

FAX

07-29-05

TO: Roxanne Brown

FROM: Fred Price

RE: 75-04199, 05-01-1889
75-04200, 05-01-1889

Permissible POU is subject to 2 different patents based on 2 different homestead authorities.

There were no previous attempts to homestead prior to the entries that led to patent.

1-200
July 1904

Lands 011118

The United States of America

To all to whom these presents shall come, Greeting.

WHEREAS, a Certificate of the Land Office at Boise, Idaho,

is now deposited in the Bureau of Land Management, whereby it appears that, according to the provisions of Chapter 5, Title 32 of the Revised Statutes of the United States and legislation supplemental thereto, the claim of **Salon B. McGuire**

has been established and duly consummated, in conformity to law, for the following described land:

Boise Meridian, Idaho.**T. 17 N., R. 20 E.,****Sec. 10, ~~Section~~, ~~Block~~;****Sec. 15, ~~Section~~.****The area described contains 160.00 acres,**

according to the Official Plat of the Survey of the said Land, on file in the Bureau of Land Management.

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.

There is reserved to the United States a right-of-way for a road, fifty feet in width, extending twenty-five feet on each side of the center line of the presently existing road on the ~~Section~~, ~~Block~~, Sec. 10, ~~Section~~ Sec. 15.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1906 (34 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 the District of Columbia, the ~~Seventeenth~~ day of ~~June~~ in the year of our Lord one thousand nine hundred and ~~SIXTY-THREE~~ and of the Independence of the United States the one hundred and ~~SEVENTY-SEVENTH~~.

(SEAL)

For the Director, Bureau of Land Management.

By

Elizabeth B. Hucker

Chief, Patent Section.

Patent Number 1202315

113252

DEPT. OF THE INTERIOR

JAN 11 1970

STATE OF INDIANA
SANTA FE COUNTY

State of Indiana
County of

Received

Bureau of Land Management

January 14 1970

at 55 U.S. Post Office

P. M. 1970

Agreements
County

Eleanor Aldous

County Recorder

Marguerite Butler
Deputy

\$2.00 Paid

INDEXED

4-884
(Dec. 1961)

RECORDED

(Serial No.)

Homestead Application, Sec. 2269

011110

(Name and address)

Idaho 011110

Helen B. McGuire
P. O. Box 26
Ellis, Idaho

(Description of land)

T. 17 N., R. 20 E., B.M., Idaho
Sec. 15, NW¹NE¹
Sec. 10, SW¹SE¹, E¹SW¹

6-7-63 EC issued - Sec. 10, 15 - Reserved to the U.S. 2 1/2 mi. for road
50' in width on each side of center line of existing road
on the SE¹SW¹, SW¹SE¹, Sec. 10
NW¹NE¹, Sec. 15

Lemhi County

160 acres

DATE

ACTION TAKEN

November 17, 1959

Application filed in duplicate. Rect. #836243 - \$16.00
filing fee and commission. cc of SR to GS and DM.

5-5-61

Case file transferred to Director
in L-77.

1-22-60

Case file returned to LC from Director

9-19-61

Allowed.

2-2-63

Notice of intention to Make Proof filed

3/5/63

Proof set for 4-26-63

4-15-63

Notice for publication filed

5-2-63

Final Proof testimony filed, fee paid
25⁰⁰. Receipt #840216.

6-20-63

Patent no. 1232315
Dated 6-17-63
Received 6-19-63
Notice 6-20-63 (over)

TITLE XXX.—THE PUBLIC LANDS.—CH. 4-5.

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

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

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

Where claimant of entry becomes register or receiver.

20 April, 1871, c. 31, s. 16, v. 17, p. 10.

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

Act of 3 Mar., 1873, c. 266, v. 17, p. 693.

CHAPTER FIVE.

HOMESTEADS.

- | | |
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| Sec. | Sec. |
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| 2290. Mode of procedure. | 2304. Soldiers and sailors' homestead. |
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| 2299. Extending pre-emption rights not impaired. | 2315. Bona-fide settlers on above lands prior to, &c. |
| 2300. What persons may have the privilege of this chapter. | 2316. Certain lands to be patented to Indians making selection. |
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| 2302. No distinction on account of race or color, &c. | |
| 2303. What lands disposed of only as homesteads. | |

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

Who may enter certain unappropriated public lands.

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

22 June, 1874, c. 400, v. 15, p. 194.
 23 Feb., 1875, c. 90, v. 15, p. 324.
 3 Mar., 1876, c. 131, ss. 15, 16, v. 16, p. 420.
 21 April, 1876, c. 72, v. 14, p. 35. 3 Mar., 1877, c. 127, v. 19, p. 405.

Made of proceeds.

30 May, 1882, c. 76, s. 2, v. 12, p. 392.
 21 Mar., 1884, c. 38, s. 2, v. 13, p. 35.
 21 June, 1886, c. 137, s. 2, v. 14, p. 67.
 22 June, 1874, c. 394, v. 15, p. 192.
 3 Mar., 1875, c. 131, ss. 15, 16, v. 16, p. 420.

Certificate and patent, when given and issued.

21 June, 1886, c. 137, s. 2, v. 14, p. 67.
 18 June, 1874, c. 398, v. 15, p. 31.

Proof of residence, &c.

3 Mar., 1877, c. 127, v. 19, p. 403.

False swearing, penalty for.

**When rights in-
come to the benefit
of infant children.**

21 June, 1886, c. 137, s. 2, v. 14, p. 67.

security to the legal subdivisions of the public lands, and after the same have been surveyed. And every person owning and residing on land may, under the provisions of this section, enter other land lying contiguous to his land, which shall not, with the land so already owned and occupied, exceed in the aggregate one hundred and sixty acres.

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

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

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

TITLE XXXI—THE PUBLIC LANDS.—CH. 5.

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Sec. 2292. In case of any person desirous of availing himself of the benefits of this chapter: but who, by reason of actual service in the military or naval service of the United States, is unable to do the personal preliminary acts at the district land-office which the preceding sections require: and whose family, or some member thereof is residing on the land which he desires to enter, and upon which a bona-fide improvement and settlement have been made, such person may make the affidavit required by law before the officer commanding in the branch of the service in which the party is engaged, which affidavit shall be as binding in law, and with like penalties, as if taken before the register or receiver: and upon such affidavit being filed with the register by the wife or other representative of the party, the same shall become effective from the date of such filing, provided the application and affidavit are accompanied by the fee and commissions as required by law.

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

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

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

30 May, 1862, c. 75, s. 4, v. 12, p. 323.—*Seymour v. Saunders*, 3 Dill., 437.

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

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

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

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

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

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

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

When persons may make affidavit before clerk of court.

21 Mar., 1864, c. 35, s. 3, v. 13, p. 35.
22 June, 1874, c. 394, v. 15, p. 192.

Record of applications.

20 May, 1862, c. 75, s. 3, v. 12, p. 323.

Homestead lands not to be subject to prior debts.

When lands entered for homestead revert to Government.

30 May, 1862, c. 75, s. 5, v. 12, p. 323.
25 Dec., 1874, c. 10, v. 15, p. 294.
21 April, 1875, c. 72, v. 15, p. 36.

Limitation of amount entered for homestead.

20 May, 1862, c. 75, s. 6, v. 12, p. 323.

Existing pre-emption rights not impaired.

20 May, 1862, c. 75, s. 6, v. 12, p. 323.

What minors may have the privileges of this chapter.

20 May, 1862, c. 75, s. 6, v. 12, p. 323.

Payment before expiration of five years: rights of applicant.

20 May, 1862, c. 75, s. 8, v. 12, p. 323.

No distinction on account of race or color, &c.

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

21 June, 1893, c. 127, s. 1, v. 14, p. 67.—*Morton v. Nebraska*, 21 Wall., 580.

What lands disposed of only as homesteads.

21 June, 1893, c. 127, s. 1, v. 14, p. 67.

4 July, 1876, c. 165, v. 13, p. 73.

3 Mar., 1877, c. 106, v. 13, p. 377.

Disposition of lands in certain States.

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

Soldiers' and sailors' homestead.

5 June, 1872, c. 326, s. 1, v. 17, p. 323.

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

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

5 June, 1872, c. 326, s. 1, v. 17, p. 323.

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

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

5 June, 1872, c. 326, s. 2, v. 17, p. 323.

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

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

5 June, 1872, c. 326, s. 3, v. 17, p. 323.

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

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Sec. 2306. Where a party at the date of his entry of a tract of land under the homestead laws, or subsequently thereto, was actually enlisted and employed in the Army or Navy of the United States, his services therein shall, in the administration of such homestead laws, be construed to be equivalent, to all intents and purposes, to a residence for the same length of time upon the tract so entered. And if his entry has been canceled by reason of his absence from such tract while in the military or naval service of the United States, and such tract has not been disposed of, his entry shall be restored: but if such tract has been disposed of, the party may enter another tract subject to entry under the homestead laws, and his right to a patent therefor may be determined by the proofs touching his residence and cultivation of the first tract and his absence therefrom in such service.

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

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

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

Who may enter by agent.

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

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

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

3 Mar., 1865, c. 127, s. 4, v. 13, p. 502.

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

Exemption of homestead of Stockbridge Munsees.

3 Mar., 1865, c. 127, s. 4, v. 13, p. 502.

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

Stockbridge Munsees becoming citizens.

3 Mar., 1865, c. 127, s. 4, v. 13, p. 502.

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

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

10 June, 1872, c. 424, s. 2, v. 17, p. 361.

3 Mar., 1875, c. 198, v. 18, p. 516.

23 May, 1876, c. 105, v. 19, p. 56.

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

Selection for minors under preceding section.

10 June, 1872, c. 424, s. 2, v. 17, p. 321. 3 Mar., 1875, c. 185, v. 15, p. 516.

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

10 June, 1872, c. 424, s. 4, v. 17, p. 321. 3 Mar., 1875, c. 185, v. 15, p. 516. 23 May, 1876, c. 105, v. 19, p. 55.

Certain lands to be patented to Indians making selection.

10 June, 1872, c. 424, s. 4, v. 17, p. 321. 3 Mar., 1875, c. 185, v. 15, p. 516. 23 May, 1876, c. 105, v. 19, p. 55.

Cultivation of trees on homestead tracts.

3 Mar., 1873, c. 277, s. 4, v. 17, p. 606. 13 Mar., 1874, c. 55, v. 18, p. 31. 3 Mar., 1875, c. 151, v. 18, p. 481. 3 Mar., 1876, c. 185, v. 16, p. 516. 26 May, 1876, c. 102, v. 19, p. 54.

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

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

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

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

CHAPTER SIX.

MINERAL LANDS AND MINING RESOURCES.

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2324. Regulations made by miners. Tunnels, cost of, how treated.
2325. Patents for mineral lands, how obtained.
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2327. Description of vein-claims on surveyed and unsurveyed lands.
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2331. Conformity of placer-claims to surveys, limitation of claims.
2332. What evidence of possession, &c., to establish a right to a patent.
2333. Proceedings for patent for placer-claim, &c.
2334. Surveyor-general to appoint surveyors of mining-claims, &c.
2335. Verification of affidavits, &c.

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

POUs:

T17N, R20E, S10, SWNW
NWSW

The above described POUs were acquired pursuant to patent from the U.S.

Patent 11-67-0105

Issued on 01-18-1967

Pursuant to Act of 03-03-1877 (19 Stat. 377), as amended by the Act of 03-03-1891 (26 Stat. 1096), aka The Desert Land Act of 03-03-1877.

Homestead Entry I-011127

Application filed 12-01-1959

Final proof filed 11-07-1966

DESERT LAND ENTRY

The lands must be surveyed, unreserved, unappropriated, non-mineral, non-timber, and incapable of producing an agricultural crop without irrigation. The lands must be suitable for agricultural purposes and more valuable for that purpose than for any other. The tracts of land must be sufficiently close to each other to be managed satisfactorily as an economic unit.

Each year for three years from the date your application is approved, you must account for the money you spend on improvements to reclaim, irrigate, and cultivate the lands.

You must submit statements of two credible witnesses who can testify to the expenditures made for improvements on your desert-land entry during the preceding year. You must submit itemized statements showing the manner in which the expenditures were made. At the end of the third year you must submit a map or plan showing the character and extent of the improvements placed on the desert-land entry.

Form 1680-7
(March 1960)
(Revisory 4-1628)

Idaho 011127

The United States of America

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Land Office at Boise, Idaho

is now deposited in the Bureau of Land Management, whereby it appears that full payment has been made by the claimant, Heirs of Helen B. McGuire,

according to the provisions of the Act of Congress approved March 3, 1877 (19 Stat. 377), as amended by the Act of March 3, 1891 (26 Stat. 1096), for the following-described land:

Boise Meridian, Idaho.

T 17 N., R. 20 E.,

Sec. 10, SW^{1/4}, NW^{1/4}.

The area described contains 80 acres,

according to the official plat of the survey of the said land on file in the Bureau of Land Management:

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, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT unto the said claimant, and to the heirs of the said claimant, the land above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, therunto belonging, 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 in, upon, or across the lands or canals constructed by the authority of the United States.

This patent is issued subject to a reservation to the United States for a perpetual right-of-way 25 feet on each side of the centerline of the existing road across the tract, for public access and use, in accordance with the Consent to Reservation dated March 6, 1961, and filed in case record, Idaho 011127.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1946 (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:

SEAL

GIVEN under my hand, in Boise, Idaho
the EIGHTEENTH day of JANUARY 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.

By

Manager, Idaho Land Office

11-67-0105

Patent Number

INDEXED

(Serial No.)

011127

(Kind of entry and date)
Desert Land Application, Act 3-3-1877

(Name and address)

Idaho 011127

Helen B. McGuire
P. O. Box 52
Ellis, Idaho

(Description of land)

T. 17 N., R. 20 E., B. M., Idaho
Sec. 9, ~~NE 1/4~~
Sec. 10, ~~SW 1/4~~, NW 1/4 SW 1/4
SW 1/4

Lemhi County

30
~~160~~ acres

DATE

ACTION TAKEN

December 1, 1959 Application filed in duplicate. Recl. # 836273 - \$55.00
filing fee and 1st payment of 1/5. cc of SR to GS and BM.

3-3-61 Report to reservation filed.
3-8-61 Appeal filed from decision of 2-8-61
3-8-61 fee paid, Receipt # 837220 m
3-7-61 Case file transferred to Director on appeal.
1-20-61
1-24-61 Application rejected - reverts NE 1/4 SE 1/4
See 9-7-70 NW 1/4 SW 1/4 77 P 20 E.
3-15-62 Notice of appeal filed, fee paid, 5-
Receipt # 838748 m
3-20-62 Case file transferred to Director on appeal
4-4-62 Director's decision affirmed the
Manager's rejection of this applic.
6-12-62 Transmitted to Bicy on appeal 6-8-62.

DATE

ACTION TAKEN

5-22-64 Secretary's Decision A-29591
affirmed the reversion of 80 acres
and remanded the case for
allowance of 80 acres, all else
being regular.

8-7-1964 accrued.

8-14-64 Expenses 20⁰⁰ mo.

4-7-65 Annual proof accepted for 3 years

9-19-66 Proof set for Nov 2, 1966 at 11:30pm

Proof set for Nov 2, 1966 at 11:30pm

Proof set for Nov 2, 1966 at 11:30pm

Proof set for Nov 2, 1966 at 11:30pm

1-20-67

Patent No. 11-67-6162

Dated 1-20-67

1-20-67

Case file to GSA Federal Records Center, Seattle, Wash.

AUG 10 1967

FRC Container No. ~~36585~~ 138419

Accession No. ~~65-8275~~

CASE FILE TO GSA FEDERAL
RECORDS CENTER, SEATTLE, WA

SEP 2 1967

FRC Container No. ~~36585~~ 138419

Accession No. ~~65-8275~~

FRC No. ~~156534-1294~~

FORTY-FOURTH CONGRESS. SESS. II. CH. 107, 108. 1877.

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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.

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—

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.

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.

Localities in which act to apply.

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

March 3, 1877

Acto, 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.

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

1870, ch. 126.
16 Stat., 149.Law for receiver of Hot Springs, Ark., repealed.
Rights reserved.

Commissioners to lay out Hot Springs reservation.

FIFTY-FIRST CONGRESS. Sess. II. CHS. 560, 561. 1891.

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one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed six dollars per day and actual traveling expenses. *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof, shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of Michigan shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

After the said site shall have been paid for and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior and the Postmaster-General the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches.

The building shall be unexposed to danger from fire by an open space of at least forty feet on each side, including streets and alleys.

Approved, March 3, 1891.

Examination

Hearings.

Report.

Determination of location.

Compensation of commissioners.

Provided

Treasury member.

Advertising, etc., expenses, immediately available.

Appropriation for plans, etc., available on approval of site.

No expenditure until valid title, etc., pass.

Balance for construction, etc.

Open space.

CHAP. 561.—An act to repeal timber-culture laws, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act entitled "An act to amend an act entitled 'An act to encourage the growth of timber on the Western prairies,' approved June fourth, eighteen hundred and seventy eight, and all laws supplementary thereto or amendatory thereof, be, and the same are hereby, repealed. *Provided,* That this repeal shall not affect any valid rights heretofore accrued or accruing under said laws, but all bona fide claims lawfully initiated before the passage of this act may be perfected upon due compliance with law, in the same manner, upon the same terms and conditions, and subject to the same limitations, forfeitures, and contests as if this act had not been passed. *And provided further,* That the following words of the last clause of section two of said

March 3, 1891.

Timber culture laws repealed.

Vol. 20, p. 12.

Provisions, existing rights preserved.

Number of trees per acre.

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Period of cultivation.	act, namely: "That not less than twenty-seven hundred trees were planted on each acre," are hereby repealed: <i>And provided further</i> , That in computing the period of cultivation the time shall run from the date of the entry, if the necessary acts of cultivation were performed within the proper time: <i>And provided further</i> , That the preparation of the land and the planting of trees shall be construed as acts of cultivation, and the time authorized to be so employed and actually employed shall be computed as a part of the eight years of cultivation required by statute: <i>Provided</i> , That any person who has made entry of any public lands of the United States under the timber-culture laws, and who has for a period of four years in good faith complied with the provisions of said laws and who is an actual bona fide resident of the State or Territory in which said land is located shall be entitled to make final proof thereto, and acquire title to the same, by the payment of one dollar and twenty five cents per acre for such tract, under such rules and regulations as shall be prescribed by the Secretary of the Interior, and registers and receivers shall be allowed the same fees and compensation for final proofs in timber-culture entries as is now allowed by law in homestead entries: <i>And provided further</i> , That no land 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 final certificate therefor.
Acts of cultivation.	
Bona fide settlers for four years may make final proof.	
Payment.	
Land not liable for prior debts.	
Desert lands.	SEC. 2. That an act to provide for the sale of desert lands in certain States and Territories, approved March third, eighteen hundred and seventy-seven, is hereby amended by adding thereto the following sections.
Vol. 18, p. 377, amended.	
Plan of proposed irrigation, etc.	SEC. 4. That at the time of filing the declaration hereinbefore required the party shall also file a map of said land, which shall exhibit a plan showing the mode of contemplated irrigation, and which plan shall be sufficient to thoroughly irrigate and reclaim said land, and prepare it to raise ordinary agricultural crops, and shall also show the source of the water to be used for irrigation and reclamation. Persons entering or proposing to enter separate sections, or fractional parts of sections, of desert lands may associate together in the construction of canals and ditches for irrigating and reclaiming all of said tracts, and may file a joint map or maps showing their plan of internal improvements.
Associations.	
Minimum expenditure to acquire patent.	SEC. 5. That no land shall be patented to any person under this act unless he or his assignors shall have expended in the necessary irrigation, reclamation, and cultivation thereof, by means of main canals and branch ditches, and in permanent improvements upon the land, and in the purchase of water rights for the irrigation of the same, at least three dollars per acre of whole tract reclaimed and patented in the manner following: Within one year after making entry for such tract of desert land as aforesaid the party so entering shall expend not less than one dollar per acre for the purposes aforesaid: and he shall in like manner expend the sum of one dollar per acre during the second and also during the third year thereafter, until the full sum of three dollars per acre is so expended. Said party shall file during each year with the register proof, by the affidavits of two or more credible witnesses, that the full sum of one dollar per acre has been expended in such necessary improvements during such year, and the manner in which expended, and at the expiration of the third year a map or plan showing the character and extent of such improvements. If any party who has made such application shall fail during any year to file the testimony aforesaid the lands shall revert to the United States, and the twenty-five cents advanced payment shall be forfeited to the United States, and the entry shall be cancelled. Nothing herein contained shall prevent a claimant from making his final entry and receiving his patent at an earlier date than
Distribution of amount.	
Proof.	
Forfeiture.	
Earlier reclamation.	

FIFTY-FIRST CONGRESS. SESS. II. CH. 561. 1891.

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hereinbefore prescribed, provided that he then makes the required proof of reclamation to the aggregate extent of three dollars per acre: *Provided*, That proof be further required of the cultivation of one-eighth of the land.

SEC. 6. That this act shall not affect any valid rights heretofore accrued under said act of March third, eighteen hundred and seventy-seven, but all bona-fide claims heretofore lawfully initiated may be perfected, upon due compliance with the provisions of said act, in the same manner, upon the same terms and conditions, and subject to the same limitations, forfeitures, and contests as if this act had not been passed, or said claims, at the option of the claimant, may be perfected and patented under the provisions of said act, as amended by this act, so far as applicable; and all acts and parts of acts in conflict with this act are hereby repealed.

SEC. 7. That at any time after filing the declaration, and within the period of four years thereafter, upon making satisfactory proof to the register and the receiver of the reclamation and cultivation of said land to the extent and cost and in the manner aforesaid, and substantially in accordance with the plans herein provided for, and that he or she is a citizen of the United States, and upon payment to the receiver of the additional sum of one dollar per acre for said land, a patent shall issue therefor to the applicant or his assigns, but no person or association of persons shall hold by assignment or otherwise prior to the issue of patent, more than three hundred and twenty acres of such arid or desert lands but this section shall not apply to entries made or initiated prior to the approval of this act. *Provided, however*, That additional proofs may be required at any time within the period prescribed by law, and that the claims or entries made under this or any preceding act shall be subject to contest, as provided by the law, relating to homestead cases, for illegal inception, abandonment, or failure to comply with the requirements of law, and upon satisfactory proof thereof shall be canceled, and the lands, and moneys paid therefor, shall be forfeited to the United States.

SEC. 8. That the provisions of the act to which this is an amendment, and the amendments thereto, shall apply to and be in force in the State of Colorado, as well as the States named in the original act; and no person shall be entitled to make entry of desert land except he be a resident citizen of the State or Territory in which the land sought to be entered is located.

SEC. 9. That section twenty-two hundred and eighty-eight of the Revised Statutes be amended so as to read as follows:

SEC. 2288. Any bona fide settler under the pre-emption, homestead, or other settlement law shall have the right to transfer, by warranty against his own acts, any portion of his claim for church, cemetery, or school purposes, or for the right of way of railroads, canals, reservoirs, or ditches for irrigation or drainage across it; and the transfer for such public purposes shall in no way vitiate the right to complete and perfect the title to his claim.

SEC. 4. That chapter four of title thirty-two, excepting sections twenty-two hundred and seventy-five, twenty-two hundred and seventy-six, twenty-two hundred and eighty-six, of the Revised Statutes of the United States, and all other laws allowing pre-emption of the public lands of the United States, are hereby repealed, but all bona fide claims lawfully initiated before the passage of this act, under any of said provisions of law so repealed, may be perfected upon due compliance with law, in the same manner, upon the same terms and conditions, and subject to the same limitations, forfeitures, and contests, as if this act had not been passed.

SEC. 5. That sections twenty two hundred and eighty-nine and twenty-two hundred and ninety, in said chapter numbered five of

Proviso.
Proof of cultivation.
Valid rights not affected.

Vol. 19, p. 377.

Patents to issue on proof within four years.

Additional payment.

Limit.

Proviso.

Additional proofs.

Act applicable to Colorado.

Resident citizens only may enter.

Transfer before patent, for public purposes.

A. S., sec. 2288, p. 418, amended.

Pre-emption laws repealed.

R. S., secs. 2287-2294, 2277-2286, 2287-2288, pp. 416-418, repealed.

Perfection of bona fide claims.

Homesteads.

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the Revised Statutes, be, and the same are hereby, amended, so that they shall read as follows.

Revised Statutes.
R. S., sec. 2289, p. 436, amended.

Homestead.

Procedure.
R. S., sec. 2290, p. 436, amended.
Contents of affidavit.

Payment.

Payments in advance.
R. S., sec. 2301, p. 431, amended.

Sioux Reservation.
Vol. 28, p. 992.

Correction of clerical errors.

Sales, etc., of lands after final entry.

SEC. 2289. Every person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who has filed his declaration of intention to become such, as required by the naturalization laws, shall be entitled to enter one-quarter section, or a less quantity, of unappropriated public lands, to be located in a body in conformity to the legal subdivisions of the public lands; but no person who is the proprietor of more than one hundred and sixty acres of land in any State or Territory, shall acquire any right under the homestead law. And every person owning and residing on land may, under the provisions of this section, enter other land lying contiguous to his land, which shall not, with the land so already owned and occupied, exceed in the aggregate one hundred and sixty acres.

SEC. 2290. That any person applying to enter land under the preceding section shall first make and subscribe before the proper officer and file in the proper land office an affidavit that he or she is the head of a family, or is over twenty-one years of age, and that such application is honestly and in good faith made for the purpose of actual settlement and cultivation, and not for the benefit of any other person, persons or corporation, and that he or she will faithfully and honestly endeavor to comply with all the requirements of law as to settlement, residence, and cultivation necessary to acquire title to the land applied for; that he or she is not acting as agent of any person, corporation, or syndicate in making such entry, nor in collusion with any person, corporation, or syndicate to give them the benefit of the land entered, or any part thereof, or the timber thereon; that he or she does not apply to enter the same for the purpose of speculation, but in good faith to obtain a home for himself, or herself, and that he or she has not directly or indirectly made, and will not make, any agreement or contract in any way or manner, with any person or persons, corporation or syndicate whatsoever, by which the title which he or she might acquire from the Government of the United States should inure, in whole or in part, to the benefit of any person, except himself, or herself, and upon filing such affidavit with the register or receiver on payment of five dollars when the entry is of not more than eighty acres, and on payment of ten dollars when the entry is for more than eighty acres, he or she shall thereupon be permitted to enter the amount of land specified.

SEC. 6. That section twenty-three hundred and one of the Revised Statutes be amended so as to read as follows:

"SEC. 2301. Nothing in this chapter shall be so construed as to prevent any person who shall hereafter avail himself of the benefits of section twenty-two hundred and eighty-nine from paying the minimum price for the quantity of land so entered at any time after the expiration of fourteen calendar months from the date of such entry, and obtaining a patent therefor, upon making proof of settlement and of residence and cultivation for such period of fourteen months," and the provision of this section shall apply to lands on the ceded portion of the Sioux Reservation by act approved March second, eighteen hundred and eighty-nine, in South Dakota, but shall not relieve said settlers from any payments now required by law.

SEC. 7. That whenever it shall appear to the Commissioner of the General Land Office that a clerical error has been committed in the entry of any of the public lands such entry may be suspended, upon proper notification to the claimant, through the local land office, until the error has been corrected, and all entries made under the preemption, homestead, desert-land, or timber-culture laws, in which final proof and payment may have been made and certificates issued, and to which there are no adverse claims originating prior to final entry

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and which have been sold or incumbered prior to the first day of March, eighteen hundred and eighty-eight, and after final entry, to bona-fide purchasers, or incumbrancers, for a valuable consideration, shall unless upon an investigation by a Government Agent, fraud on the part of the purchaser has been found, be confirmed and patented upon presentation of satisfactory proof to the Land Department of such sale or incumbrance. *Provided*, That after the lapse of two years from the date of the issuance of the receiver's receipt upon the final entry of any tract of land under the homestead, timber-culture, desert-land, or pre-emption laws, or under this act, and when there shall be no pending contest or protest against the validity of such entry, the entryman shall be entitled to a patent conveying the land by him entered, and the same shall be issued to him; but this proviso shall not be construed to require the delay of two years from the date of said entry before the issuing of a patent therefor.

Proviso.
Patent after two years.

Sec. 8. That suits by the United States to vacate and annul any patent heretofore issued shall only be brought within five years from the passage of this act, and suits to vacate and annul patents hereafter issued shall only be brought within six years after the date of the issuance of such patents. And in the States of Colorado, Montana, Idaho, North Dakota and South Dakota, Wyoming, and in the District of Alaska and the gold and silver regions of Nevada, and the Territory of Utah, in any criminal prosecution or civil action by the United States for a trespass on such public timber lands or to recover timber or lumber cut thereon, it shall be a defense if the defendant shall show that the said timber was so cut or removed from the timber lands for use in such State or Territory by a resident thereof for agricultural, mining, manufacturing, or domestic purposes, and has not been transported out of the same, but nothing herein contained shall apply to operate to enlarge the rights of any railway company to cut timber on the public domain. *Provided*, That the Secretary of the Interior may make suitable rules and regulations to carry out the provisions of this section.

Suits to annul patents to be brought in five or six years.
Ante, p. 1028.

Timber-cuttings in mining localities.

Railway companies.
Proviso.
Rules, etc.

Public lands not to be sold at public sale.

R. S., sec. 2465, p. 440.

Sec. 9. That hereafter no public lands of the United States, except abandoned military or other reservations, isolated and disconnected fractional tracts authorized to be sold by section twenty-four hundred and fifty-five of the Revised Statutes, and mineral and other lands the sale of which at public auction has been authorized by acts of Congress of a special nature having local application, shall be sold at public sale.

Indian agreements not changed.

Sec. 10. That nothing in this act shall change, repeal, or modify any agreements or treaties made with any Indian tribes for the disposal of their lands, or of land ceded to the United States to be disposed of for the benefit of such tribes, and the proceeds thereof to be placed in the Treasury of the United States; and the disposition of such lands shall continue in accordance with the provisions of such treaties or agreements, except as provided in section 5 of this act.

Ante, p. 1036.

Sec. 11. That until otherwise ordered by Congress lands in Alaska may be entered for town-site purposes, for the several use and benefit of the occupants of such town sites, by such trustee or trustees as may be named by the Secretary of the Interior for that purpose, such entries to be made under the provisions of section twenty-three hundred and eighty-seven of the Revised Statutes as near as may be, and when such entries shall have been made the Secretary of the Interior shall provide by regulation for the proper execution of the trust in favor of the inhabitants of the town site, including the survey of the land into lots, according to the spirit and intent of said section twenty-three hundred and eighty-seven of the Revised Statutes, whereby the same results would be reached as though the entry had been made by a county judge and the disposal of the lots in such town site and the proceeds of the sale thereof had been prescribed

Alaska town sites.

Trustees.

R. S., sec. 2387, p. 437.

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Proviso.
Limit.Purchases for trade,
etc., in Alaska.Proviso.
Adverse claimants.Payment for sur-
veys.

R. S., sec. 340, p. 440.

Surveys.

Approval of sur-
veys, etc.

Preamble

Mineral, etc., lands,
reserved.Fish culture sta-
tions.

Missionary stations.

Seal Islands.

by the legislative authority of a State or Territory. *Provided*, That no more than six hundred and forty acres shall be embraced in one townsite entry.

SEC. 12. That any citizen of the United States twenty-one years of age, and any association of such citizens, and any corporation incorporated under the laws of the United States, or of any State or Territory of the United States now authorized by law to hold lands in the Territories now or hereafter in possession of and occupying public lands in Alaska for the purpose of trade or manufactures, may purchase not exceeding one hundred and sixty acres to be taken as near as practicable in a square form, of such land at two dollars and fifty cents per acre: *Provided*, That in case more than one person, association or corporation shall claim the same tract of land the person, association or corporation having the prior claim by reason of possession and continued occupation shall be entitled to purchase the same; but the entry of no person, association, or corporation shall include improvements made by or in possession of another prior to the passage of this act.

SEC. 13. That it shall be the duty of any person, association, or corporation entitled to purchase land under this act to make an application to the United States marshal, ex officio surveyor-general of Alaska, for an estimate of the cost of making a survey of the lands occupied by such person, association, or corporation, and the cost of the clerical work necessary to be done in the office of the said United States marshal, ex officio surveyor-general; and on the receipt of such estimate from the United States marshal, ex officio surveyor-general, the said person, association, or corporation shall deposit the amount in a United States depository, as is required by section numbered twenty-four hundred and one, Revised Statutes, relating to deposits for surveys.

That on the receipt by the United States marshal, ex-officio surveyor-general, of the said certificates of deposit, he shall employ a competent person to make such survey, under such rules and regulations as may be adopted by the Secretary of the Interior, who shall make his return of his field notes and maps to the office of the said United States marshal, ex-officio surveyor-general; and the said United States marshal, ex-officio surveyor-general, shall cause the said field notes and plats of such survey to be examined, and, if correct, approve the same, and shall transmit certified copies of such maps and plats to the office of the Commissioner of the General Land Office.

That when the said field notes and plats of said survey shall have been approved by the said Commissioner of the General Land Office, he shall notify such person, association, or corporation, who shall then, within six months after such notice, pay to the said United States marshal, ex-officio surveyor-general, for such land, and patent shall issue for the same.

SEC. 14. That none of the provisions of the last two preceding sections of this act shall be so construed as to warrant the sale of any lands belonging to the United States which shall contain coal or the precious metals, or any town site, or which shall be occupied by the United States for public purposes, or which shall be reserved for such purposes, or to which the natives of Alaska have prior rights by virtue of actual occupation, or which shall be selected by the United States Commissioner of Fish and Fisheries on the island of Kodiak and Afognak for the purpose of establishing fish-culture stations. And all tracts of land not exceeding six hundred and forty acres in any one tract now occupied as missionary stations in said district of Alaska are hereby excepted from the operation of the last three preceding sections of this act. No portion of the islands of the Pribylov Group or the Seal Islands of Alaska shall be subject to sale under this act; and the United States reserves, and there shall

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be reserved in all patents issued under the provisions of the last two preceding sections the right of the United States to regulate the taking of salmon and to do all things necessary to protect and prevent the destruction of salmon in all the waters of the lands granted frequented by salmon.

Salmon fisheries.

SEC. 15. That until otherwise provided by law the body of lands known as Annette Islands, situated in Alexander Archipelago in Southeastern Alaska, on the north side of Dixon's entrance, be, and the same is hereby, set apart as a reservation for the use of the Metlakatla Indians, and those people known as Metlakatlans who have recently emigrated from British Columbia to Alaska, and such other Alaskan natives as may join them, to be held and used by them in common, under such rules and regulations, and subject to such restrictions, as may be prescribed from time to time by the Secretary of the Interior.

Annette Islands reserved for Metlakatla Indians.

SEC. 16. That town-site entries may be made by incorporated towns and cities on the mineral lands of the United States, but no title shall be acquired by such towns or cities to any vein of gold, silver, cinnabar, copper, or lead, or to any valid mining claim or possession held under existing law. When mineral veins are possessed within the limits of an incorporated town or city, and such possession is recognized by local authority or by the laws of the United States, the title to town lots shall be subject to such recognized possession and the necessary use thereof and when entry has been made or patent issued for such town sites to such incorporated town or city, the possessor of such mineral vein may enter and receive patent for such mineral vein, and the surface ground appertaining thereto. *Provided*, That no entry shall be made by such mineral-vein claimant for surface ground where the owner or occupier of the surface ground shall have had possession of the same before the inception of the title of the mineral-vein applicant.

Town-site entries on mineral lands not to include mining rights.

Mining claims.

Provided. Prior right of surface owner.

SEC. 17. That reservoir sites located or selected and to be located and selected under the provisions of "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," and amendments thereto, shall be restricted to and shall contain only so much land as is actually necessary for the construction and maintenance of reservoirs, excluding so far as practicable lands occupied by actual settlers at the date of the location of said reservoirs and that the provision of "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," which reads as follows, viz: "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 said laws," shall be construed to include in the maximum amount of lands the title to which is permitted to be acquired by one person only agricultural lands and not to include lands entered or sought to be entered under mineral land laws.

Limit on reservoir sites. Vol. 24, p. 520.

Lands of actual settlers.

Maximum land entered not to include mining claims. Ante, p. 591.

SEC. 18. That the right of way through the public lands and reservations of the United States is hereby granted to any canal or ditch company formed for the purpose of irrigation and duly organized under the laws of any State or Territory, which shall have filed, or may hereafter file, with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of the ground occupied by the water of the reservoir and of the canal and its laterals, and fifty feet on each side of the marginal limits thereof; also the right to take, from the public lands adjacent to the line of the canal or ditch, material, earth, and stone necessary for the construction of such canal or ditch. *Provided*, That

Rights of way to ditch companies.

Provided.

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Not to interfere with Government occupation.	no such right of way shall be so located as to interfere with the proper occupation by the Government of any such reservation, and all maps of location shall be subject to the approval of the Department of the Government having jurisdiction of such reservation, and the privilege herein granted shall not be construed to interfere with the control of water for irrigation and other purposes under authority of the respective States or Territories.
Approval.	
Maps to be filed.	SEC. 19. That any canal or ditch company desiring to secure the benefits of this act shall, within twelve months after the location of ten miles of its canal, if the same be upon surveyed lands, and if upon unsurveyed lands, within twelve months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a map of its canal or ditch and reservoir; and upon the approval thereof by the Secretary of the Interior the same shall be noted upon the plats in said office, and thereafter all such lands over which such rights of way shall pass shall be disposed of subject to such right of way. Whenever any person or corporation, in the construction of any canal, ditch, or reservoir, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.
Damages.	
Applicable to all canals, etc.	SEC. 20. That the provisions of this act shall apply to all canals, ditches, or reservoirs, heretofore or hereafter constructed, whether constructed by corporations, individuals, or association of individuals, on the filing of the certificates and maps herein provided for. If such ditch, canal, or reservoir, has been or shall be constructed by an individual or association of individuals, it shall be sufficient for such individual or association of individuals to file with the Secretary of the Interior, and with the register of the land office where said land is located, a map of the line of such canal, ditch, or reservoir, as in case of a corporation, with the name of the individual owner or owners thereof, together with the articles of association, if any there be. Plats heretofore filed shall have the benefits of this act from the date of their filing, as though filed under it. <i>Provided</i> , That if any section of said canal, or ditch, shall not be completed within five years after the location of said section, the rights herein granted shall be forfeited as to any uncompleted section of said canal, ditch, or reservoir, to the extent that the same is not completed at the date of the forfeiture.
Proviso.	
Forfeiture for non-completion.	SEC. 21. That nothing in this act shall authorize such canal or ditch company to occupy such right of way except for the purpose of said canal or ditch, and then only so far as may be necessary for the construction, maintenance, and care of said canal or ditch.
Use only for canal.	SEC. 22. That the section of land reserved for the benefit of the Dakota Central Railroad Company or the west bank of the Missouri River, at the mouth of Bad River, as provided by section sixteen of "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder and for other purposes," approved March second, eighteen hundred and eighty-nine, shall be subject to entry under the town-site law only.
Disposal of land of Dakota Central Railroad Company.	
Vol. II, p. 888	
For town sites.	SEC. 23. That in all cases where second entries of land on the Osage Indian trust and diminished reserve lands in Kansas, to which at the time there were no adverse claims, have been made and the law complied with as to residence and improvement, said entries be, and the same are hereby confirmed, and in all cases where persons were actual settlers and residing upon their claims upon said Osage Indian trust and diminished reserve lands in the State of Kansas on the ninth day of May, eighteen hundred and seventy-two, and who have made subsequent pre-emption entries either upon public or upon said Osage Indian trust and diminished reserve lands, upon which there were no legal prior adverse claims at the time, and the
Notes on Osage lands confirmed.	

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law complied with as to settlement, said subsequent entries be, and the same are hereby confirmed.

SEC. 24 That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof.

Approved, March 3, 1891.

Forest reservations.

CHAP. 562.—An act to amend section forty-seven hundred and eighty-seven of the Revised Statutes of the United States.

March 3, 1891.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section forty-seven hundred and eighty-seven of the Revised Statutes of the United States be amended by striking out the word "five" where it occurs therein, and inserting in lieu thereof the word "three" so that when amended said section will read as follows. Every officer, soldier, seaman, and marine who was disabled during the war for the suppression of the rebellion, in the military or naval service, and in the line of duty, or in consequence of wounds received or disease contracted therein, and who was furnished by the War Department since the seventeenth day of June, eighteen hundred and seventy, with an artificial limb or apparatus for resection, who was entitled to receive such limb or apparatus since said date, shall be entitled to receive a new limb or apparatus at the expiration of every three years thereafter, under such regulations as have been or may be prescribed by the Surgeon-General of the Army.

Approved, March 3, 1891.

Artificial limbs, etc.,
to be furnished every
three years.
R. S., sec. 477, p. 622,
amended.

CHAP. 563.—An act to provide for the payment of bonds of the District of Columbia falling due July first, eighteen hundred and ninety-one and July first and twenty-sixth, eighteen hundred and ninety-two.

March 3, 1891.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Treasurer of the United States, ex officio commissioner of the sinking fund of the District of Columbia, is hereby directed to cause bonds to be prepared in sums of one hundred, five hundred, and one thousand dollars, to be designated as ten-year funding bonds of the District of Columbia, bearing interest at the rate of three and fifty hundredths per centum per annum, payable half yearly on the first days of July and January in each year. Such bonds shall be redeemable at pleasure after two years and payable ten years after the date of their issue. The principal and interest thereon shall be exempt from taxation by Federal, State, or municipal authority, and the faith of the United States is hereby pledged that the United States will, by proportional appropriations and by causing to be levied upon the property within said District such taxes as will do so, provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking fund for the payment of the same at maturity; and the bonds shall have set forth and expressed on their face the above specified conditions, and the principal and interest thereon shall be made payable at the Treasury of the United States.

District of Columbia.

Issue of ten-year
funding bonds.

Interest: 3.50 per
cent.

Redeemable after
two, payable after ten
years.

Not taxable

Payment.

Said bonds shall be engraved and printed at the expense of the District of Columbia, shall be signed by the Treasurer of the United

Preparation, etc., of
bonds.