

mental units, issue a patent for not to exceed one hundred and sixty acres of such land upon the payment of not less than \$1.25 per acre: *Provided*, That where the area so held is in excess of one hundred and sixty acres the Secretary may determine what particular subdivisions, not exceeding one hundred and sixty acres, may be patented hereunder: *Provided further*, That coal and all other minerals contained therein are reserved to the United States; that said coal and other minerals shall be subject to sale or disposal by the United States under applicable leasing and mineral land laws, and permittees, lessees, or grantees of the United States shall have the right to enter upon said lands for the purpose of prospecting for and mining such deposits: *And provided further*, That no patent shall issue under the provisions of this chapter for any tract to which there is a conflicting claim adverse to that of the applicant, unless and until such claim shall have been finally adjudicated in favor of such applicant.

(Dec. 22, 1928, ch. 47, §1, 45 Stat. 1069; July 28, 1953, ch. 254, §1, 67 Stat. 227.)

#### AMENDMENTS

1953—Act July 28, 1953, provided for mandatory issuance of land patents to certain adverse possessors and broadened discretionary power of Secretary to issue patents to parties who have paid taxes on certain public lands since Jan. 1, 1901.

#### § 1068a. Appraisal

Upon the filing of an application to purchase any lands subject to the operation of this chapter, together with the required proof, the Secretary of the Interior shall cause the lands described in said application to be appraised, said appraisal to be on the basis of the value of such lands at the date of appraisal, exclusive of any increased value resulting from the development or improvement of the lands by the applicant or his predecessors in interest, and in such appraisal the Secretary shall consider and give full effect to the equities of any such applicant.

(Dec. 22, 1928, ch. 47, §2, 45 Stat. 1070.)

#### § 1068b. Mineral reservation

If the claimant requests that the patent to be issued under this chapter not contain a mineral reservation and if he can establish to the satisfaction of the Secretary that the requirements of this chapter have been complied with by such claimant and his predecessors for the period commencing not later than January 1, 1901, to the date of application, no mineral reservation shall be made unless the lands are, at the time of issuance of the patent, within a mineral withdrawal or subject to an outstanding mineral lease.

(Dec. 22, 1928, ch. 47, §3, as added July 28, 1953, ch. 254, §2, 67 Stat. 228.)

### CHAPTER 26—ABANDONED MILITARY RESERVATIONS

#### §§ 1071 to 1073. Repealed. Oct. 31, 1951, ch. 654, §1(114), 65 Stat. 706

Section 1071, act July 5, 1884, ch. 214, §1, 23 Stat. 103, provided for designation by President of abandoned

military reservations for disposition by Secretary of the Interior.

Section 1072, act July 5, 1884, ch. 214, §2, 23 Stat. 103, related to survey or subdivision of those lands and appraisal, advertisement and sale and rights of settlers.

Section 1073, act July 5, 1884, ch. 214, §3, 23 Stat. 103, related to sale of improvements or other property on those reservations.

#### § 1074. Repealed. Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789

Section, act July 5, 1884, ch. 214, §5, 23 Stat. 104, authorized disposition of mineral lands of vacated military reservations under mineral-land laws of United States.

#### EFFECTIVE DATE OF REPEAL

Pub. L. 94-579, title VII, §703(a), Oct. 21, 1976, 90 Stat. 2789, provided that the repeal made by section 703(a) is effective on and after Oct. 21, 1976.

#### SAVINGS PROVISION

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a note under section 1701 of this title.

#### § 1075. Repealed. Pub. L. 94-579, title VII, §§ 702, 703(a), Oct. 21, 1976, 90 Stat. 2787, 2789

Section, act Aug. 21, 1916, ch. 361, 39 Stat. 518, provided for applicability of homestead and desert land laws to military reservations in Nevada.

#### EFFECTIVE DATE OF REPEAL

Pub. L. 94-579, title VII, §702, Oct. 21, 1976, 90 Stat. 2787, provided that the repeal made by section 702 is effective on and after Oct. 21, 1976, except such effective date to be on and after tenth anniversary of date of approval of this Act, Oct. 21, 1976, insofar as homestead laws apply to public lands in Alaska.

Pub. L. 94-579, title VII, §703(a), Oct. 21, 1976, 90 Stat. 2789, additionally provided that the repeal made by section 703(a) is effective on and after Oct. 21, 1976.

#### SAVINGS PROVISION

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a note under section 1701 of this title.

#### §§ 1076 to 1081. Repealed. Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789

Section 1076, act Mar. 3, 1893, ch. 208, 27 Stat. 593, authorized the President to withhold from sale or grant to municipal corporations portions of abandoned military reservations.

Section 1077, acts Aug. 23, 1894, ch. 314, §1, 28 Stat. 491; Feb. 15, 1895, ch. 92, §1, 28 Stat. 664, authorized opening of lands of abandoned military reservations to settlement.

Section 1078, act Aug. 23, 1894, ch. 314, §2, 28 Stat. 491, limited applicability of section 1077 of this title with respect to provisions of act July 5, 1884, relating to disposition of mineral lands.

Section 1079, act Feb. 11, 1903, ch. 543, 32 Stat. 822, related to confirmation of indemnity selections by States in lieu of school sections in abandoned military reservations.

Section 1080, act Feb. 15, 1895, ch. 92, §1, 28 Stat. 664, extended applicability of provisions relating to settlement and indemnity selection of abandoned military reservation to those abandoned prior to July 5, 1884.

Section 1081, act Aug. 23, 1894, ch. 314, §3, as added Apr. 23, 1904, ch. 1496, 33 Stat. 306, authorized patents for homesteads on Fort Abraham Lincoln Military Reservation, North Dakota.