

to compensation of agent or attorney for services in prosecuting claim for bounty land.

Section 843, R.S. §5485, related to punishment of agents or attorneys who contract for, demand, or receive greater compensation than \$25 provided for in section 842 of this title.

Section 844, R.S. §4786; acts July 4, 1884, ch. 181, §4, 23 Stat. 99; July 3, 1930, ch. 863, §2, 46 Stat. 1016, related to filing of fee agreement and limitation on fee of agent or attorney concerning bounty land claim.

Sections 842, 843 and 844 were based on provisions of R.S. §§4785, 5485, and 4786, respectively, which related to bounty lands. Provisions of R.S. §§4785, 5485, and 4786 which related to pensions were previously classified to sections 111, 112 and 114 of former Title 38, Pensions, Bonuses, and Veterans' Relief, and were repealed by Pub. L. 85-56, title XXII, §2202(1), June 17, 1957, 71 Stat. 162.

#### CHAPTER 20—RESERVATIONS AND GRANTS TO STATES FOR PUBLIC PURPOSES

Sec.	
851.	Deficiencies in grants to State by reason of settlements, etc., on designated sections generally.
852.	Selections to supply deficiencies of school lands.
852a.	Applications for unsurveyed lands; regulations; acreage requirements.
852b.	Survey of lands prior to transfer; time for survey; availability of funds; lands suitable for transfer.
853.	Selections in Utah to supply deficiencies of school lands.
854.	Selections in New Mexico to supply deficiencies of school lands.
855.	Omitted.
856.	Selection of school lands on ceded Indian reservations.
857.	Grant to new States.
858.	Grants to counties for seats of justice.
859.	Fee simple to pass in all grants.
860.	Repealed.
861.	Preference right of selection granted certain Western States; bona fide settlers.
862.	Omitted.
863.	Survey of lands granted to certain Western States.
864.	Survey of land grants to Florida.
865.	Confirmation of certain lands selected by California.
866.	Exchange of cut over land in Montana.
867.	Omitted.
868.	Representation of Indian claimants in suits to determine right to school lands.
869.	Disposal of lands for public or recreational purposes.
869-1.	Sale or lease to State or nonprofit organization; reservation of mineral deposits; termination of lease for nonuse.
869-2.	Conditions of transfer by grantee; solid waste disposal.
869-3.	Authority for transfers; applicability of section 869-2 to prior patents; termination of restrictions.
869-4.	Disposition of moneys received from or on account of revested Oregon and California Railroad grant lands or reconveyed Coos Bay Wagon Road grant lands.
869a.	Repealed.
870.	Grants of land in aid of common or public schools; extension to those mineral in character; effect of leases.
871.	Certain grants and laws unaffected.
871a.	Repealed.
872.	Conveyances to United States in connection with applications for amendment of patented entries or for exchange of land, etc.; withdrawal or rejection of applications; reconveyances.

Sec.

873. Lands granted for erecting public buildings; purpose of grant.

#### § 851. Deficiencies in grants to State by reason of settlements, etc., on designated sections generally

Where settlements with a view to preemption or homestead have been, or shall hereafter be made, before the survey of the lands in the field, which are found to have been made on sections sixteen or thirty-six, those sections shall be subject to the claims of such settlers; and if such sections or either of them have been or shall be granted, reserved, or pledged for the use of schools or colleges in the State in which they lie, other lands of equal acreage are hereby appropriated and granted, and may be selected, in accordance with the provisions of section 852 of this title, by said State, in lieu of such as may be thus taken by preemption or homestead settlers. And other lands of equal acreage are also hereby appropriated and granted and may be selected, in accordance with the provisions of section 852 of this title, by said State where sections sixteen or thirty-six are, before title could pass to the State, included within any Indian, military, or other reservation, or are, before title could pass to the State, otherwise disposed of by the United States: *Provided*, That the selection of any lands under this section in lieu of sections granted or reserved to a State shall be a waiver by the State of its right to the granted or reserved sections. And other lands of equal acreage are also appropriated and granted, and may be selected, in accordance with the provisions of section 852 of this title, by said State to compensate deficiencies for school purposes, where sections sixteen or thirty-six are fractional in quantity, or where one or both are wanting by reason of the township being fractional, or from any natural cause whatever. And it shall be the duty of the Secretary of the Interior, without awaiting the extension of the public surveys, to ascertain and determine, by protraction or otherwise, the number of townships that will be included within such Indian, military, or other reservations, and thereupon the State shall be entitled to select indemnity lands to the extent of section for section in lieu of sections therein which have been or shall be granted, reserved, or pledged; but such selections may not be made within the boundaries of said reservation: *Provided, however*, That nothing in this section contained shall prevent any State from awaiting the extinguishment of any such military, Indian, or other reservation and the restoration of the lands therein embraced to the public domain and then taking the sections sixteen and thirty-six in place therein.

(R.S. §2275; Feb. 28, 1891, ch. 384, 26 Stat. 796; Pub. L. 85-771, §1, Aug. 27, 1958, 72 Stat. 928; Pub. L. 89-470, §1, June 24, 1966, 80 Stat. 220.)

#### CODIFICATION

R.S. §2275 derived from acts Feb. 26, 1859, ch. 58, 11 Stat. 385; June 22, 1874, ch. 422, 18 Stat. 202.

#### AMENDMENTS

1966—Pub. L. 89-470 struck out "or Territory" after "State" in eight places and substituted "before title