

isfactory proof that the applicant is entitled to such preference right and that the lands which he applies to purchase are not in the legal possession of an adverse claimant under the public land laws.

In event such erroneously meandered land is bounded by two or more tracts of land held in private ownership with apparent riparian rights indicated by the official township plat of survey at date of disposal of title by the United States, the Secretary of the Interior or such officer as he may designate shall have discretionary power to cause such meandered area, when surveyed, to be divided into such tracts or lots as will permit a fair division of such meandered area among the owners of such surrounding or adjacent tracts under the provisions of this section. In administering the provisions of this section, where there shall exist a conflict of claims falling within its operation, if any claimant shall have placed valuable improvements upon the land involved, or shall have reduced the same to cultivation, then to the extent of such improvements or cultivation, such claimant shall be given preference in adjustment of such conflict: *Provided*, That no preference right of entry under this section shall be recognized for a greater area than one hundred and sixty acres, in one body, to any one applicant, whether an individual, an association, or a corporation: *Provided further*, That this section shall not be construed as in any manner abridging the existing rights of any settler or entryman under the public land laws.

Upon the filing of an application to purchase any lands subject to the operation of this section, 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 thereof for agricultural purposes by the applicant or his predecessor in interest, but inclusive of the stumpage value of any timber cut or removed by the applicant or his predecessor in interest.

An applicant who applies to purchase lands under the provisions of this section, in order to be entitled to receive a patent, must within thirty days from receipt of notice of appraisal by the Secretary of the Interior pay to the officer, as the Secretary of the Interior may designate, of the United States land office of the district in which the lands are situated the appraisal price of the lands, and thereupon a patent shall issue to said applicant for such lands as the Secretary of the Interior shall determine that such applicant is entitled to purchase under this section. The proceeds derived by the Government from the sale of lands under this section shall be covered into the United States Treasury and applied as provided by law for the disposal of the proceeds from the sale of public lands.

The Secretary of the Interior is authorized to prescribe all necessary rules and regulations for administering the provisions of this section and determining conflicting claims arising thereunder.

(Feb. 27, 1925, ch. 363, §§1-6, 43 Stat. 1013, 1014; 1946 Reorg. Plan No. 3, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

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.

"Officer, as the Secretary of the Interior may designate" substituted for "register", and "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, which abolished all registers of district land offices and General Land Office and Commissioner thereof, and transferred functions of register of district land office to Secretary of the Interior and functions of General Land Office to a new agency in Department of the Interior to be known as Bureau of Land Management. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

CHAPTER 24—DRAINAGE UNDER STATE LAWS

§§ 1021 to 1034. Repealed. Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789

Section 1021, act May 20, 1908, ch. 181, §1, 35 Stat. 169, subjected all lands in Minnesota to State laws for drainage for agricultural purposes.

Section 1022, acts May 20, 1908, ch. 181, §2, 35 Stat. 169; 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, authorized apportionment of drainage works.

Section 1023, act May 20, 1908, ch. 181, §3, 35 Stat. 170, authorized sale of unentered lands or any lands covered by an unpatented entry for enforcement of charges.

Section 1024, acts May 20, 1908, ch. 181, §4, 35 Stat. 170; 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, authorized certification of statement of sale for any unentered lands or any lands covered by an unpatented entry.

Section 1025, acts May 20, 1908, ch. 181, §5, 35 Stat. 170; Sept. 5, 1916, ch. 437, 39 Stat. 722; 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, related to procedure for issuance of patents to purchasers of unentered lands.

Section 1026, acts May 20, 1908, ch. 181, §6, 35 Stat. 170; Sept. 5, 1916, ch. 437, 39 Stat. 723; 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, related to procedure for issuance of patents to purchasers of entered lands.

Section 1027, acts May 20, 1908, ch. 181, §7, 35 Stat. 171; 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, required all notices under drainage laws to be supplied to land offices and entrymen.

Section 1028, act Mar. 3, 1919, ch. 113, 40 Stat. 1321, validated and confirmed prior erroneous cash entries on Chippewa Indian lands in Minnesota ceded under act Jan. 14, 1880, ch. 24, 25 Stat. 642.

Section 1029, Pub. L. 85-387, §1, May 1, 1958, 72 Stat. 99, related to transfer of public lands in Minnesota.

Section 1030, Pub. L. 85-387, §2, May 1, 1958, 72 Stat. 100, related to issuance of patents to State for such lands.

Section 1031, Pub. L. 85-387, §3, May 1, 1958, 72 Stat. 100, related to validity of existing claims on patented lands.

Section 1032, Pub. L. 85-387, §4, May 1, 1958, 72 Stat. 100, related to imposition of liens or assessments on Federal or Indian lands.

Section 1033, Pub. L. 85-387, § 5, May 1, 1958, 72 Stat. 100, related to consent of Indians prior to exercise of authority by Secretary.

Section 1034, Pub. L. 85-387, § 6, May 1, 1958, 72 Stat. 101, authorized promulgation of rules and regulations.

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.

§§ 1041 to 1048. Repealed. Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789

Section 1041, act Jan. 17, 1920, ch. 47, § 1, 41 Stat. 392, subjected lands in Arkansas to State laws relating to organization, government, and regulation of drainage districts.

Section 1042, acts Jan. 17, 1920, ch. 47, § 2, 41 Stat. 392; 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, authorized construction and maintenance of canals, ditches, etc.

Section 1043, acts Jan. 17, 1920, ch. 47, § 3, 41 Stat. 393; 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, related to legally assessed liens against unentered public lands.

Section 1044, acts Jan. 17, 1920, ch. 47, § 4, 41 Stat. 393; 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, related to excess of price of lands sold to enforce liens of assessment.

Section 1045, acts Jan. 17, 1920, ch. 47, § 5, 41 Stat. 393; 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, related to procedure for issuance of patents to purchasers of unentered lands.

Section 1046, acts Jan. 17, 1920, ch. 47, § 6, 41 Stat. 393; 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, related to procedure for issuance of patents to purchasers of entered lands.

Section 1047, acts Jan. 17, 1920, ch. 47, § 7, 41 Stat. 394; 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, required all notices under drainage laws to be supplied to land offices and entrymen.

Section 1048, act Jan. 17, 1920, ch. 47, § 8, 41 Stat. 394, provided for nonapplicability of provisions to lands involved in suits by United States to quiet title.

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.

CHAPTER 25—UNLAWFUL INCLOSURES OR OCCUPANCY; OBSTRUCTING SETTLEMENT OR TRANSIT

Sec.	
1061.	Inclosure of or assertion of right to public lands without title.
1062.	Suits for violations of law.
1063.	Obstruction of settlement on or transit over public lands.

Sec.	
1064.	Violations of chapter; punishment.
1065.	Summary removal of inclosures.
1066.	Permission of Secretary to sue.

§ 1061. Inclosure of or assertion of right to public lands without title

All inclosures of any public lands in any State or Territory of the United States, heretofore or to be hereafter made, erected, or constructed by any person, party, association, or corporation, to any of which land included within the inclosure the person, party, association, or corporation making or controlling the inclosure had no claim or color of title made or acquired in good faith, or an asserted right thereto by or under claim, made in good faith with a view to entry thereof at the proper land office under the general laws of the United States at the time any such inclosure was or shall be made, are declared to be unlawful, and the maintenance, erection, construction, or control of any such inclosure is forbidden and prohibited; and the assertion of a right to the exclusive use and occupancy of any part of the public lands of the United States in any State or any of the Territories of the United States, without claim, color of title, or asserted right as above specified as to inclosure, is likewise declared unlawful, and prohibited.

(Feb. 25, 1885, ch. 149, § 1, 23 Stat. 321.)

§ 1062. Suits for violations of law

It shall be the duty of the United States attorney for the proper district, on affidavit filed with him by any citizen of the United States that section 1061 of this title is being violated showing a description of the land inclosed with reasonable certainty, not necessarily by metes and bounds nor by governmental subdivisions of surveyed lands, but only so that the inclosure may be identified, and the persons guilty of the violation as nearly as may be, and by description, if the name cannot on reasonable inquiry be ascertained, to institute a civil suit in the proper United States district court, or territorial district court, in the name of the United States, and against the parties named or described who shall be in charge of or controlling the inclosure complained of as defendants; and jurisdiction is also conferred on any United States district court or territorial district court having jurisdiction over the locality where the land inclosed, or any part thereof, shall be situated, to hear and determine proceedings in equity, by writ of injunction, to restrain violations of the provisions of this chapter; and it shall be sufficient to give the court jurisdiction if service of original process be had in any civil proceeding on any agent or employee having charge or control of the inclosure. In any case if the inclosure shall be found to be unlawful, the court shall make the proper order, judgment, or decree for the destruction of the inclosure, in a summary way, unless the inclosure shall be removed by the defendant within five days after the order of the court.

(Feb. 25, 1885, ch. 149, § 2, 23 Stat. 321; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167; June 25, 1948, ch. 646, § 1, 62 Stat. 909; Pub. L. 98-620, title IV, § 402(43), Nov. 8, 1984, 98 Stat. 3360.)