

and the witness shall receive the same fees and mileage and be subject to the same penalties in all respects as in case of violation of a subpoena to appear before the officer designated by the Secretary of the Interior and subject to the same limitations. The fees of the officer taking the depositions shall be the same as those allowed in the State or Territorial courts, and shall be paid by the party taking the deposition, and an itemized account of the fees shall be made by the officer taking the depositions and attached to the depositions.

(Jan. 31, 1903, ch. 344, § 4, 32 Stat. 790; 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; Pub. L. 90-578, title IV, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118; Pub. L. 101-650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117.)

#### CODIFICATION

The original text of this section referred to both registers and receivers, but reference to the latter was omitted in view of the abolition of such office under acts Mar. 3, 1925, and Oct. 28, 1921, which provided for the consolidation of the two offices under a register only. See, also, Transfer of Functions note below.

#### CHANGE OF NAME

“United States magistrate judge” substituted in text for “United States magistrate” pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, “United States magistrate” substituted for “United States commissioner” pursuant to Pub. L. 90-578. See chapter 43 (§ 631 et seq.) of Title 28.

#### 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.

Words “officer designated by the Secretary of the Interior” substituted for “register” on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

### § 106. Continuing taking of depositions in behalf of opposite party

Whenever the taking of any depositions taken in pursuance of section 105 of this title is concluded the opposite party may proceed at once at his own expense to take depositions in his own behalf, at the same time and place and before the same officer: *Provided*, That he shall, before taking of the depositions in the first instance is entered upon, give notice to the opposing party, or any agent or attorney representing him in the taking of said depositions of his intention to do so.

(Jan. 31, 1903, ch. 344, § 5, 32 Stat. 791.)

### § 107. Penalty for false information

If any person applies to any officer designated by the Secretary of the Interior to enter any land whatever, and the officer knowingly and falsely informs the person so applying that the same has already been entered, and refuses to permit the person so applying to enter the same, such officer shall be liable therefor, to the per-

son so applying, for \$5 for each acre of land which the person so applying offered to enter, to be recovered by action of debt in any court of record having jurisdiction of the amount.

(R.S. § 2247; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

#### CODIFICATION

R.S. § 2247 derived from act July 4, 1836, ch. 352, § 13, 5 Stat. 112.

#### 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.

References to “register” changed to “officer designated by the Secretary of the Interior” and “officer” on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

## CHAPTER 5—LAND DISTRICTS

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|-------|---|
| Sec.  |   |
| 121.  | Discontinuance of land offices by President.  |
| 122.  | Discontinuance of land offices by Secretary of the Interior.  |
| 123.  | Continuance of land offices when required by public convenience.  |
| 123a. | Continuation of existing land districts and offices in Alaska; change of district boundaries, or discontinuance of districts; designation and location of land offices. |
| 124.  | Consolidation of land offices.  |
| 125.  | Annexation of discontinued district to adjacent district.   |
| 126.  | Change of location of land offices.   |
| 127.  | Change of boundaries of land districts.   |
| 128.  | Division or change of boundaries; continuance of business of original district.   |
| 129.  | Office rent and clerk hire for consolidated land offices.   |
| 130.  | Entry of public lands in States where no land offices exist.  |

### § 121. Discontinuance of land offices by President

Upon the recommendation of the Secretary of the Interior, the President may order the discontinuance of any land office and the transfer of any of its business and archives to any other land office within the same State or Territory.

(R.S. § 2252; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

#### CODIFICATION

R.S. § 2252 derived from act May 30, 1862, ch. 86, § 5, 12 Stat. 409.

#### 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.

Words “the Commissioner of the General Land Office, approved by” omitted on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

#### DELEGATION OF FUNCTIONS

For delegation to Secretary of the Interior of authority vested in President by this section, see Ex. Ord. No. 10250, June 5, 1951, 16 F.R. 5385, set out as a note under section 301 of Title 3, The President.