and sixty-six, shall convey all the rights and privileges conferred by this act where no adverse rights exist at the time of the passage of this act.</p>
<p>Repeal of §§ 1, 2, 3, 4 &amp; 6, of act of 1866, ch. 262. Vol. xiv. pp. 251, 252.</p>	<p>SEC. 10. That the act entitled "An act to amend an act granting the right of way to ditch and canal owners over the public lands, and for other purposes," approved July ninth, eighteen hundred and seventy, shall be and remain in full force, except as to the proceedings to obtain a patent, which shall be similar to the proceedings prescribed by sections six and seven of this act for obtaining patents to vein or lode claims; but where said placer-claims shall be upon surveyed lands, and conform to legal subdivisions, no further survey or plat shall be required, and all placer mining-claims hereafter located shall conform as near as practicable with the United States system of public land surveys and the rectangular subdivisions of such surveys, and no such location shall include more than twenty acres for each individual claimant, but where placer-claims cannot be conformed to legal subdivisions, survey and plat shall be made as on unsurveyed lands: <i>Provided</i>, That proceedings now pending may be prosecuted to their final determination under existing laws; but the provisions of this act, when not in conflict with existing laws, shall apply to such cases: <i>And provided also</i>, That where by the segregation of mineral land in any legal subdivision a quantity of agricultural land less than forty acres remains, said fractional portion of agricultural land may be entered by any party qualified by law, for homestead or pre-emption purposes.</p>
<p>Existing rights not affected.</p>	<p>SEC. 11. That where the same person, association, or corporation is in possession of a placer-claim, and also a vein or lode included within the boundaries thereof, application shall be made for a patent for the placer-claim, with the statement that it includes such vein or lode, and in such case (subject to the provisions of this act and the act entitled "An act to amend an act granting the right of way to ditch and canal owners over</p>
<p>Pending applications and patents heretofore issued.</p>	<p>Proceedings to obtain patents under act of 1870, chap. 235, vol. xvi. p. 217, to be had according to this act.</p>
<p>Placer-claims upon surveyed lands. Pending proceedings.</p>	<p>Proceedings for patent for placer-claim which includes a vein or lode.</p>
<p>Certain agricultural lands may be entered for homestead, &amp;c., purposes.</p>	

the public lands, and for other purposes." approved July ninth, eighteen hundred and seventy) a patent shall issue for the placer-claim, including such vein or lode, upon the payment of five dollars per acre for such vein or lode claim, and twenty-five feet of surface on each side thereof. The remainder of the placer-claim, or any placer-claim not embracing any vein or lode claim, shall be paid for at the rate of two dollars and fifty cents per acre, together with all costs of proceedings; and where a vein or lode, such as is described in the second section of this act, is known to exist within the boundaries of a placer-claim, an application for a patent for such placer-claim which does not include an application for the vein or lode claim shall be construed as a conclusive declaration that the claimant of the placer-claim has no right of possession of the vein or lode claim; but where the existence of a vein or lode in a placer-claim is not known, a patent for the placer-claim shall convey all valuable mineral and other deposits within the boundaries thereof.

Effect of patent for placer claim upon veins, &c., within its boundaries.

SEC. 12. That the surveyor-general of the United States may appoint in each land district containing mineral lands as many competent surveyors as shall apply for appointment to survey mining-claims. The expenses of the survey of vein or lode claims, and the survey and subdivision of placer-claims into smaller quantities than one hundred and sixty acres, together with the cost of publication of notices, shall be paid by the applicants, and they shall be at liberty to obtain the same at the most reasonable rates, and they shall also be at liberty to employ any United States deputy surveyor to make the survey. The commissioner of the general land office shall also have power to establish the maximum charges for surveys and publication of notices under this act; and, in case of excessive charges for publication, he may designate any newspaper published in a land district where mines are situated for the publication of mining-notices in such district, and fix the rates to be charged by such paper; and, to the end that the commissioner may be fully informed on the subject, each applicant shall file with the register a sworn statement of all charges and fees paid by said applicant for publication and surveys, together with all fees and money paid the register and the receiver of the land-office, which statement shall be transmitted, with the other papers in the case, to the commissioner of the general land office. The fees of the register and the receiver shall be five dollars each for filing and acting upon each application for patent or adverse claim filed, and they shall be allowed the amount fixed by law for reducing testimony to writing, when done in the land-office, such fees and allowances to be paid by the respective parties; and no other fees shall be charged by them in such cases. Nothing in this act shall be construed to enlarge or affect the rights of either party in regard to any property in controversy at the time of the passage of this act, or of the act entitled "An act granting the right of way to ditch and canal owners over the public lands, and for other purposes," approved July twenty-sixth, eighteen hundred and sixty-six, nor shall this act affect any right acquired under said act; and nothing in this act shall be construed to repeal, impair, or in any way affect the provisions of the act entitled "An act granting to A. Sutro the right of way, and other privileges to aid in the construction of a draining and exploring tunnel to the Comstock lode, in the State of Nevada," approved July twenty-fifth, eighteen hundred and sixty-six.

Surveyor-general may appoint in each district competent surveyors of mining-claims.

Expenses of survey, &c., of claims, &c. Commissioner of land office to establish maximum charges, &c.

Applicant to file sworn statement of fees and charges. Fees of register and receiver.

Adverse rights not affected by this act.

Provisions of act of 1866, ch. 244, vol. xiv. p. 242, not affected hereby.

SEC. 13. That all affidavits required to be made under this act, or the act of which it is amendatory, may be verified before any officer authorized to administer oaths within the land-district where the claims may be situated, and all testimony and proofs may be taken before any such officer, and, when duly certified by the officer taking the same, shall have the same force and effect as if taken before the register and receiver of the land-office. In cases of contest as to the mineral or agricultural character of land, the testimony and proofs may be taken as herein provided on per-

Affidavits under this act, &c., may be verified and testimony &c., taken, before whom.

Testimony in contests as to

No. 33072

No. 3644

THE UNITED STATES OF AMERICA.

9-1120

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas, in pursuance of the provisions of the Revised Statutes of the United States, Chapter Six, Title Thirty-two, and legislation supplemental thereto, there have been deposited in the GENERAL LAND OFFICE of the United States the Plat and Field Notes of survey and the Certificate No. 3644, of the Register of the Land Office at Helena, in the State of Montana, accompanied by other evidence whereby it appears that Joshua A. Whitman

did, on the seventeenth day of November, A. D. 1898, duly enter and pay for that certain mining claim or premises, known as the General's mining claim,

designated by the Surveyor General as Lot No. 5270 embracing a portion of Section seventeen, in township nine north of range two west of the Conceal meridian,

in the \_\_\_\_\_ Mining District, in the County of Jefferson and State of Montana, in the District of Lands subject to sale at Helena

and bounded, described, and platted as follows, with magnetic variation twenty degrees and fifteen minutes east.

BEGINNING at one iron ore quartzite stone 12 x 12 x 28 inches in size lying in a circle of stone along side from which the quarter section corner is marked to the line of section corner in township nine north and range two west of the Conceal meridian and bearing south sixty degrees and thirty minutes west five thousand four hundred and fifty and three bushels

Thence, first course, south eight degrees and forty-eight  
minutes east one hundred and twenty feet to corner No. 2.

Thence, second course, north eighty-one degrees and  
twenty-five minutes east one thousand three hundred and  
seventy feet to corner No. 3.

Thence, third course, north eight degrees and forty-eight  
minutes east three hundred and three feet to a  
point from which discovery shaft bears south  
nine degrees and twenty-four minutes west three  
hundred and twenty-five feet distant; four hundred  
and twenty-five and four tenths feet to corner No. 4.

Thence, fourth course, north eighty-five degrees and  
sixteen minutes west one thousand three hundred and  
ninety-four and seven tenths feet to corner No. 5, the place  
of beginning; said lot No. 6270 extending one thousand  
three hundred and seventy feet in length along said  
Aurora vein or lode, and containing sixteen acres  
and eighty-three hundredths of an acre of land, more  
or less.

Know all men, That there is therefore hereby GRANTED by the UNITED STATES unto the said Josiah A. Whitman

and to his heirs and assigns, the said mining premises heretofore described, and not expressly excepted from these presents, and all that portion of the said Arizona vein, lode, or ledge, and of all other veins, lodes, and ledges, throughout their entire depth, the tops or apexes of which lie inside of the surface boundary lines of said granted premises in said Lot No. 5270 extended downward vertically, although such veins, lodes, or ledges in their downward course may so far depart from a perpendicular as to extend outside the vertical side of said premises: Provided, That the right of possession to such outside parts of said veins, lodes, or ledges, shall be confined to such portions thereof as lie between vertical planes drawn downward through the end lines of said Lot No. 5270 so continued in their own direction that such planes will intersect such exterior parts of said veins, lodes, or ledges: And provided further, That nothing herein contained shall authorize the grantee herein to enter upon the surface of a claim owned or possessed by another:

To have and to hold said mining premises, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging unto the said grantee above named, and to his heirs and assigns forever; subject nevertheless to the above-mentioned and to the following conditions and stipulations:

First. That the premises hereby granted, with the exception of the surface, may be entered by the proprietor of any other vein, lode, or ledge, the top or apex of which lies outside of the boundary of said granted premises, should the same in its dip be found to penetrate, intersect, or extend into said premises, for the purpose of extracting and removing ore from such other vein, lode, or ledge.

Second. That the premises hereby granted shall be held subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local laws, customs, and decisions of courts. And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

Third. That in the absence of necessary legislation by Congress, the Legislature of Montana may provide rules for working the mining claim or premises hereby granted, involving assessments, drainage, and other necessary means to its complete development.

In testimony whereof I, William McKinley, PRESIDENT OF THE UNITED STATES OF AMERICA, have caused these Letters to be made PATENT, and the SEAL OF THE GENERAL LAND OFFICE to be hereunto affixed.

Given under my hand, at the City of Washington, the thirteenth day of October, in the year of our Lord one thousand nine hundred and four, and of the INDEPENDENCE OF THE UNITED STATES the one hundred and thirty fifth

BY THE PRESIDENT William McKinley  
BY C. G. McCreant Secretary  
C. G. McCreant  
Recorder of the General Land Office



- Roads, etc. For continuing the construction and repairs of the roads between the south guardhouse and southern boundary line of reservation, and for continuing the laying of a stone walk along same, and extending the same northward to a junction with the present concrete walks, one thousand dollars;
- Filter beds. For constructing a set of filter beds, and connecting the same with the new reservoir and otherwise purifying the water, including all necessary appurtenances, to be immediately available, twenty-five thousand dollars;
- Water supply. For necessary improvements to water-supply system, to be immediately available, ten thousand dollars;
- Water main. For laying a water main, and appurtenances to connect the new reservoir with the existing system of water distribution, so as to afford an adequate direct fire pressure, to be immediately available, fifteen thousand dollars;
- Museum. For cases, materials, fittings, fixtures, and other appliances for ordnance museum in new Academy building, one thousand dollars;
- Hydrants. For six fire hydrants, four hundred and fifty dollars;
- Engineer barracks. For building iron stairways in halls of engineer barracks, with necessary supports and framing for same, two thousand eight hundred dollars;
- For painting the interior of engineer barracks, five hundred dollars;
- In all, for public buildings and grounds, eighty-two thousand two hundred and forty-four dollars.
- Approved, February 10, 1897.

February 11, 1897. **CHAP. 216.**—An Act To authorize the entry and patenting of lands containing petroleum and other mineral oils under the placer-mining laws of the United States.

Public lands.  
Entry of oil lands  
under placer mining  
laws.  
R. S., secs. 2329-2333,  
p. 428.  
Proviso.  
Prior claims.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person authorized to enter lands under the mining laws of the United States may enter and obtain patent to lands containing petroleum or other mineral oils, and chiefly valuable therefor, under the provisions of the laws relating to placer mineral claims: Provided, That lands containing such petroleum or other mineral oils which have heretofore been filed upon, claimed, or improved as mineral, but not yet patented, may be held and patented under the provisions of this Act the same as if such filing, claim, or improvement were subsequent to the date of the passage hereof.*

Approved, February 11, 1897.

February 13, 1897. **CHAP. 221.**—An Act To commission passed assistant surgeons in the United States Navy, and to provide for their examination preliminary to their promotion to the grade of surgeon.

Navy.  
Passed assistant  
surgeons to be com-  
missioned.  
R. S., sec. 1368, p. 246.  
Examinations.  
Proviso.  
Effect.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That passed assistant surgeons now borne upon the Navy Register shall be commissioned as such by the President, such commissions to bear the dates upon which said passed assistant surgeons, respectively, received their appointments as such; and hereafter assistant surgeons shall be regularly promoted and commissioned as passed assistant surgeons, and passed assistant surgeons as surgeons, subject to such examinations as may be prescribed by the Secretary of the Navy: Provided, however, That no examination of passed assistant surgeons shall be ordered until the expiration of six months from the passage of this Act, during which time promotions shall be made as now provided by law.*

Approved, February 13, 1897.

CHAP. 107.—An act to provide for the sale of desert lands in certain States and Territories—

March 3, 1877.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall be lawful for any citizen of the United States, or any person of requisite age "who may be entitled to become a citizen, and who has filed his declaration to become such" and upon payment of twenty five cents per acre—to file a declaration under oath with the register and the receiver of the land district in which any desert land is situated, that he intends to reclaim a tract of desert land not exceeding one section, by conducting water upon the same, within the period of three years thereafter, *Provided however* that the right to the use of water by the person so conducting the same, on or to any tract of desert land of six hundred and forty acres shall depend upon bona fide prior appropriation: and such right shall not exceed the amount of water actually appropriated, and necessarily used for the purpose of irrigation and reclamation: and all surplus water over and above such actual appropriation and use, together with the water of all, lakes, rivers and other sources of water supply upon the public lands and not navigable, shall remain and be held free for the appropriation and use of the public for irrigation, mining and manufacturing purposes subject to existing rights. Said declaration shall describe particularly said section of land if surveyed, and, if unsurveyed, shall describe the same as nearly as possible without a survey. At any time within the period of three years after filing said declaration, upon making satisfactory proof to the register and receiver of the reclamation of said tract of land in the manner aforesaid, and upon the payment to the receiver of the additional sum of one dollar per acre for a tract of land not exceeding six hundred and forty acres to any one person, a patent for the same shall be issued to him. *Provided,* that no person shall be permitted to enter more than one tract of land and not to exceed six hundred and forty acres which shall be in compact form.

Desert lands may be purchased.

Declaration.

Right to use water.

Water on public lands to be free.

Contents of declaration.

Perfection of title.

Limit to quantity of land purchasable.

Desert lands defined.

SECTION 2. That all lands exclusive of timber lands and mineral lands which will not, without irrigation, produce some agricultural crop, shall be deemed desert lands, within the meaning of this act, which fact shall be ascertained by proof of two or more credible witnesses under oath, whose affidavits shall be filed in the land office in which said tract of land may be situated—

Localities in which act to apply.

SECTION 3. That this act shall only apply to and take effect in the States of California, Oregon and Nevada, and the Territories of Washington, Idaho, Montana, Utah, Wyoming, Arizona, New Mexico and Dakota, and the determination of what may be considered desert land shall be subject to the decision and regulation of the Commissioner of the General Land Office.

Approved, March 3, 1877.

CHAP. 108.—An act in relation to the Hot Springs reservation in the State of Arkansas.

March 3, 1877.

*Ante*, p. 356.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That so much of section five of an act of June eleventh, eighteen hundred and seventy, in relation to the Hot Springs reservation of Arkansas, as provides for the appointment of a receiver by the court, be, and the same is hereby, repealed: *Provided,* That nothing in this section shall be construed to affect the right of the United States to collect and receive rents already due.

1870, ch. 126, 16 Stat., 149.

Law for receiver of Hot Springs, Ark., repealed. Rights reserved.

SEC. 2. That it shall be the duty of the President of the United States upon the passage of this act, to appoint three discreet, competent, and disinterested persons, who shall constitute a board of commissioners, any two of whom shall constitute a quorum, who are hereby authorized

Commissioners to lay out Hot Springs reservation.

# THE UNITED STATES OF AMERICA

To all to whom these presents shall come, Greeting:

CERTIFICATE

152 ) Whereas *Biddle Reeves* of Jefferson County, Montana Territory

has applied in the General Land Office of the United States a Certificate of the Register of the Land Office at Helena, Montana Territory, whereby it appears that full payment has been made by the said *Biddle Reeves*

according to the provisions of the act of Congress of the 24th of April, 1820, entitled "An Act making further provision for the sale of the Public Lands" and the acts supplemental thereto, for including that of March 9, 1877, the west half of the south east quarter and the east half of the south west quarter of section six and the north west quarter of the north east quarter of section seven in township nine north, of range two west of Montana Meridian, in Montana Territory, containing two hundred and

acres, as shown on the Official Plat of the Survey of the said Lands, returned to the General Land Office by the Surveyor General, which said Tract has been purchased by the said *Biddle Reeves*

Now know ye, That the United States of America, in consideration of the premises, and in conformity with the authority of Congress in such cases made and provided, have given and granted, and by these presents do give and grant unto the said *Biddle Reeves*

and to his heirs, the said Tract above described: To have and to hold the same, together with all the rights, privileges, easements, and appurtenances of whatsoever nature, thereto in anywise appertaining, unto the said *Biddle Reeves*

and to his heirs and assigns forever; subject to any valid and lawful water rights for mining, agricultural manufacturing or other purposes, and rights to ditches and canals and in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and ordinances of said Territory, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law

In testimony whereof, *Chester A. Arthur*

President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the *thirteenth* day of *February*, in the year of our Lord one thousand eight hundred and *eighty-four*, and of the Independence of the United States the one hundred and *eighty*

L.R.

By the President: *Chester A. Arthur*

*Wm. H. Crook*

*S. W. Clark*, Recorder of the General Land Office



NAVY DEPARTMENT.

Navy Department.

**BUREAU OF MEDICINE AND SURGERY:** For one clerk of class two; and one clerk of class one; in all, two thousand six hundred dollars.

Bureau of Medicine and Surgery.

TREASURY DEPARTMENT.

Treasury Department.

**SECOND AUDITOR'S OFFICE:** For one clerk of class four; one clerk of class three; one clerk of class two; one clerk of class one, and six clerks at one thousand dollars each; in all, eleven thousand three hundred and forty-two dollars and forty-seven cents.

Second Auditor's office.

**FOURTH AUDITOR'S OFFICE:** For one clerk of class one; and one clerk at one thousand dollars; in all, two thousand two hundred dollars. And no officer, clerk, or employee of any executive department who is also a notary public or other officer authorized to administer oaths, shall charge or receive any fee or compensation for administering oaths of office to employees of such department required to be taken on appointment or promotion therein.

Fourth Auditor's office.

No department officer, etc., to charge fees for oath of office to employees.

And the Chief Clerks of the several Executive Departments and of the various bureaus and offices thereof in Washington, District of Columbia, are hereby authorized and directed, on application and without compensation therefor, to administer oaths of office to employees required to be taken on their appointment or promotion.

Chief Clerks of Executive Departments, etc., to administer oath of office free.

**SEC. 2.** Hereafter no officer of the Army, Navy or Marine Corps on the retired list shall draw or receive any pension under any law.

Retired officers of Army, Navy, etc., excluded from pension list.

Approved, August 29, 1890.

**CHAP. 837.**—An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for other purposes.

August 30, 1890.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and the same are hereby, appropriated, for the objects hereinafter expressed, for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, namely:

Sundry civil expenses appropriations.

UNDER THE TREASURY DEPARTMENT.

Treasury Department.

PUBLIC BUILDINGS.

Public buildings.

- For post-office at Alexandria, Louisiana: For purchase of site and commencement of building, twenty thousand dollars. Alexandria, La.
- For post-office at Allegheny, Pennsylvania: For purchase of site and commencement of building under present limit, sixty-five thousand dollars. Allegheny, Pa.
- For post-office at Ashland, Wisconsin: For purchase of site and commencement of building under present limit, thirty thousand dollars. Ashland, Wis.
- For post-office at Atchison, Kansas: For purchase of site and commencement of building under present limit, thirty thousand dollars. Atchison, Kans.
- For post-office at Aurora, Illinois: For purchase of site and commencement of building under present limit, thirty thousand dollars. Aurora, Ill.
- For post-office and court-house at Baltimore, Maryland: For completion of building and approaches, twenty thousand dollars. Baltimore, Md.
- For post-office at Baton Rouge, Louisiana: For purchase of site and commencement of building under present limit, thirty thousand dollars. Baton Rouge, La.

For one chemist, three thousand dollars;  
 For one chemist, two thousand dollars;  
 • For one chief geographer, two thousand seven hundred dollars;  
 For three geographers, at two thousand five hundred dollars each;  
 For one general assistant, three thousand dollars;  
 For three topographers, at two thousand dollars each; in all sixty-seven thousand seven hundred dollars.

FOR GENERAL EXPENSES OF THE GEOLOGICAL SURVEY: For the Geological Survey, and the classification of the public lands, and examination of the geological structure, mineral resources, and the products of the national domain, and to continue the preparation of a geological map of the United States, including the pay of temporary employees in the field and office, and all other necessary expenses, to be expended under the direction of the Secretary of the Interior, namely:

For pay of skilled laborers and various temporary employees, fifteen thousand dollars;

For topographic surveys in various portions of the United States, three hundred and twenty-five thousand dollars, one-half of which sum shall be expended west of the one hundredth meridian; and so much of the act of October second, eighteen hundred and eighty-eight, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-nine, and for other purposes," as provides for the withdrawal of the public lands from entry, occupation and settlement, is hereby repealed, and all entries made or claims initiated in good faith and valid but for said act, shall be recognized and may be perfected in the same manner as if said law had not been enacted, except that reservoir sites heretofore located or selected shall remain segregated and reserved from entry or settlement as provided by said act, until otherwise provided by law, and reservoir sites hereafter located or selected on public lands shall in like manner be reserved from the date of the location or selection thereof.

No person who shall after the passage of this act, enter upon any of the public lands with a view to occupation, entry or settlement under any of the land laws shall be permitted to acquire title to more than three hundred and twenty acres in the aggregate, under all of said laws, but this limitation shall not operate to curtail the right of any person who has heretofore made entry or settlement on the public lands, or whose occupation, entry or settlement, is validated by this act: *Provided*, That in all patents for lands hereafter taken up under any of the land laws of the United States or on entries or claims validated by this act west of the one hundredth meridian, it shall be expressed that there is reserved from the lands in said patent described, a right of way thereon for ditches or canals constructed by the authority of the United States.

For geological surveys in the various portions of the United States, one hundred and fifteen thousand dollars;

For paleontologic researches relating to the geology of the United States, forty thousand dollars;

For chemical and physical researches relating to the geology of the United States, seventeen thousand dollars;

• For the preparation of the illustrations of the geological survey, sixteen thousand dollars;

For the preparation of the report on the mineral resources of the United States, ten thousand dollars;

For engraving the geological maps of the United States, forty-five thousand dollars;

For additional engraving of maps and expenses connected therewith, twenty-five thousand dollars;

For rent of office rooms in Washington, District of Columbia, three thousand two hundred dollars;

Expenses.

Topographic surveys.

Vol. 25, p. 527, modified.

Reservation of arid lands from entry, etc., repealed. Existing bona fide entries, validated.

Reservoir sites to be reserved.

Acquirement of title under land laws limited to 320 acres.

Post, p. 891.

Exceptions to limitation.

Proviso.

Land patent to expressly reserve right of way for ditches, etc.

Geological surveys.

Paleontologic researches.

Chemical and physical researches.

Illustrations.

Mineral resources, report.

Engraving geological maps.

Additional maps, etc.

Rent.

SEC. 2. That the sixth clause of section twenty-five hundred and eighteen of the Revised Statutes be amended so as to read as follows:

Collector to reside at Bangor, a deputy collector at Frankfort, and deputy collector at Vanceboro.

"Sixth. In the district of Bangor, a collector, who shall reside at Bangor; a deputy collector, who shall reside at Frankfort; and a deputy collector, who shall reside at Vanceboro."

Approved, February 17, 1881.

Feb. 18, 1881.

CHAP. 61.—An act to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes.

Lands granted to Territories of Dakota, Montana, Arizona, Idaho, and Wyoming, for university purposes.

Proviso.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there be, and are hereby, granted to the Territories of Dakota, Montana, Arizona, Idaho, and Wyoming respectively, seventy-two entire sections of the unappropriated public lands within each of said Territories, to be immediately selected and withdrawn from sale and located under the direction of the Secretary of the Interior, and with the approval of the President of the United States, for the use and support of a university in each of said Territories when they shall be admitted as States into the Union: Provided, That none of said lands shall be sold except at public auction, and after appraisalment by a board of commissioners, to be appointed by the Secretary of the Interior: Provided further, That none of said lands shall be sold at less than the appraised value, and in no case at less than two dollars and fifty cents per acre: Provided, That the funds derived from the sale of said lands shall be invested in the bonds of the United States and deposited with the Treasurer of the United States; that no more than one-tenth of said lands shall be offered for sale in any one year; that the money derived from the sale of said lands, invested and deposited as hereinbefore set forth, shall constitute a university fund; that no part of said fund shall be expended for university buildings, or the salary of professors or teachers, until the same shall amount to fifty thousand dollars, and then only shall the interest on said fund be used for either of the foregoing purposes until the said fund shall amount to one hundred thousand dollars, when any excess, and the interest thereof, may be used for the proper establishment and support respectively of said universities.

Approved, February 18, 1881.

Feb. 18, 1881.

CHAP. 62.—An act to fix the times for holding the district and circuit courts of the United States for the western district of Texas.

United States district and circuit courts, western district of Texas, when held.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the district and circuit courts of the United States within and for the western district of Texas shall be holden at the times hereinafter specified, namely: At Austin, commencing on the first Tuesdays in January and June; at San Antonio, commencing on the first Tuesdays in March and October; at Brownsville, commencing on the fourth Tuesdays in April and November.

SEC. 2. That all laws in conflict herewith are hereby repealed.

SEC. 3. That this act take effect on the first day of March, anno Domini eighteen hundred and eighty-one.

Approved, February 18, 1881.

Feb. 21, 1881.

CHAP. 64.—An act amending the charter of the Freedman's Savings and Trust Company, and for other purposes.

Freedman's Savings and Trust Company.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That so much of the seventh section of the act entitled "An act amending the charter of the Freed-

Total - 112 1

4

List of lands selected for the Territory of Montana under the provisions of the act of Congress approved February 18<sup>th</sup> 1881, granting seventy-two sections for the use and support of a university, embracing 45,226.70 acres.

The withdrawal of the within described lands approved by the secretary ~~March 1889~~  
Approved by the President March 18<sup>th</sup> 1889.

March 25, 1889 to the Governor of Montana advising him of the action taken also same date to the Register and Receiver at the several offices named with instructions to withhold the lands from sale or entry. J. B.

April 2<sup>nd</sup> 1889 copies of list transmitted to the Gen'l Land Office  
original copy to Bureau 511 3

Decision of the secretary dated February 1872 under his complete title to the lands herein described passed with the approval and certification of this list.  
14 7 113 J. B.

Filed on Exec. Book.

Jan. 10, 1891.

J. M. Sullivan.



February 22, 1889.

**CHAP. 180.**—An act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States.

Admission of new States North Dakota, South Dakota, Montana, and Washington.	<i>Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,</i> That the inhabitants of all that part of the area of the United States now constituting the Territories of Dakota, Montana, and Washington, as at present described, may become the States of North Dakota, South Dakota, Montana, and Washington, respectively, as hereinafter provided.
Division of Dakota.	<b>SEC. 2.</b> The area comprising the Territory of Dakota shall, for the purposes of this act, be divided on the line of the seventh standard parallel produced due west to the western boundary of said Territory; and the delegates elected as hereinafter provided to the constitutional convention in districts north of said parallel shall assemble in convention, at the time prescribed in this act, at the city of Bismarck; and the delegates elected in districts south of said parallel shall, at the same time, assemble in convention at the city of Sioux Falls.
Conventions to meet at Bismarck and Sioux Falls.	<b>SEC. 3.</b> That all persons who are qualified by the laws of said Territories to vote for representatives to the legislative assemblies thereof, are hereby authorized to vote for and choose delegates to form conventions in said proposed States; and the qualifications for delegates to such conventions shall be such as by the laws of said Territories respectively persons are required to possess to be eligible to the legislative assemblies thereof; and the aforesaid delegates to form said conventions shall be apportioned within the limits of the proposed States, in such districts as may be established as herein provided, in proportion to the population in each of said counties and districts, as near as may be, to be ascertained at the time of making said apportionments by the persons hereinafter authorized to make the same, from the best information obtainable, in each of which districts three delegates shall be elected, but no elector shall vote for more than two persons for delegates to such conventions; that said apportionments shall be made by the governor, the chief-justice, and the secretary of said Territories; and the governors of said Territories shall, by proclamation, order an election of the delegates aforesaid in each of said proposed States, to be held on the Tuesday after the second Monday in May, eighteen hundred and eighty-nine, which proclamation shall be issued on the fifteenth day of April, eighteen hundred and eighty-nine; and such election shall be conducted, the returns made, the result ascertained, and the certificates to persons elected to such convention issued in the same manner as is prescribed by the laws of the said Territories regulating elections therein for Delegates to Congress; and the number of votes cast for delegates in each precinct shall also be returned. The number of delegates to said conventions respectively shall be seventy-five; and all persons resident in said proposed States, who are qualified voters of said Territories as herein provided, shall be entitled to vote upon the election of delegates, and under such rules and regulations as said conventions may prescribe, not in conflict with this act, upon the ratification or rejection of the constitutions.
Delegates to conventions to be chosen.	
Qualifications.	
Apportionment.	
Governors to issue proclamation for election.	
Number of delegates.	
Place of meeting.	<b>SEC. 4.</b> That the delegates to the conventions elected as provided for in this act shall meet at the seat of government of each of said Territories, except the delegates elected in South Dakota, who shall meet at the city of Sioux Falls, on the fourth day of July, eighteen hundred and eighty-nine, and, after organization, shall declare, on behalf of the people of said proposed States, that they adopt the Constitution of the United States; whereupon the said conventions shall be, and are hereby, authorized to form constitutions and States governments for said proposed States, respectively. The constitutions shall be republican in form, and make no distinction in civil or
Time.	
Adoption of Constitution.	
Civil rights.	

proposed State on the said first Tuesday in October. And the constitutional conventions which may assemble in North Dakota, Montana, and Washington shall provide in like manner for submitting the constitutions formed by them to the people of said proposed States, respectively, for ratification or rejection at elections to be held in said proposed States on the said first Tuesday in October. At the elections provided for in this section the qualified voters of said proposed States shall vote directly for or against the proposed constitutions, and for or against any articles or propositions separately submitted. The returns of said elections shall be made to the secretary of each of said Territories, who, with the governor and chief-justice thereof, or any two of them, shall canvass the same; and if a majority of the legal votes cast shall be for the constitution the governor shall certify the result to the President of the United States, together with a statement of the votes cast thereon and upon separate articles or propositions, and a copy of said constitution, articles, propositions, and ordinances. And if the constitutions and governments of said proposed States are republican in form, and if all the provisions of this act have been complied with in the formation thereof, it shall be the duty of the President of the United States to issue his proclamation announcing the result of the election in each, and thereupon the proposed States which have adopted constitutions and formed State governments as herein provided shall be deemed admitted by Congress into the Union under and by virtue of this act on an equal footing with the original States from and after the date of said proclamation.

SEC. 9. That until the next general census, or until otherwise provided by law, said States shall be entitled to one Representative in the House of Representatives of the United States, except South Dakota, which shall be entitled to two; and the Representatives to the Fifty-first Congress, together with the governors and other officers provided for in said constitutions, may be elected on the same day of the election for the ratification or rejection of the constitutions; and until said State officers are elected and qualified under the provisions of each constitution and the States, respectively, are admitted into the Union, the Territorial officers shall continue to discharge the duties of their respective offices in each of said Territories.

SEC. 10. That upon the admission of each of said States into the Union sections numbered sixteen and thirty-six in every township of said proposed States, and where such sections, or any parts thereof, have been sold or otherwise disposed of by or under the authority of any act of Congress, other lands equivalent thereto, in legal subdivisions of not less than one-quarter section, and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to said States for the support of common schools, such indemnity lands to be selected within said States in such manner as the legislature may provide, with the approval of the Secretary of the Interior: *Provided*, That the sixteenth and thirty-sixth sections embraced in permanent reservations for national purposes shall not, at any time, be subject to the grants nor to the indemnity provisions of this act, nor shall any lands embraced in Indian, military, or other reservations of any character be subject to the grants or to the indemnity provisions of this act until the reservation shall have been extinguished and such lands be restored to, and become a part of, the public domain.

SEC. 11. That all lands herein granted for educational purposes shall be disposed of only at public sale, and at a price not less than ten dollars per acre, the proceeds to constitute a permanent school-fund, the interest of which only shall be expended in the support of said schools. But said lands may, under such regulations as the legislatures shall prescribe, be leased for periods of not more than five years, in quantities not exceeding one section to any one person

North Dakota, Montana, and Washington.

Vote on constitution.

Canvass of returns.

Certifying result.

Proclamation of admission by President.

Representation in Congress.

Election.

School lands granted to States.

*Provided.*  
Lands in reservations excepted.

Sale of school lands.

Lease.

or company; and such land shall not be subject to pre-emption, homestead entry, or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

Lands for public buildings.

SEC. 12. That upon the admission of each of said States into the Union, in accordance with the provisions of this act, fifty sections of the unappropriated public lands within said States, to be selected and located in legal subdivisions as provided in section ten of this act, shall be, and are hereby granted to said States for the purpose of erecting public buildings at the capital of said States for legislative, executive, and judicial purposes.

Five per cent. of proceeds of public lands to be paid to States.

SEC. 13. That five per centum of the proceeds of the sales of public lands lying within said States which shall be sold by the United States subsequent to the admission of said States into the Union, after deducting all the expenses incident to the same, shall be paid to the said States, to be used as a permanent fund, the interest of which only shall be expended for the support of common schools within said States, respectively;

University lands to vest in States. Vol. 21, p. 270.

SEC. 14. That the lands granted to the Territories of Dakota and Montana by the act of February eighteenth, eighteen hundred and eighty-one, entitled "An act to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes," are hereby vested in the States of South Dakota, North Dakota, and Montana, respectively, if such States are admitted into the Union, as provided in this act, to the extent of the full quantity of seventy-two sections to each of said States, and any portion of said lands that may not have been selected by either of said Territories of Dakota or Montana may be selected by the respective States aforesaid; but said act of February eighteenth, eighteen hundred and eighty-one, shall be so amended as to provide that none of said lands shall be sold for less than ten dollars per acre, and the proceeds shall constitute a

Minimum price for lands.

permanent fund to be safely invested and held by said States severally, and the income thereof be used exclusively for university purposes. And such quantity of the lands authorized by the fourth section of the act of July seventeenth, eighteen hundred and fifty-four, to be reserved for university purposes in the Territory of Washington, as, together with the lands confirmed to the vendees of the Territory by the act of March fourteenth, eighteen hundred and sixty-four, will make the full quantity of seventy-two entire sections, are hereby granted in like manner to the State of Washington for the purposes of a university in said State. None of the lands granted in this section shall be sold at less than ten dollars per acre; but said lands may be leased in the same manner as provided in section eleven of this act. The schools, colleges, and universities provided for in this act shall forever remain under the exclusive control of the said States, respectively, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes shall be used for the support of any sectarian or denominational school, college, or university. The section of land granted by the act of June sixteenth, eighteen hundred and eighty, to the Territory of Dakota, for an asylum for the insane shall, upon the admission of said State of South Dakota into the Union, become the property of said State.

University lands to Washington. Vol. 10, p. 305.

Vol. 10, p. 28.

To be under exclusive State control.

Insane asylum, South Dakota. Vol. 21, p. 290.

Penitentiaries, South Dakota.

Vol. 21, p. 278.

North Dakota and Washington.

SEC. 15. That so much of the lands belonging to the United States as have been acquired and set apart for the purpose mentioned in "An act appropriating money for the erection of a penitentiary in the Territory of Dakota," approved March second, eighteen hundred and eighty-one, together with the buildings thereon, be, and the same is hereby, granted, together with any unexpended balances of the moneys appropriated therefor by said act, to said State of South Dakota, for the purposes therein designated; and the States of North Dakota and Washington shall, respectively, have like grants for the



same purpose, and subject to like terms and conditions as provided in said act of March second, eighteen hundred and eighty-one, for the Territory of Dakota. The penitentiary at Deer Lodge City, Montana, and all lands connected therewith and set apart and reserved therefor, are hereby granted to the State of Montana.

Montana.

SEC. 16. That ninety thousand acres of land, to be selected and located as provided in section ten of this act, are hereby granted to each of said States, except to the State of South Dakota, to which one hundred and twenty thousand acres are granted, for the use and support of agricultural colleges in said States, as provided in the acts of Congress making donations of lands for such purpose.

Lands for agricultural colleges.

Vol. 12, p. 508.

SEC. 17. That in lieu of the grant of land for purposes of internal improvement made to new States by the eighth section of the act of September fourth, eighteen hundred and forty-one, which act is hereby repealed as to the States provided for by this act, and in lieu of any claim or demand by the said States, or either of them, under the act of September twenty-eighth, eighteen hundred and fifty, and section twenty four hundred and seventy-nine of the Revised Statutes, making a grant of swamp and overflowed lands to certain States, which grant it is hereby declared is not extended to the States provided for in this act, and in lieu of any grant of saline lands to said States, the following grants of land are hereby made, to wit:

Lands for internal improvements.  
Vol. 5, p. 455.

Vol. 9, p. 520.  
R. S., sec. 2479, p. 453

To the State of South Dakota: For the school of mines, forty thousand acres; for the reform school, forty thousand acres; for the deaf and dumb asylum, forty thousand acres; for the agricultural college, forty thousand acres; for the university, forty thousand acres; for State normal schools, eighty thousand acres; for public buildings at the capital of said State, fifty thousand acres, and for such other educational and charitable purposes as the legislature of said State may determine, one hundred and seventy thousand acres; in all five hundred thousand acres.

South Dakota.

To the State of North Dakota a like quantity of land as is in this section granted to the State of South Dakota, and to be for like purposes, and in like proportion as far as practicable.

North Dakota.

To the State of Montana: For the establishment and maintenance of a school of mines, one hundred thousand acres; for State normal schools, one hundred thousand acres; for agricultural colleges, in addition to the grant hereinbefore made for that purpose, fifty thousand acres; for the establishment of a State reform school, fifty thousand acres; for the establishment of a deaf and dumb asylum, fifty thousand acres; for public buildings at the capital of the State, in addition to the grant hereinbefore made for that purpose, one hundred and fifty thousand acres.

Montana.

To the State of Washington: For the establishment and maintenance of a scientific school, one hundred thousand acres; for State normal schools, one hundred thousand acres; for public buildings at the State capital, in addition to the grant hereinbefore made for that purpose, one hundred thousand acres; for State charitable, educational, penal, and reformatory institutions, two hundred thousand acres.

Washington.

That the States provided for in this act shall not be entitled to any further or other grants of land for any purpose than as expressly provided in this act. And the lands granted by this section shall be held, appropriated, and disposed of exclusively for the purposes herein mentioned, in such manner as the legislatures of the respective States may severally provide.

No further grants.

To be for specified uses only.

SEC. 18. That all mineral lands shall be exempted from the grants made by this act. But if sections sixteen and thirty-six, or any subdivision or portion of any smallest subdivision thereof in any township shall be found by the Department of the Interior to be mineral lands, said States are hereby authorized and empowered to select, in legal subdivisions, an equal quantity of other unappropriated lands

Mineral lands exempt.

Lands in lieu.

P.A. ...

Tribuna ...  
List B. C.

and ...  
Embracing 54,503,83 acres

Approved January 2, 1906

Copies transmitted to ...  
Acknowledged by ...  
R. V. H. Jan 28, 1906

See Act of April 28, 1906 - ... No 13

March 31, 1930 ...  
and deed accepted by ...  
No 1283949.

Notes

5.1.



Montana.

List No. 4.

Reform School.

4,528.35 acres.

Missoula Land District.

Approved, March 23, 1895.

Approval noted on tract book, April 3, 1895.

D.M.

Copies transmitted to the Governor & R. R., June 19, 1895.

Receipt thereof acknowledged by the Governor, June 28, 1895.

" " " " Reg + Rec, July 19, 1895.

Montana.  
List No. 4.  
State Normal Schools.  
23,190.87 acres.  
Missouri Land District.  
Approved: March 10, 1895.

Posted on Tract Books April 27, 1895  
S. C.

Copies transmitted to the Governor and R. H. April 12, 1895.  
Receipt acknowledged by the Governor April 29, 1895.  
Rec. & Rec. April 19, 1895.

EXHIBITING the tracts selected by the State of Montana in the school lands, or losses to its grant for the support of common schools, assigned as bases for the selection 2276, as amended (43 U.S.C. 851-852, 1964 Edition).

CAUSE OF LOSS	DESCRIPTION OF BASES	SECTION	TOWNSHIP	RANGE	MERIDIAN	AREA OF TRACTS (Acres)		TOTAL AREA OF BASES (Acres)	
Deficiency		16	28 N.	18 W.	Principal	115	00	115	00
"		16	30 N.	20 W.	"	44	20	44	20
"		36	31 N.	28 W.	"		80		80
									160 00
Lewis & Clark National Forest	NE $\frac{1}{4}$ NW $\frac{1}{4}$	16	11 N.	15 E.	Principal	40	00		
"	NW $\frac{1}{4}$ NW $\frac{1}{4}$	"	"	"	"	40	00		
"	SW $\frac{1}{4}$ NW $\frac{1}{4}$	"	"	"	"	40	00		
"	SE $\frac{1}{4}$ NW $\frac{1}{4}$	"	"	"	"	40	00		
"	NE $\frac{1}{4}$ SW $\frac{1}{4}$	"	"	"	"	40	00		
"	NW $\frac{1}{4}$ SW $\frac{1}{4}$	"	"	"	"	40	00		
"	SW $\frac{1}{4}$ SW $\frac{1}{4}$	"	"	"	"	40	00		
"	SE $\frac{1}{4}$ SW $\frac{1}{4}$	"	"	"	"	40	00		
									320 00
Reclamation Withdrawal	NE $\frac{1}{4}$ NE $\frac{1}{4}$	36	34 N.	12 E.	"	40	00		
"	SW $\frac{1}{4}$ NE $\frac{1}{4}$	"	"	"	"	40	00		
"	SE $\frac{1}{4}$ NE $\frac{1}{4}$	"	"	"	"	40	00		
"	NE $\frac{1}{4}$ SE $\frac{1}{4}$	"	"	"	"	40	00		
"	NW $\frac{1}{4}$ SE $\frac{1}{4}$	"	"	"	"	40	00		
"	SE $\frac{1}{4}$ SE $\frac{1}{4}$	"	"	"	"	40	00		
									240 00
Settlement	E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	16	26 N.	44 E.	"	20	00		
"	Lot 8	"	"	"	"	19	99		
Fort Belknap Indian Reservation	Part Lot 11	16	31 N.	22 E.	"	0	01		
									40 00
Fort Belknap Indian Reservation	Part Lot 11	16	31 N.	22 E.	"	0	04		
"	Part Lot 10	"	"	"	"	0	04		
Helena National Forest	Part NW $\frac{1}{4}$ NE $\frac{1}{4}$	16	8 N.	4 E.	"	0	37		
Settlement	Part Lot 3	36	19 N.	29 E.	"	0	04		
Crow Indian Reservation	Part Lot 2	36	5 S.	24 E.	"	4	08		
Northern Cheyenne Indian Res.	Part Lot 5	16	5 S.	41 E.	"	35	21		
Settlement	Part NW $\frac{1}{4}$ NE $\frac{1}{4}$	36	7 S.	44 E.	"	0	22		
									40 00
Mineral Entries	Part of	36	18 N.	17 E.	Principal	40	00		
"	"	"	"	"	"	40	00		
"	"	"	"	"	"	40	00		
"	"	"	"	"	"	40	00		
"	"	"	"	"	"	40	00		
									200 00
Mineral Entries	Part NE $\frac{1}{4}$ NW $\frac{1}{4}$	16	9 N.	2 E.	"	6	01		
Fort Belknap Indian Reservation	Part Lot 9	16	32 N.	22 E.	"	5	91		
Settlement	Part Lot 1	36	31 N.	56 E.	"	0	58		
"	Part NW $\frac{1}{4}$ NE $\frac{1}{4}$	"	"	"	"	3	36		
									40 00
Mineral Entry	N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	36	2 N.	2 E.	"	20	00		
"	N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$	"	"	"	"	20	00		
									40 00
Lewis & Clark National Forest	NE $\frac{1}{4}$ NE $\frac{1}{4}$	16	12 N.	18 E.	"	40	00		
"	NW $\frac{1}{4}$ NE $\frac{1}{4}$	"	"	"	"	40	00		
"	SW $\frac{1}{4}$ NE $\frac{1}{4}$	"	"	"	"	40	00		
"	SE $\frac{1}{4}$ NE $\frac{1}{4}$	"	"	"	"	40	00		
"	NE $\frac{1}{4}$ NW $\frac{1}{4}$	"	"	"	"	40	00		
"	NW $\frac{1}{4}$ NW $\frac{1}{4}$	"	"	"	"	40	00		
"	SW $\frac{1}{4}$ NW $\frac{1}{4}$	"	"	"	"	40	00		
"	SE $\frac{1}{4}$ NW $\frac{1}{4}$	"	"	"	"	40	00		
									320 00
									1400 00
						Total			

# SCHOOL INDEMNITY LANDS

Montana

Land District, in lieu of, or as indemnity for, the corresponding

which were made under the provisions of the Act of Congress approved as provided by Revised Statutes 2275 and

DATE OF FILING	Number of Lots	DESCRIPTION OF TRACTS SELECTED	SECTION	TOWNSHIP	RANGE	MERIDIAN	AREA OF TRACTS (Acres)	TOTAL AREA OF SELECTION (Acres)
July 14, 1966	M 28							
"	"	NW $\frac{1}{4}$	13	31 N.	23 W.	Principal	160 00	160 00
August 23, 1965	M 071012	NE $\frac{1}{4}$ SW $\frac{1}{4}$	1	21 N.	45 E.	Principal	40 00	160 00
"	"	NW $\frac{1}{4}$ SW $\frac{1}{4}$	"	"	"	"	40 00	
"	"	SW $\frac{1}{4}$ SW $\frac{1}{4}$	"	"	"	"	40 00	
"	"	SE $\frac{1}{4}$ SW $\frac{1}{4}$	"	"	"	"	40 00	
"	"	NE $\frac{1}{4}$ SE $\frac{1}{4}$	"	"	"	"	40 00	
"	"	NW $\frac{1}{4}$ SE $\frac{1}{4}$	"	"	"	"	40 00	
"	"	SW $\frac{1}{4}$ SE $\frac{1}{4}$	"	"	"	"	40 00	
"	"	SE $\frac{1}{4}$ SE $\frac{1}{4}$	"	"	"	"	40 00	320 00
"	"	SW $\frac{1}{4}$ SW $\frac{1}{4}$	26	22 N.	45 E.	"	40 00	
"	"	NE $\frac{1}{4}$ NE $\frac{1}{4}$	33	22 N.	45 E.	"	40 00	
"	"	SE $\frac{1}{4}$ NE $\frac{1}{4}$	"	"	"	"	40 00	
"	"	NE $\frac{1}{4}$ SE $\frac{1}{4}$	"	"	"	"	40 00	
"	"	NW $\frac{1}{4}$ NW $\frac{1}{4}$	35	22 N.	45 E.	"	40 00	
"	"	SW $\frac{1}{4}$ NW $\frac{1}{4}$	"	"	"	"	40 00	240 00
"	"	NE $\frac{1}{4}$ SW $\frac{1}{4}$	27	22 N.	45 E.	"	40 00	40 00
"	"	SE $\frac{1}{4}$ SW $\frac{1}{4}$	27	22 N.	45 E.	"	40 00	40 00
August 23, 1965	M 071011	NW $\frac{1}{4}$ NE $\frac{1}{4}$	34	22 N.	45 E.	Principal	40 00	200 00
"	"	SW $\frac{1}{4}$ NE $\frac{1}{4}$	"	"	"	"	40 00	
"	"	SE $\frac{1}{4}$ NE $\frac{1}{4}$	"	"	"	"	40 00	
"	"	NE $\frac{1}{4}$ NW $\frac{1}{4}$	"	"	"	"	40 00	
"	"	NW $\frac{1}{4}$ NW $\frac{1}{4}$	"	"	"	"	40 00	
"	"	SW $\frac{1}{4}$ NW $\frac{1}{4}$	"	"	"	"	40 00	40 00
"	"	SE $\frac{1}{4}$ NW $\frac{1}{4}$	"	"	"	"	40 00	40 00
"	"	NE $\frac{1}{4}$ SW $\frac{1}{4}$	"	"	"	"	40 00	
"	"	NW $\frac{1}{4}$ SW $\frac{1}{4}$	"	"	"	"	40 00	
"	"	SW $\frac{1}{4}$ SW $\frac{1}{4}$	"	"	"	"	40 00	
"	"	SE $\frac{1}{4}$ SW $\frac{1}{4}$	"	"	"	"	40 00	
"	"	NE $\frac{1}{4}$ SE $\frac{1}{4}$	"	"	"	"	40 00	
"	"	NW $\frac{1}{4}$ SE $\frac{1}{4}$	"	"	"	"	40 00	
"	"	SW $\frac{1}{4}$ SE $\frac{1}{4}$	"	"	"	"	40 00	
"	"	SE $\frac{1}{4}$ SE $\frac{1}{4}$	"	"	"	"	40 00	
							Total	320 00
								1400 00

## CHAPTER 2.34 STATE INDEMNITY SCHOOL SELECTIONS

## EXHIBIT 1

STATE	SCHOOL SECTION LEGISLATION			
	<u>Sections</u>	<u>Territorial Grant</u>	<u>State Grant</u>	<u>Admitted to Union</u>
ALABAMA	16		March 2, 1819 (3 Stat. 489)	December 14, 1819 (3 Stat. 608)
ALASKA	16, 36, and 33 in part	March 4, 1915 (38 Stat. 1214)	Repealed July 7, 1958 (72 Stat. 339)	
ARIZONA	16, 36, 2, 32	July 22, 1854 (10 Stat. 308) Feb. 24, 1863 (12 Stat. 664)	June 20, 1910 (36 Stat. 557)	February 14, 1912 (37 Stat. 1728)
ARKANSAS <sup>1/</sup>	16		June 23, 1836 (5 Stat. 58)	June 15, 1863 (5 Stat. 50)
CALIFORNIA	16, 36		March 3, 1853 (10 Stat. 224)	September 9, 1850 (9 Stat. 452)
COLORADO	16, 36		March 3, 1875 (18 Stat. 474)	August 1, 1876 (19 Stat. 665)
FLORIDA	16		March 3, 1845 (5 Stat. 788)	March 3, 1845 (5 Stat. 742)
IDAHO	16, 36		July 3, 1890 (26 Stat. 215)	July 3, 1890 (26 Stat. 215)
ILLINOIS	16		April 18, 1818 (3 Stat. 428)	December 3, 1818 (3 Stat. 536)
INDIANA	16		April 19, 1816 (3 Stat. 289)	December 11, 1816 (3 Stat. 399)
IOWA	16		March 3, 1845 (5 Stat. 789)	December 28, 1846 (9 Stat. 117)
KANSAS	16, 36	May 30, 1854 (10 Stat. 227- 289)	January 29, 1861 (12 Stat. 126)	January 29, 1861 (12 Stat. 126)
LOUISIANA	16			April 8, 1812 (2 Stat. 701)
MICHIGAN	16		June 23, 1836 (5 Stat. 59)	January 26, 1837 (5 Stat. 144)
MINNESOTA	16, 36		February 26, 1857 (11 Stat. 166) March 3, 1857 (11 Stat. 254)	May 11, 1858 (11 Stat. 285)
MISSISSIPPI	16		2 Stat. 229-479 3 Stat. 375-680	December 10, 1817 (3 Stat. 472)
MISSOURI	16		March 6, 1820 (3 Stat. 545)	August 10, 1821 Proclamation

<sup>1/</sup> School Grant held satisfied under Act April 29, 1889 (30 Stat. 367)  
Secretary's letter, September 12, 1914-404000.



## CHAPTER 2.34 STATE INDEMNITY SCHOOL SELECTIONS

## EXHIBIT 1

STATE	Sections	Territorial Grant	State Grant	Admitted to Union
MONTANA	16, 36		February 22, 1889 (25 Stat. 676) May 7, 1932- (47 Stat. 150)	Nov. 8, 1889 (26 Stat. 1551)
NEBRASKA	16, 36		April 19, 1864 (13 Stat. 47)	March 1, 1867 (14 Stat. 830)
NEVADA 2/	16, 36	March 31, 1864 (13 Stat. 30)	June 16, 1880 (21 Stat. 287)	Oct. 31, 1864 (13 Stat. 749)
NEW MEXICO	16, 36, 2, 32	June 21, 1898 (30 Stat. 484) (Secs. 16-36) September 9, 1850 (9 Stat. 446)	June 20, 1910 (36 Stat. 557) (Secs. 2, 32)	Jan. 6, 1912 (37 Stat. 1723)
NORTH DAKOTA	16, 36	March 2, 1861 (12 Stat. 239)	February 22, 1889 (25 Stat. 676) May 7, 1932 (47 Stat. 150)	Nov. 2, 1889 (26 Stat. 1548)
OKLAHOMA	16, 36 13, 33	May 2, 1890 (26 Stat. 81)	June 16, 1906 (34 Stat. 267)	Nov. 16, 1907 (35 Stat. 2160)
OHIO	16		April 20, 1802 (2 Stat. 173) March 3, 1803 (2 Stat. 225)	Nov. 29, 1802 Feb. 19, 1803 (2 Stat. 201)
OREGON	16, 36		February 14, 1859 (11 Stat. 383)	Feb. 14, 1859 (11 Stat. 383)
SOUTH DAKOTA	16, 36	March 2, 1861 (12 Stat. 239)	February 22, 1889 (25 Stat. 676) May 7, 1932 (47 Stat. 150)	(26 Stat. 1549)
UTAH	16, 36 2, 32		July 16, 1894 (28 Stat. 107) May 3, 1902 (32 Stat. 189)	Jan. 4, 1896 (29 Stat. 876)
WASHINGTON	16, 36		February 22, 1889 (25 Stat. 676) May 7, 1932 (47 Stat. 150)	Nov. 11, 1889 (26 Stat. 1552)
WISCONSIN	16		August 6, 1846 (9 Stat. 56)	May 29, 1848 (9 Stat. 233)

2/ Quantity Grant Substituted, 2,000,000 acres, Act June 16, 1880.

## CHAPTER 2.34 STATE INDEMNITY SCHOOL SELECTIONS

EXHIBIT 1

STATE	<u>Selections</u>	<u>Territorial Grant</u>	<u>State Grant</u>	<u>Admitted To Union</u>
WYOMING	16, 36	July 25, 1868 (15 Stat. 178)	July 10, 1890 (26 Stat. 222) February 15, 1934 (48 Stat. 350)	July 10, 1890 (26 Stat. 222)

Indemnity Act, February 28, 1891, (26 Stat. 796; 43 U.S.C. 851, 852), as amended. Patent of school lands in place, Act June 21, 1934 (48 Stat. 1185; 43 U.S.C. 871a). Mineral school lands granted, Act January 27, 1927 (44 Stat. 1026) amended. May 2, 1932 (47 Stat. 140; 43 U.S.C. 870).

Record of expenditures and receipts.	not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept, and shall be available for the information of all persons interested.
Sworn statement of construction costs, etc., to be filed after completion.	SEC. 6. The said Tacony-Palmyra Bridge Company, its successors and assigns, shall within ninety days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, at any time within three years after the completion of such bridge, investigate the actual cost of constructing the same and for such purpose the said Tacony-Palmyra Bridge Company, its successors and assigns, shall make available all of its records in connection with the financing and the construction thereof. The findings of the Secretary of War as to the actual original cost of the bridge shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.
Investigation by Secretary of War.	
Findings of Secretary conclusive.	
Right to sell, etc., conferred.	SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this Act, is hereby granted to the said Tacony-Palmyra Bridge Company, its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.
Amendment.	SEC. 8. The right to alter, amend, or repeal this Act is hereby expressly reserved.
	Approved, January 25, 1927.

January 25, 1927.  
[S. 664.]  
[Public, No. 570.]

CHAP. 57.—An Act Confirming in States and Territories title to lands granted by the United States in the aid of common or public schools.

Public lands. Grants to States of common school sections extended to mineral sections.	<i>Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,</i> That, subject to the provisions of subsections (a), (b), and (c) of this section, the several grants to the States of numbered sections in place for the support or in aid of common or public schools be, and they are hereby, <u>extended to embrace numbered school sections mineral in character, unless land</u> has been granted to and/or selected by and certified or approved, to any such State or States <u>as indemnity or in lieu</u> of any land so granted by numbered sections.
Exceptions.	
Titles vested in the States.	(a) That the grant of numbered mineral sections under this Act shall be of the same effect as prior grants for the numbered non-mineral sections, and titles to such numbered mineral sections shall vest in the States at the time and in the manner and be subject to all the rights of adverse parties recognized by existing law in the grants of numbered nonmineral sections.
Existing rights protected.	
Mineral rights on sold lands reserved to the States.	(b) That the additional grant made by this Act is upon the express condition <u>that all sales, grants, deeds, or patents for any of the lands so granted shall be subject to and contain a reservation to the State of all the coal and other minerals in the lands so sold, granted, deeded or patented, together with the right to prospect for, mine, and remove the same.</u> The coal and other mineral deposits in such lands shall be subject to lease by the State as the State legislature may direct, the proceeds of rentals and royalties therefrom
Leases authorized.	

[CHAPTER 689.]

## AN ACT

Authorizing the Secretary of the Interior to issue patents to the numbered school sections in place, granted to the States by the Act approved February 22, 1889, by the Act approved January 25, 1927 (44 Stat. 1026), and by any other Act of Congress.

June 21, 1934.  
[S. 1826.]  
[Public, No. 410.]

*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 shall upon the application by a State cause patents to be issued to the numbered school sections in place, granted for the support of common schools by the Act approved February 22, 1889, by the Act approved January 25, 1927 (44 Stat. 1026), and by any other Act of Congress, that have been surveyed, or may hereafter be surveyed, and to which title has vested or may hereafter vest in the grantee States, and which have not been reconveyed to the United States or exchanged with the United States for other lands. Such patents shall show the date when title vested in the State and the extent to which the lands are subject to prior conditions, limitations, easements, or rights, if any. In all inquiries as to the character of the land for which patent is sought the fact shall be determined as of the date when the State's title attached.

Public lands.  
Patents to issue to numbered school sections in place, upon application by a State.  
Vol. 25, p. 676; Vol. 44, p. 1026; Vol. 47, p. 140.

Grant to give evidence of title and prior limitation, easements, etc.

Approved, June 21, 1934.

[CHAPTER 690.]

## AN ACT

To restore homestead rights in certain cases.

June 21, 1934.  
[S. 2987.]

[Public, No. 441.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That hereafter any person who has heretofore made entry under the homestead laws on any lands embraced within any reservation ceded to the United States by the Indian tribes, and has paid for his land the sum of at least \$1.25 per acre, shall, upon proof of such facts, if otherwise qualified, be entitled to the benefit of the homestead law as though such former entry had not been made; but the provisions of this Act shall not apply to any person who has failed to pay the full price for his former entry or whose former entry was canceled for fraud: *Provided,* That, in making any new homestead entry as authorized by this Act or the prior similar Acts of February 20, 1917 (39 Stat. 926), and February 25, 1925 (43 Stat. 981), such entry shall not include any land to which the Indian title shall not have been fully extinguished.

Public lands.  
Second homestead entry allowed if former within Indian ceded lands.

Not applicable if former entry unpaid or was canceled for fraud.

Proviso.  
Land to which Indian title not fully extinguished excluded.  
Vol. 39, p. 926; Vol. 43, p. 981.

Approved, June 21, 1934.

[CHAPTER 691.]

## AN ACT

To amend the Railway Labor Act approved May 20, 1926, and to provide for the prompt disposition of disputes between carriers and their employees.

June 21, 1934.  
[H. R. 9961.]

[Public, No. 442.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 1 of the Railway Labor Act is amended to read as follows:

Railway Labor Act.  
Vol. 44, p. 677.

## "DEFINITIONS

Definitions.

"SECTION 1. When used in this Act and for the purposes of this Act—

"First. The term 'carrier' includes any express company, sleeping-car company, carrier by railroad, subject to the Interstate Commerce Act, and any company which is directly or indirectly owned

"Carrier."

# The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, There has been deposited in the General Land Office of the United States an application by the State of Montana and an Order of the Secretary of the Interior directing that a patent issue to the State of Montana under the provisions of the Act of Congress approved June 21, 1934 (48 Stat. 1184), entitled "An Act Authorizing the Secretary of the Interior to issue patents to the numbered school sections in place, granted to the States by the Act approved February 22, 1889, by the Act approved January 25, 1927 (44 Stat. 1026), and by any other Act of Congress," for the following numbered school section lands in place, granted for the support of common schools and the title to which vested in the State of Montana under the Act of February 22, 1889 (25 Stat. 676) upon its admission to the Union on November 8, 1889 (26 Stat. 1551):

Principal Meridian, Montana.

Township nine north of Range one west,

The north half, the west half of the southwest quarter, and the southeast quarter of the southwest quarter of Section sixteen and the east half, the north half of the northwest quarter, and the south half of the southwest quarter of Section thirty-six.

Township ten north of Range one west,

The Sections sixteen and thirty-six.

Township seventeen north of Range one west,

The Lots one, two, three, four, five, six, seven, and eight, the east half of the northeast quarter, the northwest quarter of the northwest quarter, the south half of the southwest quarter, and the southeast quarter of Section sixteen and the north half of Section thirty-six.

Township eighteen north of Range one west,

The Sections sixteen and thirty-six.

Township nineteen north of Range one west,

The Sections sixteen and thirty-six.

1934

Township twenty north of Range one west,

The Lots one, two, three, and four, the east half, the east half of the southwest quarter, and the southeast quarter of the northwest quarter of Section sixteen and the Section thirty-six.

Township twenty-one north of Range one west,

The Section sixteen and the east half of the east half and the west half of Section thirty-six.

Township twenty-two north of Range one west,

The Sections sixteen and thirty-six.

Township twenty-three north of Range one west,

The Sections sixteen and thirty-six.

Township twenty-four north of Range one west,

The Sections sixteen and thirty-six.

Township twenty-five north of Range one west,

The Sections sixteen and thirty-six.

Township twenty-six north of Range one west,

The Sections sixteen and thirty-six.

Township twenty-seven north of Range one west,

The Sections sixteen and thirty-six.

Township twenty-eight north of Range one west,

The Sections sixteen and thirty-six.

Township twenty-nine north of Range one west,

The Sections sixteen and thirty-six.

Township nine north of Range two west,

---

The west half of Section sixteen.

Township ten north of Range two west,

The Sections sixteen and thirty-six.

Township eleven north of Range two west,

The Section sixteen and the Lots three and four, the north half of the southeast quarter, and the north half of Section thirty-six.

Township eighteen north of Range two west,

The Sections sixteen and thirty-six.

Township nineteen north of Range two west,

The Sections sixteen and thirty-six.

the south half of Section sixteen and the Section thirty-six.

Township twenty-one north of Range six west,

The Sections sixteen and thirty-six.

Township twenty-two north of Range six west,

The Sections sixteen and thirty-six.

Township twenty-three north of Range six west,

The Sections sixteen and thirty-six.

Township twenty-four north of Range six west,

The Sections sixteen and thirty-six.

Township twenty-five north of Range six west,

The Sections sixteen and thirty-six.

Township twenty-six north of Range six west,

The Sections sixteen and thirty-six.

Township twenty-seven north of Range six west,

The Sections sixteen and thirty-six.

Township twenty-eight north of Range six west,

The Sections sixteen and thirty-six.

Township twenty-nine north of Range six west,

The Sections sixteen and thirty-six, containing in the aggregate, one hundred twenty-seven thousand eight hundred sixty-nine acres and eighty-nine hundredths of an acre, as shown by the Official Plats of the Survey of the said Land, on file in the General Land Office:

**NOW, THEREFORE, KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the said Act of Congress of June 21, 1934, and as evidence of the title which was granted**

Treat Falls 080516.

1 1044 10

to and vested in the State of Montana to the above-described land on November 8, 1889, for the support of common schools, as aforesaid, and in confirmation of such title for such purposes, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said State of Montana, and to its assigns, the lands above-described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature thereunto belonging, unto the said State of Montana, and to its assigns forever.

IN TESTIMONY WHEREOF, I, **Franklin D. Roosevelt,**

President of the United States of America have caused these letters to be made

Patent, and the Seal of the General Land Office to be hereunto affixed

GIVEN under my hand, at the City of Washington, the

SIXTH

AUGUST

(SEAL)

day of

in the year of our Lord one thousand

nine hundred and

THIRTY-EIGHT

and of the Independence of the

SIXTY-THIRD.

United States the one hundred and

By the President

*Franklin D. Roosevelt*

By

*Jeanne T. ...* Secretary.  
*Quincy S. Adams*  
Recorder of the General Land Office.

1098299

RECORD OF PATENTS: Patent Number



SEC. 5. That nothing in this Act shall be held to limit the duty of common carriers by railroads or impair the rights of their employees under the safety-appliance Act of March second, eighteen hundred and ninety-three, as amended April first, eighteen hundred and ninety-six, and March second, nineteen hundred and three.

Approved, June 11, 1906.

Prior laws not affected.  
Vol. 27, p. 531.  
Vol. 29, p. 85.  
Vol. 32, p. 943.

*Repealed by P. L. 87-869 July 10-23-62*

CHAP. 3074.—An Act To provide for the entry of Agricultural lands within forest reserves.

June 11, 1906.  
[H. R. 17676.]

[Public, No. 220.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture may, in his discretion, and he is hereby authorized, upon application or otherwise, to examine and ascertain as to the location and extent of lands within permanent or temporary forest reserves, except the following counties in the State of California, Inyo, Tulare, Kern, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego; which are chiefly valuable for agriculture, and which, in his opinion, may be occupied for agricultural purposes without injury to the forest reserves, and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and file the lists and descriptions with the Secretary of the Interior, with the request that the said lands be opened to entry in accordance with the provisions of the homestead laws and this Act.*

Forest reserves, Agricultural lands within, to be opened to settlement.  
Counties in California excepted.

Filing of lists, etc.

Upon the filing of any such list or description the Secretary of the Interior shall declare the said lands open to homestead settlement and entry in tracts not exceeding one hundred and sixty acres in area and not exceeding one mile in length, at the expiration of sixty days from the filing of the list in the land office of the district within which the lands are located, during which period the said list or description shall be prominently posted in the land office and advertised for a period of not less than four weeks in one newspaper of general circulation published in the county in which the lands are situated: *Provided*, That any settler actually occupying and in good faith claiming such lands for agricultural purposes prior to January first, nineteen hundred and six, and who shall not have abandoned the same, and the person, if qualified to make a homestead entry, upon whose application the land proposed to be entered was examined and listed, shall, each in the order named, have a preference right of settlement and entry: *Provided further*, That any entryman desiring to obtain patent to any lands described by metes and bounds entered by him under the provisions of this Act shall, within five years of the date of making settlement, file, with the required proof of residence and cultivation, a plat and field notes of the lands entered, made by or under the direction of the United States surveyor-general, showing accurately the boundaries of such lands, which shall be distinctly marked by monuments on the ground, and by posting a copy of such plat, together with a notice of the time and place of offering proof, in a conspicuous place on the land embraced in such plat during the period prescribed by law for the publication of his notice of intention to offer proof, and that a copy of such plat and field notes shall also be kept posted in the office of the register of the land office for the land district in which such lands are situated for a like period; and further, that any agricultural lands within forest reserves may, at the discretion of the Secretary, be surveyed by metes and bounds, and that no lands entered under the provisions of this Act shall be patented under the commutation provisions of the home-

Opening to entry; Limit of acreage, etc.

Lists to be posted. Advertisement.

Provision. Preference rights.

Filing plats, etc., of entries.

Time limit.

Notice.

Survey.

# The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at **Helena, Montana,**

has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862,

To Secure Homesteads to Actual Settlers on the Public Domain, and the acts supplemental thereto, the claim of

**Josefa Tobol**

has been established and duly consummated, in conformity to law, for the southwest quarter of the northeast quarter of Section twenty-one in Township nine north of Range two west of the Montana Meridian, Montana, and the H. E. Survey No. 381, embracing a portion of said Section twenty-one, more particularly bounded and described as follows: Beginning at corner No. 1 from which the west quarter corner of said Section twenty-one bears north eighty-nine degrees fifty-three minutes west ten and one-hundredth chains distant; thence south eighty-nine degrees fifty-three minutes east fifty-five and three-hundredths chains to corner No. 2; thence south five minutes east nineteen and sixty-one-hundredths chains to corner No. 3; thence north eighty-nine degrees forty-seven minutes west twenty-four and ninety-eight-hundredths chains to corner No. 4; thence north eighty-nine degrees fifty-seven minutes west thirty and three-hundredths chains to corner No. 5; thence north five minutes west nineteen and six-tenths chains to corner No. 1, the place of beginning; containing in the aggregate one hundred forty-seven and seventy-seven-hundredths acres,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, **Woodrow Wilson**

President of the United States of America, have caused these letters to be made

Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the **TWENTY-SECOND**

(SEAL.)

day of **MARCH** in the year of our Lord one thousand

nine hundred and **EIGHTEEN** and of the Independence of the

United States the one hundred and **FORTY-SECOND.**

By the President,

*Woodrow Wilson*  
*M. P. Le Roy* Secretary.  
*S. O. Samson*

By

Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number **622683**

Whereas the projected celebration in said city will include industrial and other exhibitions, pageants, athletic games, tournaments, parades, conventions, and many other interesting features that will attract visitors from all parts of the United States; and

Whereas the citizens' committee, cooperating with the Illinois Centennial Commission, created by the Illinois General Assembly, are widely advertising the approaching events, with the result that a great increase of incoming and outgoing mail matter is anticipated at the Springfield post office; and

Whereas the size and importance of the city of Springfield, Illinois, and the extensive preparations being made by its citizens, cooperating with State organizations created for the purpose of celebrating the one hundredth anniversary of the admission of Illinois into the Federal Union give to said celebration a national character and significance: Therefore be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Postmaster General of the United States be, and he hereby is, authorized to prepare and deliver to the postmaster of Springfield, Illinois, a special canceling die to be used in the cancellation of mail matter in the post office of that city from December first, nineteen hundred and seventeen, to December third, nineteen hundred and eighteen, said die to be of such design as may be agreed upon by the Postmaster General and the Illinois Centennial Commission.

Approved, December 27, 1916.

Springfield, Ill.  
Postal canceling  
stamp to commemorate  
admission of State, au-  
thorized.

December 29, 1916.  
[H. R. 407.]

[Public, No. 290.]

CHAP. 9.—An Act To provide for stock-raising homesteads, and for other purposes.

Public lands.  
Stock-raising home-  
stead entries on, al-  
lowed.

*Proviso.*  
Lands to be desig-  
nated.

Character of lands to  
be designated.

*Proviso.*  
Applications for un-  
designated lands.

Suspension until de-  
termination.

*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 it shall be lawful for any person qualified to make entry under the homestead laws of the United States to make a stock-raising homestead entry for not exceeding six hundred and forty acres of unappropriated unreserved public land in reasonably compact form: *Provided, however,* That the land so entered shall theretofore have been designated by the Secretary of the Interior as "stock-raising lands."

SEC. 2. That the Secretary of the Interior is hereby authorized, on application or otherwise, to designate as stock-raising lands subject to entry under this Act lands the surface of which is, in his opinion, chiefly valuable for grazing and raising forage crops, do not contain merchantable timber, are not susceptible of irrigation from any known source of water supply, and are of such character that six hundred and forty acres are reasonably required for the support of a family: *Provided,* That where any person qualified to make original or additional entry under the provisions of this Act shall make application to enter any unappropriated public land which has not been designated as subject to entry (provided said application is accompanied and supported by properly corroborated affidavit of the applicant, in duplicate, showing prima facie that the land applied for is of the character contemplated by this Act), such application, together with the regular fees and commissions, shall be received by the register and receiver of the land district in which said land is located and suspended until it shall have been determined by the Secretary of the Interior whether said land is actually of that character. That during such suspension the land described in the application shall not be disposed of; and if the said land shall be designated under this Act, then such application shall

No commutation.  
R. S., sec. 2301, p. 421.  
Vol. 28, p. 1098.  
Preferential right to  
enter contiguous lands.

SEC. 7. That the commutation provisions of the homestead laws shall not apply to any entries made under this Act.

Proviso.  
Division between  
two or more applicants.

SEC. 8. That any homestead entrymen or patentees who shall be entitled to additional entry under this Act shall have, for ninety days after the designation of lands subject to entry under the provisions of this Act and contiguous to those entered or owned and occupied by him, the preferential right to make additional entry as provided in this Act: *Provided*, That where such lands contiguous to the lands of two or more entrymen or patentees entitled to additional entries under this section are not sufficient in area to enable such entrymen to secure by additional entry the maximum amounts to which they are entitled, the Secretary of the Interior is authorized to make an equitable division of the lands among the several entrymen or patentees, applying to exercise preferential rights, such division to be in tracts of not less than forty acres, or other legal subdivision, and so made as to equalize as nearly as possible the area which such entrymen and patentees will acquire by adding the tracts embraced in additional entries to the lands originally held or owned by them: *Provided further*, That where but one such tract of vacant land may adjoin the lands of two or more entrymen or patentees entitled to exercise preferential right hereunder, the tract in question may be entered by the person who first submits to the local land office his application to exercise said preferential right.

Allowance to first applicant.

Coal and mineral deposits reserved.

SEC. 9. That all entries made and patents issued under the provisions of this Act shall be subject to and contain a reservation to the United States of all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same. The coal and other mineral deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal and mineral land laws in force at the time of such disposal. Any person qualified to locate and enter the coal or other mineral deposits, or having the right to mine and remove the same under the laws of the United States, shall have the right at all times to enter upon the lands entered or patented, as provided by this Act, for the purpose of prospecting for coal or other mineral therein, provided he shall not injure, damage, or destroy the permanent improvements of the entryman or patentee, and shall be liable to and shall compensate the entryman or patentee for all damages to the crops on such lands by reason of such prospecting. Any person who has acquired from the United States the coal or other mineral deposits in any such land, or the right to mine and remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining or removal of the coal or other minerals, first, upon securing the written consent or waiver of the homestead entryman or patentee; second, upon payment of the damages to crops or other tangible improvements to the owner thereof, where agreement may be had as to the amount thereof; or, third, in lieu of either of the foregoing provisions, upon the execution of a good and sufficient bond or undertaking to the United States for the use and benefit of the entryman or owner of the land, to secure the payment of such damages to the crops or tangible improvements of the entryman or owner, as may be determined and fixed in an action brought upon the bond or undertaking in a court of competent jurisdiction against the principal and sureties thereon, such bond or undertaking to be in form and in accordance with rules and regulations prescribed by the Secretary of the Interior and to be filed with and approved by the register and receiver of the local land office of the district wherein the land is situate, subject to appeal to the Commissioner of the General Land Office: *Provided*, That all patents issued for the coal or other mineral deposits herein reserved shall contain

Disposal under mining laws.

Locating and prospecting allowed.

Surface entries for mining purposes permitted.

Conditions.

Proviso.  
Mining patents subject to grazing rights, etc.

# The United States of America,

To all to whom these presents shall come (Greeting)

WHEREAS, a Certificate of the Register of the Land Office at **Great Falls, Montana,**

has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "to Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of **Bertin Kokoruda**

has been established and duly consummated, in conformity to law, for the west half of the northwest quarter of Section twenty-seven and the east half of the northeast quarter, the south half of the north half of the southwest quarter of the northeast quarter, the south half of the southwest quarter of the northeast quarter, the south half of the southeast quarter of the northwest quarter, the south half of the north half of the southeast quarter of the northwest quarter, the south half of the southwest quarter of the northwest quarter and the west half of the northwest quarter of the southwest quarter of the northwest quarter of Section twenty-eight in Township nine north of Range two west of the Principal Meridian, Montana, containing two hundred forty-five acres, according to the Official Plat of the Survey of the said Land, on file in the GENERAL LAND OFFICE

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described, TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States. Excepting and reserving, however, to the United States all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same pursuant to the provisions and limitations of the Act of December 29, 1916 (39 Stat., 862)

IN TESTIMONY WHEREOF, I, **Calvin Coolidge,**

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the **TWELFTH**

(SEAL)

day of **NOVEMBER** In the year of our Lord one thousand

nine hundred and **TWENTY-SEVEN** and of the Independence of the

United States the one hundred and **FIFTY-SECOND**

By the President:

*Calvin Coolidge*  
*Viola B. Page*, Secretary  
*M.P. LeRoy*  
Recorder of the General Land Office

By

Helena 020278

# The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Helena, Montana, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Warren E. Wood has been established and duly consummated, in conformity to law, for the following described land:

Principal Meridian, Montana.

T. 9 N., R. 2 W.,

Sec. 20,  $W\frac{1}{2}W\frac{1}{2}E\frac{1}{2}SE\frac{1}{4}$ ,  $W\frac{1}{2}SE\frac{1}{4}$ ,  
 $SE\frac{1}{4}SW\frac{1}{4}$ , and  
 $S\frac{1}{2}S\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$ .

The area described contains 150.00 acres, according to the official plat of the survey of the said land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

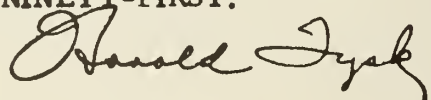
NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of land above described; TO HAVE AND TO HOLD the said tract of land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

This patent is issued in lieu of patent 888150 dated November 16, 1922, which has been canceled because it erroneously described part of the land as the  $S\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$  Sec. 20, instead of the  $S\frac{1}{2}S\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$  Sec. 20, T. 9 N., R. 2 W., P.M., Montana.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Billings, Montana, the EIGHTEENTH day of APRIL in the year of our Lord one thousand nine hundred and SIXTY-SEVEN and of the Independence of the United States the one hundred and NINETY-FIRST.

[SEAL]



By \_\_\_\_\_

Montana State Director.

25-67-0049

Patent Number \_\_\_\_\_

# The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at **Helena, Montana,**

has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of **Warren E. Wood**

has been established and duly consummated, in conformity to law, for the **east half of the northeast quarter of the southeast quarter, the east half of the west half of the northeast quarter of the southeast quarter, the east half of the west half of the southeast quarter of the southeast quarter and the east half of the southeast quarter of the southeast quarter of Section twenty, the southwest quarter of the northwest quarter and the west half of the northwest quarter of the southwest quarter of Section twenty-one and the northeast quarter of the northeast quarter of Section twenty-nine in Township nine north of Range two west of the Montana Meridian, Montana, containing one hundred sixty acres,**

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant **the tract of Land above described;**  
TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant **and to the heirs and assigns of**  
the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, **Woodrow Wilson**

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the **TENTH**

(SEAL.)

day of **SEPTEMBER** in the year of our Lord one thousand  
nine hundred and **NINETEEN** end of the Independence of the  
United States the one hundred and **FORTY-FOURTH.**

By the President:

By

*Woodrow Wilson*  
*W. P. LeRoy* Secretary.  
*S. B. Samard*

Recorder of the General Land Office.

# The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Helena, Montana, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of **Grats B. Montgomery**

has been established and duly consummated, in conformity to law, for the south half of the southeast quarter of Section thirty-two and the west half of the southwest quarter of Section thirty-three in Township nine north of Range two west of the Montana Meridian, Montana, containing one hundred sixty acres,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described, TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, **Warren G. Harding,**

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the **SIXTEENTH** day of **NOVEMBER** In the year of our Lord one thousand nine hundred and **TWENTY-TWO** and of the Independence of the United States the one hundred and **FORTY-SEVENTH.**

(SEAL)

By the President: *Warren G. Harding*  
By *Viola B. Pugh* Secretary  
*W. P. LeRoy* Recorder of the General Land Office

RECORD OF PATENTS: Patent Number 888151

*See* LIST : 4 8 8 for Supplemental Patents



# The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at **Helena, Montana,**

has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20 1862,

To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of **Jrats B. Montgomery**

has been established and duly consummated, in conformity to law, for the **Lots four, five, and six of Section thirty-two in Township nine north of Range two west of the Principal Meridian, Montana, containing thirty-five acres and thirty-six hundredths of an acre,**

according to the Official Plat of the Survey of the said Land, on file in the GENERAL LAND OFFICE:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

This patent is issued supplemental to patent No. 888155, dated November 16, 1922, and in accordance with the plat of Survey approved June 21, 1935, which plat was prepared for the express purpose of showing the segregation of the mineral lands embraced in patent No. 495883 from the non-mineral lands in the south half of the southeast quarter of Section thirty-two in township nine north of Range two west of the Principal Meridian, Montana.

IN TESTIMONY WHEREOF, I, **Franklin D. Roosevelt,**

President of the United States of America, have caused these letters to be made

Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the **FOURTEENTH**

(SEAL.)

day of **APRIL** In the year of our Lord one thousand

nine hundred and **THIRTY-SIX** and of the Independence of the

United States the one hundred and **SIXTIETH.**

By the President:

*Franklin D. Roosevelt*

By

*Louise Polk Wilson*

Secretary.

*Rob. Clinton*

Acting Recorder of the General Land Office.