

tions 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.

(b) The additional grant made by this section is upon the express condition 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. 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 to be utilized for the support or in aid of the common or public schools: *Provided*, That any lands or minerals disposed of contrary to the provisions of this section shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States district court for the district in which the property or some part thereof is located.

(c) Any lands included within the limits of existing reservations of or by the United States, or specifically reserved for water-power purposes, or included in any pending suit or proceedings in the courts of the United States, or subject to or included in any valid application, claim, or right initiated or held under any of the existing laws of the United States, unless or until such application, claim, or right is relinquished or canceled, and all lands in the Territory of Alaska, are excluded from the provisions of this section.

New. This section constitutes § 1 of Act Jan. 25, 1927, c. 57, 44 Stat. 1026, entitled "An Act confirming in States and Territories title to lands granted by the United States in aid of common or public schools."

871. Same; certain grants and laws unaffected.—Nothing contained in section 870 of this title is intended or shall be held or construed to increase, diminish, or affect the rights of States under grants other than for the support of common or public schools by numbered school sections in place, and said section shall not apply to indemnity or lieu selections or exchanges or the right after January 25, 1927, to select indemnity for numbered school sections in place lost to the State under the provisions of section 870 of this title or any Acts, and all existing laws governing such grants and indemnity or lieu selections and exchanges are hereby continued in full force and effect.

New. This section constitutes § 2 of Act Jan. 25, 1927, c. 57, 44 Stat. 1027.

For title of Act see note to § 870.

Chapter 21.—GRANTS IN AID OF RAILROADS AND WAGON ROADS.

★ Section 887. Deposits for surveys of lands granted to railroads.—

"Field Surveying Service of the State in which the lands sought to be surveyed are situated," in lines 5, 6 and 7 of this section, should read "Supervisor of Surveys" by virtue of § 51 of this title.

"or the Director of the Geological Survey, as the case may be" in lines 13 and 14 should be omitted.

889. Rights of entrymen whose entries had not been admitted to record.—

Instead of the words "who on August 20, 1800, had resided upon" in lines 5 and 6 of this section the statutory provision (Act Aug. 20, 1800) constituting the section reads: "who have resided upon." The insertion in the Code section of the date of the passage of the Act from which it is derived is thought by the Department of the Interior to be unwarranted. A restoration of the language of the original statutory provision makes necessary changing "had" in the last line to "have."

904. Forfeiture of unearned grants; restoration to public domain.—

It is suggested by the Department of the Interior that the effect of this section could be more clearly stated by omitting "hereby"

in lines 2 and 3, inserting in line 3 after "thereto" the words "as of September 20, 1890," and substituting in lieu of "September 20, 1890," in line 4 the words "said date."

905. Homestead entries on forfeited lands.—

"are" in line 3 of this section should read "were" for grammatical accuracy.

906. Purchase by bona fide purchasers from grantees; removal of crops and improvements.—

The Department of the Interior suggests certain amendments to this section as follows:

In line 3, substitute "had" for "have"; in line 5, substitute "were" for "are"; in line 6, omit "hereby"; in line 7, add after "United States" the words "as provided by section 904"; in line 34, omit "hereby." It is believed that the words "after September 20, 1890" should be inserted immediately after "six months" in line 37.

Chapter 22.—RIGHTS OF WAY AND OTHER EASEMENTS IN PUBLIC LANDS.

Section 946. Right of way to canal and ditch companies for irrigation purposes.—The right of way through the public lands and reservations of the United States is hereby granted to any canal ditch company, *irrigation* or drainage district formed for the purpose of irrigation or drainage, and duly organized under the laws of any State or Territory, and which shall have filed, or may hereafter file, with the Secretary of the Interior a copy of its articles of incorporation *or, if not a private corporation, a copy of the law under which the same is formed and due proof* of its organization under the same, to the extent of the ground occupied by the water of any reservoir and of *any canals and* laterals and fifty feet on each side of the marginal limits thereof, *and, upon presentation of satisfactory showing by the applicant, such additional right of way as the Secretary of the Interior may deem necessary for the proper operation and maintenance of said reservoirs, canals, and laterals*; 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 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.

The statutory provision constituting § 946 of this title was amended to read as above by Act May 28, 1920, c. 409, 44 Stat. 608, entitled "An Act to amend section 18 of the Irrigation Act of March 3, 1891, as amended by the Act of March 4, 1917."

Matter in italics new. Omissions: "proofs." "the" "its." Punctuation changed in a few instances.

958. Rights of way for wagon roads or railroads.—

As to rights of way for wagon roads or railroads in forest reservations, see § 525 of Title 10, CONSERVATION.

959. Rights of way for electrical plants, etc.—

As to rights of way for electrical plants, etc., in forest reservations and parks, see §§ 70, 410, and 522 of Title 10, CONSERVATION.

961. Rights of way for electrical poles and lines.—

As to rights of way for electrical poles and lines in forest reservations and parks, see §§ 5, 420, 400, and 523 of Title 10, CONSERVATION.

Chapter 23.—GRANTS OF SWAMP AND OVERFLOWED LANDS.

★ Section 987. Lands to be certified to State within one year.—

"supervisors" in line 1 of the second paragraph of this section should read "supervisor."