

coal and other mineral deposits in such lands not heretofore disposed of by the State shall be subject to lease by the State as the State legislature may direct, the proceeds and rentals and royalties therefrom to be utilized for the support or in aid of the common or public schools: *Provided*, That any lands or minerals hereafter disposed of contrary to the provisions of this section shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States district court for the district in which the property or some part thereof is located.

(c) Except as provided in subsection (d), any lands included within the limits of existing reservations of or by the United States, or specifically reserved for water-power purposes, or included in any pending suit or proceeding in the courts of the United States, or subject to or included in any valid application, claim, or right initiated or held under any of the existing laws of the United States, unless or until such reservation, application, claim, or right is extinguished, relinquished, or canceled, and all lands in the Territory of Alaska, are excluded from the provisions of this section.

(d)(1) Notwithstanding subsection (c), the fact that there is outstanding on any numbered school section, whether or not mineral in character, at the time of its survey a mineral lease or leases entered into by the United States, or an application therefor, shall not prevent the grant of such numbered school section to the State concerned as provided by this section and section 871 of this title.

(2) Any such numbered school section which has been surveyed prior to July 11, 1956, and which has not been granted to the State concerned solely by reason of the fact that there was outstanding on it at the time of the survey a mineral lease or leases entered into by the United States, or an application therefor, is hereby granted by the United States to such State under this section as if it had not been so leased; and the State shall succeed the position of the United States as lessor under such lease or leases.

(3) Any such numbered school section which is surveyed on or after July 11, 1956, and on which there is outstanding at the time of such survey a mineral lease or leases entered into by the United States, shall (unless excluded from the provisions of this section by subsection (c) for a reason other than the existence of an outstanding lease) be granted to the State concerned immediately upon completion of such survey; and the State shall succeed to the position of the United States as lessor under such lease or leases.

(4) The Secretary of the Interior shall, upon application by a State, issue patents to the State for the lands granted by this section and section 871 of this title, in accordance with section 871a<sup>1</sup> of this title. Such patent shall, if the lease is then outstanding, include a statement that the State succeeded to the position of the United States as lessor at the time the title vested in the State.

(5) Where at the time rents, royalties, and bonuses accrue the lands or deposits covered by a

single lease are owned in part by the State and in part by the United States, the rents, royalties, and bonuses shall be allocated between them in proportion to the acreage in said lease owned by each.

(6) As used in this subsection, "lease" includes "permit" and "lessor" includes "grantor".

(Jan. 25, 1927, ch. 57, § 1, 44 Stat. 1026; May 2, 1932, ch. 151, § 1, 47 Stat. 140; Apr. 22, 1954, ch. 169, 68 Stat. 57; July 11, 1956, ch. 572, 70 Stat. 529.)

#### REFERENCES IN TEXT

Section 871a of this title, referred to in subsec. (d)(4), was repealed by Pub. L. 94-579, title VII, § 705(a), Oct. 21, 1976, 90 Stat. 2792.

#### AMENDMENTS

1956—Subsec. (d). Act July 11, 1956, provided that numbered school sections under mineral leases may be granted to a State, whether or not the sections are mineral in character, and added subpar. (6).

1954—Subsec. (c). Act Apr. 22, 1954, § 2, substituted "Except as provided in subsection (d), any" for "any".

Subsec. (d). Act Apr. 22, 1954, § 1, added subsec. (d).

1932—Subsec. (b). Act May 2, 1932, inserted "hereafter" in two places and "not heretofore disposed of by the State" after "mineral deposits in such lands".

Subsec. (c). Act May 2, 1932, inserted "reservation" before "application".

#### EFFECTIVE DATE OF 1932 AMENDMENT

Act May 2, 1932, ch. 151, § 2, 47 Stat. 141, provided that: "This amendatory Act [amending this section] shall take effect as of January 25, 1927; and in any case in which a State has selected lieu lands since such date under the Act approved February 28, 1891 (26 Stat. 796) [sections 851 and 852 of this title], and still retains title thereto, such State may, within ninety days after the date of the enactment of this Act [May 2, 1932], relinquish to the United States all right, title, and interest in such lands and shall thereupon be entitled to all the benefits of the Act of January 25, 1927 [sections 870 and 871 of this title], as amended by this Act."

#### ADMISSION OF ALASKA AS STATE

Admission of Alaska into the Union was accomplished Jan. 3, 1959, on issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

#### § 871. Certain grants and laws unaffected

Nothing contained in section 870 of this title is intended or shall be held or construed to increase, diminish, or affect the rights of States under grants other than for the support of common or public schools by numbered school sections in place, and said section shall not apply to indemnity or lieu selections or exchanges or the right after January 25, 1927, to select indemnity for numbered school sections in place lost to the State under the provisions of said section or any Acts, and all existing laws governing such grants and indemnity or lieu selections and exchanges are continued in full force and effect.

(Jan. 25, 1927, ch. 57, § 2, 44 Stat. 1027.)

#### § 871a. Repealed. Pub. L. 94-579, title VII, § 705(a), Oct. 21, 1976, 90 Stat. 2792

Section, act June 21, 1934, ch. 689, 48 Stat. 1185, authorized issuance of patents to numbered school sections granted for support of common schools.

<sup>1</sup> See References in Text note below.

## EFFECTIVE DATE OF REPEAL

Pub. L. 94-579, title VII, §705(a), Oct. 21, 1976, 90 Stat. 2792, provided that the repeal made by section 705(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.

**§ 872. Conveyances to United States in connection with applications for amendment of patented entries or for exchange of land, etc.; withdrawal or rejection of applications; re-conveyances**

Where a conveyance of land has been made or may hereafter be made to the United States in connection with an application for amendment of a patented entry or entries, or an exchange of lands, or for any other purpose, and the application in connection with which the conveyance was made is thereafter withdrawn or rejected, the Secretary of the Interior or such officer as he may designate is authorized and directed, if the deed of conveyance has been recorded, to execute a quitclaim deed of the conveyed land to the party or parties entitled thereto.

(Apr. 28, 1930, ch. 219, § 6, 46 Stat. 257; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

## TRANSFER OF FUNCTIONS

Functions of Secretary of the Interior under this section, with respect to execution of quitclaim deeds for lands conveyed to United States in connection with exchange transactions involving lands under jurisdiction of Secretary of Agriculture, transferred to Secretary of Agriculture, see Pub. L. 86-509, June 11, 1960, 74 Stat. 205, set out as a note under section 2201 of Title 7, Agriculture.

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.

**§ 873. Lands granted for erecting public buildings; purpose of grant**

In any case in which public lands of the United States have been granted to a State, before May 16, 1958, for the purpose of erecting public buildings at the capital of such State for legislative, executive, and judicial purposes, the purpose of such grant shall be deemed to include construction, reconstruction, repair, renovation, and other permanent improvements of such public buildings, the acquisition of necessary land for such buildings, furnishings and equipment for such buildings, and the payment of principal and interest on bonds issued for any such purpose.

(Pub. L. 85-411, May 16, 1958, 72 Stat. 117.)

**CHAPTER 21—GRANTS IN AID OF RAILROADS AND WAGON ROADS**

Sec.  
881. Cost of survey of grants to railroads; payment.

Sec.  
882. Surveyed lands taxable notwithstanding lien; provisos.  
883. Collection of costs of surveying, etc.; reimbursement of purchaser.  
884. Right of forfeiture of railroad grants not affected.  
885. Union Pacific Railroad lands.  
886. Survey of lands within limits of railroad grants.  
887. Deposits for surveys of lands granted to railroads.  
888. Selection by railroads of lands in lieu of lands entered subsequent to accrual of rights; title of settlers.  
889. Rights of entrymen whose entries had not been admitted to record.  
890. Homestead entries on railroad lands prior to withdrawal or after restoration to market confirmed.  
891. Abandoned railroad lands; reentry.  
892. Entries after expiration of grant.  
893. Rights of permissive settlers on railroad lands restored to public domain.  
894. Adjustment of land grants to railroads.  
895. Cancellation of patents erroneously issued; reconveyance.  
896. Erroneous cancellation of bona fide entries corrected.  
897. Patents to purchasers from railroads; purchase money.  
898. Rights of purchasers from railroads of coterminous lands not within grants.  
899. Limitation of quantity to be conveyed.  
900. Suits to cancel patents to lands erroneously issued under railroad or wagon-road grants.  
901. Claims of bona fide purchasers; establishment of rights.  
902. Cancellation; investigation before suit.  
903. Relief of settlers on lands granted in aid of wagon roads.  
904. Forfeiture of unearned grants; restoration to public domain.  
905. Homestead entries on forfeited lands.  
906. Purchase by bona fide purchasers from grantees; removal of crops and improvements.  
907. Rights of original grantees to forfeited lands.  
908. Deposits by railroad companies for costs of surveying and conveying unsurveyed lands granted.  
909. Forfeiture of grant on failure to make deposit.  
910. Right to extend public surveys over lands granted, and other rights of United States, not affected.  
911. Regulations.  
912. Disposition of abandoned or forfeited railroad grants.  
913. Conveyance by land grant railroads of portions of rights of way to State, county, or municipality.  
914. Omitted.

**§ 881. Cost of survey of grants to railroads; payment**

Before any land granted to any railroad company by the United States shall be conveyed to such company, or any persons entitled thereto under any of the acts incorporating or relating to said company, unless such company is exempted by law from the payment of such cost, there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same by the said company or persons in interest.

(July 15, 1870, ch. 292, 16 Stat. 305; July 31, 1876, ch. 246, 19 Stat. 121.)