

**§ 1163. Patents surrendered and new ones issued**

Where patents have been already issued on entries which are approved by the Secretary of the Interior, the Secretary of the Interior, or such officer as he may designate, upon the canceling of the outstanding patent, is authorized to issue a new patent, on such approval, to the person who made the entry, his heirs or assigns.

(R.S. § 2456; Sept. 20, 1922, ch. 350, 42 Stat. 858; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

## CODIFICATION

R.S. § 2456 derived from act Mar. 3, 1853, ch. 152, § 2, 10 Stat. 258.

## TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Secretary of the Interior, or such officer as he may designate," substituted for "Commissioner of the General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

**§ 1164. Extent of foregoing provisions**

Sections 1161 to 1163 of this title shall be applicable to all cases of suspended entries and locations, which have arisen in the Bureau of Land Management since the 26th day of June 1856 as well as to all cases of a similar kind which may hereafter occur, embracing as well locations under bounty-land warrants as ordinary entries or sales, including homestead entries and preemption locations or cases; where the law has been substantially complied with, and the error or informality arose from ignorance, accident, or mistake which is satisfactorily explained; and where the rights of no other claimant or pre-emptor are prejudiced, or where there is no adverse claim.

(R.S. § 2457; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

## CODIFICATION

R.S. § 2457 derived from act June 26, 1856, ch. 47, 11 Stat. 22.

## TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Bureau of Land Management" substituted for "General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

**§ 1165. Suspension of entries for correction of clerical errors; patents**

Whenever it shall appear to the Secretary of the Interior, or such officer as he may designate, that a clerical error has been committed in the entry of any of the public lands such entry may be suspended, upon proper notification to the claimant, through the local land office, until the

error has been corrected; and all entries made under the preemption, homestead, desert-land, or timber-culture laws, in which final proof and payment may have been made and certificates issued, and to which there are no adverse claims originating prior to final entry and which have been sold or incumbered prior to the 1st day of March, 1888, and after final entry, to bona fide purchasers, or incumbrancers, for a valuable consideration, shall unless upon an investigation by a Government agent, fraud on the part of the purchaser has been found, be confirmed and patented upon presentation of satisfactory proof to the Land Department of such sale or incumbrance: *Provided*, That after the lapse of two years from the date of the issuance of the receipt of such officer as the Secretary of the Interior may designate upon the final entry of any tract of land under the homestead, timber-culture, desert-land, or preemption laws, or under this act, and when there shall be no pending contest or protest against the validity of such entry, the entryman shall be entitled to a patent conveying the land by him entered, and the same shall be issued to him; but this proviso shall not be construed to require the delay of two years from the date of said entry before the issuing of a patent therefor.

(Mar. 3, 1891, ch. 561, § 7, 26 Stat. 1098; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

## REFERENCES IN TEXT

This act, referred to in text, means act Mar. 3, 1891, ch. 561, 26 Stat. 1095, as amended, which enacted sections 161, 162, 173, 174, 185, 202, 212, 321, 323, 325, 327 to 329, 663, 671, 687a-6, 718, 728, 732, 893, 946 to 949, 989, 1165, 1166, 1181, and 1197 of this title, sections 471, 607, 611, 611a, and 613 of Title 16, Conservation, section 495 of Title 25, Indians, and sections 30, 36, 44, 45, 48, and 52 of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Tables.

## CODIFICATION

Section was formerly classified to section 165 of this title.

## REPEALS

Repeal of "Act to encourage the growth of timber on the western prairies" not to affect valid rights accrued or accruing under said law and claims to be perfected in same manner as if act had not been repealed, see section 1181 of this title.

## TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Secretary of the Interior, or such officer as he may designate" and "receipt of such officer as the Secretary of the Interior may designate" substituted for "Commissioner of the General Land Office" and "register's receipt", respectively, on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

Act Mar. 3, 1925, abolished office of surveyor general and transferred administration of all activities in charge of surveyors general to Field Surveying Service under jurisdiction of United States Supervisor of Surveys.

**§ 1166. Limitations of suits to annul patents**

Suits by the United States to vacate and annul any patent shall only be brought within six years after the date of the issuance of such patents.

(Mar. 3, 1891, ch. 559, 26 Stat. 1093; Mar. 3, 1891, ch. 561, § 8, 26 Stat. 1099.)

**§ 1167. Entries and final proofs, made out of proper district, confirmed**

Whenever it shall appear to the Secretary of the Interior, or such officer as he may designate, that an error was made prior to March 9, 1904, by the officers of any local land office in receiving any application, declaratory statement, entry, or final proof under the homestead or other land laws, and that there was no fraud practiced by the entryman, and that there are no prior adverse claimants to the land described in the entry, and that no other reason why the title should not vest in the entryman exists, except that said application, declaratory statement, entry, or proof was not made within the land district in which the lands applied for were situated, as provided by the Act of March 11, 1902 [43 U.S.C. 254], such entry or proof shall be confirmed.

(Mar. 9, 1904, ch. 503, § 1, 33 Stat. 64; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

## REFERENCES IN TEXT

Act of March 11, 1902, referred to in text, probably means act Mar. 11, 1902, ch. 182, 32 Stat. 63, which was classified to section 254 of this title and was repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787. For complete classification of this Act to the Code, see Tables.

## TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

“Secretary of the Interior, or such officer as he may designate,” substituted for “Commissioner of the General Land Office” on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

## EFFECTIVE DATE

Act Mar. 9, 1904, ch. 503, § 2, 33 Stat. 64, provided: “That this Act [enacting this section] shall be in force from and after its passage and approval.”

## SUBCHAPTER III—SALES OF ISOLATED TRACTS

**§§ 1171 to 1173. Repealed. Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789**

Section 1171, R.S. § 2455; acts Feb. 26, 1895, ch. 133, 28 Stat. 687; June 27, 1906, ch. 3554, 34 Stat. 517; Mar. 28, 1912, ch. 67, 37 Stat. 77; Mar. 9, 1928, ch. 164, 45 Stat. 253; June 28, 1934, ch. 865, § 14, 48 Stat. 1274; July 30, 1947, ch. 383, 61 Stat. 630, set forth provisions relating to sale of isolated or disconnected tracts by Secretary of the Interior.

Section 1171a, act Apr. 24, 1928, ch. 428, 45 Stat. 457, provided for applicability of section 1171 of this title to certain lands in Oklahoma.

Section 1171b, act May 23, 1930, ch. 313, 46 Stat. 377, provided for applicability of section 1171 of this title to certain lands in Alabama.

Section 1172, act Feb. 4, 1919, ch. 13, 40 Stat. 1055, provided for applicability of section 1171 of this title to ceded Chippewa Indian lands in Minnesota.

Section 1173, act May 10, 1920, ch. 178, 41 Stat. 595, provided for applicability of section 1171 of this title to sale of tracts in Fort Berthold Indian Reservation, North Dakota.

## 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.

**§ 1174. Repealed. Aug. 28, 1937, ch. 876, title II, 50 Stat. 876**

Section, act May 25, 1920, ch. 200, 41 Stat. 622, related to sale of class 3 of revested Oregon and California Railroad grant lands. See sections 1181a to 1181f of this title and Repeals note set out under section 1181a of this title.

**§§ 1175 to 1177. Repealed. Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789**

Section 1175, act Aug. 11, 1921, ch. 62, 42 Stat. 159, provided for applicability of section 1171 of this title to sale of tracts in Fort Buford Military Reservation, North Dakota and Montana.

Section 1176, act May 19, 1926, ch. 337, 44 Stat. 566, provided for applicability of section 1171 of this title to sale of lands in Fort Hall Indian Reservation.

Section 1177, act Feb. 14, 1931, ch. 170, 46 Stat. 1105, provided for applicability of section 1171 of this title to sale of certain lands in Crow Indian Reservation, Montana.

## 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.

## SUBCHAPTER IV—TIMBER CULTURE

**§ 1181. Repeal of laws**

An Act entitled “An Act to amend an Act entitled ‘An Act to encourage the growth of timber on the western prairies,’” approved June 14, 1878, and all laws supplementary thereto or amendatory thereof are repealed: *Provided*, That this repeal shall not affect any valid rights accrued or accruing under said laws but all bona fide claims lawfully initiated prior to March 3, 1891, may be perfected upon due compliance with law, in the same manner, upon the same terms and conditions, and subject to the same limitations, forfeitures, and contests as if this section had not been passed: *Provided further*, That the following words of the last clause of section 2 of said Act, namely, “That not less than twenty-seven hundred trees were planted on each acre,”