

"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, 1890, had resided upon" in lines 5 and 6 of this section the statutory provision (Act Aug. 20, 1890) 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 935. Several roads through canyons.—

The provisions of this section are extended and made applicable to rights of way granted under §§ 312 and 318 of Title 25, INDIANS, and railroads obtaining such rights of way, by § 310 of said Title 25.

**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 § 940 of this title was amended to read as above by Act May 28, 1920, c. 400, 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" and "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, 419, 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, 409, 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."

### 991. Title of purchasers of unconfirmed lands in Arkansas confirmed.—

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

In line 2, change "have" to "had"; in line 4, substitute "held" for "hold", and insert "as of said date" after "is confirmed." In second paragraph change the first three lines up to the word "confirmed" so as to read: "the State of Arkansas relinquishes and quitclaims to the United States as of April 20, 1898, all lands theretofore"; in line 5 of same paragraph, substitute for "does hereby cede, relinquish and quitclaim to the United States" the words "cedes, relinquishes, and quitclaims to the United States as of said date"; in line 18, "file" should be "filed".

### ★ 993. Sale of lands in Louisiana; preference rights; application for purchase; appraisal; payment for land.—

"were not prior to February 10, 1925" in lines 7 and 8 of this section should read "are not."

"952" in citation should read "951."

### ★ 994. Sale of lands in Wisconsin.—

"25" in line 5 of paragraph 2 of this section should read "27" existing prior to February 27, 1925" in the last proviso of paragraph 3 should be omitted and "existing" read into line 2 of the proviso before "rights." The proviso will then read as it does in the statutory provision constituting this section. As said by the Department of the Interior:

"It was not the purpose of the proviso to place any limitation upon the time when the rights of the settler or entryman under the homestead law could be initiated, except that they should be prior to the initiation of a claim under the act."

## Chapter 24.—DRAINAGE UNDER STATE LAWS.

### LANDS IN MINNESOTA

### Section 1021. Subjection of lands in Minnesota to State laws for drainage for agricultural purposes.—

This section and §§ 1022 to 1027 constitute §§ 1 to 7 of Act May 20, 1908, cited to those sections. Section 8 of the Act subjecting certain Chippewa Indian lands to drainage charges was not carried into the Code.

## Chapter 25.—UNLAWFUL INCLOSURES OR OCCUPANCY; OBSTRUCTING SETTLEMENT OR TRANSIT.

### ★ Section 1062. Suits for violation of law.—

"section 1 of this chapter" in line 4 of this section should read "section 1061 of this title."

## Chapter 25A.—LANDS HELD UNDER COLOR OF TITLE. [NEW.]

**Section 1068. Lands held in adverse possession; issuance of patent; reservation of minerals; conflicting claims.**—Whenever it shall be shown to the satisfaction of the Secretary of the Interior that a tract of public land, not exceeding one hundred and sixty acres, has been held in good faith and in peaceful, adverse, possession by a citizen of the United States, his an-