

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 Repealed.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.

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### 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.)