

Chapter 3.—SUPERVISOR OF SURVEYS AND DEPUTY SURVEYORS.

★ Section 53. Powers devolved on Commissioner of Land Office on turning over of papers to States.—

“the preceding section” in line 3 of this section should read “section 54 of this title.”

55. Field notes delivered to States; access to.—

This section contains a reference to deputy surveyors, but under the present organization and system of surveys there are no deputy surveyors. However the legislation relating to them has not been repealed and is therefore properly in the Code.

61. Deputy surveyor; bond.—

This section and §§ 62 and 63 which follow contain references to deputy surveyors’ contracts and bonds. Under the present organization and system of surveys there are no deputy surveyors, and surveys are not made by contract. However the legislation has not been repealed and is therefore properly in the Code.

62. Oath of deputy surveyor.—

See note to § 61 of this title in the Supplement.

63. Suit on bond of deputy.—

See note to § 61 of this title in the Supplement.

Chapter 4.—REGISTERS.

CROSS REFERENCE

As to transfer of records, etc., on abolition of last office in a State, see §§ 25 to 25b of this title in the Supplement.

★ Section 74. Transfer of duties of register.—

“Field Surveying Service” should read “Supervisor of Surveys” by virtue of § 51 of this title.

75a. Administration of oaths by employee acting as register.— A qualified employee of the Department of the Interior who has been designated to act as a register of any United States land office pursuant to the provisions of section 73 of this title, may at all times administer any oath required by law or the instructions of the General Land Office in connection with the entry or purchase of any tract of public land, but he shall not charge or receive, directly or indirectly, any compensation for administering such oath.

New. This section constitutes Act May 17, 1926, c. 303, 44 Stat. 558, entitled “An Act to authorize acting registers of United States land offices to administer oaths at any time in public land matters.”

90. Expenses incurred.—

The statutory provision constituting § 90 of this title was repealed in the Interior Department Appropriation Acts of May 10, 1926, c. 277, § 1, 44 Stat. 457, and Jan. 12, 1927, c. 27, § 1, 44 Stat. 938.

95. Repayment of purchase moneys paid under applications rejected.—

This section and §§ 96, 97, and 98 which follow relate to repayments and should be read in connection with §§ 292 and 263 of this title.

96. Repayment of excess payments.—

In connection with this section see note to § 95 of this title in the Supplement.

97. Certification of amount of excess moneys and repayment.—

In connection with this section see note to § 95 of this title in the Supplement.

98. Rules and regulations.—

In connection with this section see note to § 95 of this title in the Supplement.

★ 99. Repayment of moneys deposited and covered into Treasury.—

“other than those specified in the four preceding sections” in lines 2 and 3 of this section should be omitted.

This section would more logically follow § 93.

Chapter 5.—LAND DISTRICTS.

Section 130. Entry of public lands in States where no land offices exist.—

“Mar. 3, 1877, c. 102, 19 Stat. 315,” should precede the citation at the end of this section as an additional citation.

Chapter 6.—WITHDRAWAL FROM SETTLEMENT, LOCATION, SALE, OR ENTRY.

Section 144. Entries on land withdrawn as valuable for oil or gas validated.—

“Existing entries” at beginning of this section should read “Entries existing on February 7, 1925, and.”

Chapter 7.—HOMESTEADS.

GENERAL PROVISIONS

Section 161. Who may enter unappropriated public lands generally.—

This section correctly states the language of the statutory provision from which it is derived, but it is suggested that the section standing alone would permit entry under the homestead laws of all unappropriated public land, notwithstanding it may be mineral or saline land, or reserved, or within the limits of an incorporated town, or selected as the site of a city or town, or actually settled upon and occupied for purposes of trade and business. It has been suggested, therefore, that after “unappropriated” in line 7 these words be inserted: “unreserved, nonmineral, nonsaline” and after “lands” in the same line, “not within the limits of an incorporated town, nor selected as the site of a city or town, nor actually settled upon and occupied for purposes of trade and business.”

164. Certificate or patent generally; general requisites to issuance.—

This section should be read in connection with § 231 of this title, as it authorizes the homesteader to be absent for but one continuous period of five months each year, whereas Acts Aug. 22, 1914, c. 270, 38 Stat. 704, and Feb. 25, 1910, c. 21, 40 Stat. 1153, carried into § 231 of this title, authorize two absences each year, and also a reduction in the period of residence.

165. Suspension of entries for correction of clerical errors; patents.—

This section should be omitted, as § 1105 covers the same subject matter and accurately states the law.

★ 166. Time of filing application and of perfecting entry; marriage of entrywoman; preferential rights of entry.—

“1888” in line 8 of this section should read “1880.”

★ 167. Marriage of entryman to entrywoman.—

“March 1, 1921,” in line 11 of this section should read “April 6, 1914.”

★ 171. Rights inuring to infant children.—

“and the commutation if any money” in last line of this section should read “and sum of money above specified.”

★ 172. Insanity of settlers.—

“pre-emption or” should be read into line 3 of this section preceding “homestead.”

177. Patents for lands in New Mexico held under color of title.— Whenever it shall be shown to the satisfaction of the Secretary of the Interior that a tract or tracts of public land, not known to be mineral, in the State of New Mexico, not exceeding in the aggregate one hundred and sixty acres, has or have been held in good faith and in peaceful, adverse possession by a citizen of the United States, his ancestors or grantors, for more than twenty years under claim or color of title, and that valuable improvements have been placed on such land, or some part thereof has been reduced to cultivation, the Secretary may, in his discretion, upon the payment of \$1.25 per acre, cause a patent or patents to issue for such land to any such citizen: *Provided*, That where the area or areas so held by any such citizen is in excess of one hundred and sixty acres the Secre-