

## SIMILAR PROVISIONS

Provisions similar to this section were contained in act June 17, 1949, ch. 221, § 2, 63 Stat. 201.

### CHAPTER 3—LANDS CONTAINING COAL, OIL, GAS, SALTS, ASPHALTIC MATERIALS, SODIUM, SULPHUR, AND BUILDING STONE

#### SUBCHAPTER I—COAL LAND ENTRIES IN GENERAL

- Sec.
71. Entry of unappropriated or unreserved Federal coal lands; eligibility; application; acreage limitation; price per acre.
72. Preference right of coal mine entry; acreage limitation.
73. Presentation of claims.
74. Number of coal land entries; other entries upon noncompliance with conditions.
75. Conflicting claims upon coal lands; rules and regulations.
76. Reservation of rights upon coal lands; sale of certain mining lands.
77. Alabama coal lands; agricultural entry.

#### SUBCHAPTER II—COAL LAND ENTRIES UNDER NONMINERAL LAND LAWS WITH RESERVATION OF COAL TO UNITED STATES

81. Rights of entrymen of lands subsequently classified as coal lands; disposal of coal deposits.
82. New or supplemental patents, in case of lands subsequently classified as noncoal.
83. Homestead or desert-land and other entries.
84. Applications for entry.
85. Patents for lands, with reservation of coal; disposal of coal deposits.
86. Disposition of lands in Indian reservations with reservation of coal; examination and appraisal of lands.
87. Statements in application; patents.
88. Disposition of coal by United States.
89. Disposition of proceeds.
90. Selection of coal lands by States; sale in isolated or disconnected tracts.

#### SUBCHAPTER III—PETROLEUM, OTHER MINERAL OIL, OR GAS LAND ENTRIES UNDER MINING LAWS

101. Omitted.
102. Assessment work on contiguous oil lands, located as claims, of same owner.
103. Patents for oil or gas lands not denied because of transfer before discovery of oil or gas; acreage limitation; nonapplication to withdraw lands.
104. Agreements with applicants for patents as to disposition of oil or gas, or proceeds thereof, pending determination of title; Navy Petroleum Fund.

#### SUBCHAPTER IV—HOMESTEAD ENTRY OF LANDS IN UTAH, WITHDRAWN OR CLASSIFIED AS OIL LANDS

111 to 113. Repealed.

#### SUBCHAPTER V—AGRICULTURAL ENTRY OF LANDS WITHDRAWN OR CLASSIFIED AS CONTAINING PHOSPHATE, NITRATE, POTASH, OIL, GAS, ASPHALTIC MINERALS, SODIUM, OR SULPHUR

121. Agricultural entry or purchase of lands withdrawn or classified as containing phosphate, nitrate, potash, oil, or gas; reservations to United States; application.
122. Patents; reservation in the United States of reserved deposits; acquisition of right to remove deposits; application for entry to disprove classification.

- Sec.
123. Persons locating lands subsequently withdrawn or classified; patents to.
124. Agricultural entry or purchase of lands withdrawn or classified as containing sodium or sulphur.
125. Patents in North Platte Reclamation Project; mineral rights; subrogation.

#### SUBCHAPTER VI—LOCATION OF PHOSPHATE ROCK LANDS UNDER PLACER-MINING LAWS

131. Omitted.

#### SUBCHAPTER VII—PERMITS TO PROSPECT FOR CHLORIDES, SULPHATES, CARBONATES, BORATES, SILICATES, OR NITRATES OF POTASSIUM

141 to 152. Repealed.

#### SUBCHAPTER VIII—BUILDING STONE OR SALINE LAND ENTRIES UNDER PLACER-MINING LAWS

161. Entry of building-stone lands; previous law unaffected.
162. Entry of saline lands; limitation.

#### SUBCHAPTER IX—DISPOSAL OF ALABAMA LANDS AS AGRICULTURAL LANDS

171. Disposal as agricultural lands.
172. Certain Alabama lands subject to homestead entry.

#### SUBCHAPTER I—COAL LAND ENTRIES IN GENERAL

### § 71. Entry of unappropriated or unreserved Federal coal lands; eligibility; application; acreage limitation; price per acre

Every person above the age of twenty-one years, who is a citizen of the United States, or who has declared his intention to become such, or any association of persons severally qualified as above, shall, upon application to the register of the proper land office, have the right to enter, by legal subdivisions, any quantity of vacant coal lands of the United States not otherwise appropriated or reserved by competent authority, not exceeding one hundred and sixty acres to such individual person, or three hundred and twenty acres to such association, upon payment to the register of not less than \$10 per acre for such lands, where the same shall be situated more than fifteen miles from any completed railroad, and not less than \$20 per acre for such lands as shall be within fifteen miles of such road.

(R.S. § 2347; Mar. 3, 1925, ch. 462, 43 Stat. 1145.)

#### CODIFICATION

R.S. § 2347 derived from act Mar. 3, 1873, ch. 279, § 1, 17 Stat. 607.

#### AMENDMENTS

1925—Act Mar. 3, 1925, affected words which now read “upon payment to the register of not less than.” Such words originally read “upon payment to the receiver of not less than.” Such act consolidated the offices of receiver and register.

#### TRANSFER OF FUNCTIONS

Office of register of district land office abolished and all functions of register transferred to Secretary of the Interior, or to officers and agencies of Department of the Interior as Secretary may designate, by Reorg. Plan No. 3 of 1946, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, set out in the Appendix to Title 5, Government Organization and Employees.

See also note set out under section 1 of this title.

INDIAN LANDS EXCEPTED

Commenting on this section and sections 72 to 76 of this title the Department of the Interior says:

"While there may be some Indian lands still subject to coal entry by virtue of the provisions of law opening such lands to entry, the coal land laws generally were superseded by the leasing Act of Feb. 25, 1920, 41 Stat. 437 [section 181 et seq. of this title], and it is at least questionable whether the coal land laws should be carried into the Code."

**§ 72. Preference right of coal mine entry; acreage limitation**

Any person or association of persons severally qualified, as provided in section 71 of this title, who have opened and improved, or shall open and improve, any coal mine or mines upon the public lands, and shall be in actual possession of the same, shall be entitled to a preference right of entry, under section 71 of this title, of the mines so opened and improved: *Provided*, That when any association of not less than four persons, severally qualified as provided in section 71 of this title, shall have expended not less than \$5,000 in working and improving any such mine or mines, such association may enter not exceeding six hundred and forty acres, including such mining improvements.

(R.S. § 2348.)

CODIFICATION

R.S. § 2348 derived from act Mar. 3, 1873, ch. 279, § 2, 17 Stat. 607.

INDIAN LANDS EXCEPTED

See note set out under section 71 of this title.

**§ 73. Presentation of claims**

All claims under section 72 of this title must be presented to the register of the proper land district within sixty days after the date of actual possession and the commencement of improvements on the land, by the filing of a declaratory statement therefor; but when the township plat is not on file at the date of such improvement, filing must be made within sixty days from the receipt of such plat at the district office.

(R.S. § 2349.)

CODIFICATION

R.S. § 2349 derived from act Mar. 3, 1873, ch. 279, § 3, 17 Stat. 607.

TRANSFER OF FUNCTIONS

Office of register of district land office abolished and all functions of register transferred to Secretary of the Interior, or to officers and agencies of Department of the Interior as Secretary may designate, by Reorg. Plan No. 3 of 1946, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, set out in the Appendix to Title 5, Government Organization and Employees.

See also note set out under section 1 of this title.

INDIAN LANDS EXCEPTED

See note set out under section 71 of this title.

**§ 74. Number of coal land entries; other entries upon noncompliance with conditions**

Sections 71 to 73 of this title shall be held to authorize only one entry by the same person or

association of persons; and no association of persons any member of which shall have taken the benefit of such sections, either as an individual or as a member of any other association, shall enter or hold any other lands under the provisions thereof; and no member of any association which shall have taken the benefit of such sections shall enter or hold any other lands under their provisions; and all persons claiming under section 72 of this title shall be required to prove their respective rights and pay for the lands filed upon within one year from the time prescribed for filing their respective claims; and upon failure to file the proper notice, or to pay for the land within the required period, the same shall be subject to entry by any other qualified applicant.

(R.S. § 2350.)

CODIFICATION

R.S. § 2350 derived from act Mar. 3, 1873, ch. 279, § 4, 17 Stat. 607.

INDIAN LANDS EXCEPTED

See note set out under section 71 of this title.

**§ 75. Conflicting claims upon coal lands; rules and regulations**

In case of conflicting claims upon coal lands where the improvements shall be commenced, after the third day of March, 1873, priority of possession and improvement, followed by proper filing and continued good faith, shall determine the preference right to purchase. And also where improvements have already been made prior to the third day of March, 1873, division of the land claimed may be made by legal subdivisions, to include, as near as may be, the valuable improvements of the respective parties. The Director of the Bureau of Land Management is authorized to issue all needful rules and regulations for carrying into effect the provisions of this section and sections 71 to 74 of this title.

(R.S. § 2351; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

R.S. § 2351 derived from act Mar. 3, 1873, ch. 279, § 5, 17 Stat. 608.

TRANSFER OF FUNCTIONS

"Director of the Bureau of Land Management" substituted in text for "Commissioner of the General Land Office" on authority of Reorg. Plan No. 3 of 1946, § 403, set out in the Appendix to Title 5, Government Organization and Employees.

See also note set out under section 1 of this title.

INDIAN LANDS EXCEPTED

See note set out under section 71 of this title.

**§ 76. Reservation of rights upon coal lands; sale of certain mining lands**

Nothing in sections 71 to 75 of this title shall be construed to destroy or impair any rights which may have attached prior to the third day of March, 1873, or to authorize the sale of lands valuable for mines of gold, silver, or copper.

(R.S. § 2352.)

CODIFICATION

R.S. § 2352 derived from act Mar. 3, 1873, ch. 279, § 6, 17 Stat. 608.