

under the preemption, homestead, desert-land, or timber-culture laws, in which final proof and payment may have been made and certificates issued, and to which there are no adverse claims originating prior to final entry and which have been sold or incumbered prior to the 1st day of March, 1888, and after final entry, to bona fide purchasers, or incumbrancers, for a valuable consideration, shall unless upon an investigation by a Government agent, fraud on the part of the purchaser has been found, be confirmed and patented upon presentation of satisfactory proof to the Land Department of such sale or incumbrance: *Provided*, That after the lapse of two years from the date of the issuance of the receipt of such officer as the Secretary of the Interior may designate upon the final entry of any tract of land under the homestead, timber-culture, desert-land, or preemption laws, or under this act, and when there shall be no pending contest or protest against the validity of such entry, the entryman shall be entitled to a patent conveying the land by him entered, and the same shall be issued to him; but this proviso shall not be construed to require the delay of two years from the date of said entry before the issuing of a patent therefor.

(Mar. 3, 1891, ch. 561, §7, 26 Stat. 1098; 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.)

REFERENCES IN TEXT

This act, referred to in text, means act Mar. 3, 1891, ch. 561, 26 Stat. 1095, which enacted sections 161, 162, 173, 174, 185, 202, 212, 321, 323, 325, 327 to 329, 663, 671, 687a-6, 718, 728, 732, 893, 946 to 949, 989, 2505, and 2506 of this title, former section 1181 of this title, sections 471, 607, 611, 611a, and 613 of Title 16, Conservation, section 426 of Title 25, Indians, former section 495 of Title 25, and sections 30, 36, 44, 45, 48, and 52 of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 1165 of this title prior to editorial reclassification and renumbering as this section, and to section 165 of this title prior to transfer to section 1165 of this title.

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.

“Secretary of the Interior, or such officer as he may designate” and “receipt of such officer as the Secretary of the Interior may designate” substituted for “Commissioner of the General Land Office” and “register’s receipt”, respectively, on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

Act Mar. 3, 1925, abolished office of surveyor general and transferred administration of all activities in charge of surveyors general to Field Surveying Service under jurisdiction of United States Supervisor of Surveys.

§ 2506. Limitations of suits to annul patents

Suits by the United States to vacate and annul any patent shall only be brought within six years after the date of the issuance of such patents.

(Mar. 3, 1891, ch. 559, 26 Stat. 1093; Mar. 3, 1891, ch. 561, §8, 26 Stat. 1099.)

CODIFICATION

Section was formerly classified to section 1166 of this title prior to editorial reclassification and renumbering as this section.

§ 2507. Entries and final proofs, made out of proper district, confirmed

Whenever it shall appear to the Secretary of the Interior, or such officer as he may designate, that an error was made prior to March 9, 1904, by the officers of any local land office in receiving any application, declaratory statement, entry, or final proof under the homestead or other land laws, and that there was no fraud practiced by the entryman, and that there are no prior adverse claimants to the land described in the entry, and that no other reason why the title should not vest in the entryman exists, except that said application, declaratory statement, entry, or proof was not made within the land district in which the lands applied for were situated, as provided by the Act of March 11, 1902, such entry or proof shall be confirmed.

(Mar. 9, 1904, ch. 503, §1, 33 Stat. 64; 1946 Reorg. Plan No. 3, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REFERENCES IN TEXT

Act of March 11, 1902, referred to in text, probably means act Mar. 11, 1902, ch. 182, 32 Stat. 63, which was classified to section 254 of this title, prior to repeal by Pub. L. 94-579, title VII, §702, Oct. 21, 1976, 90 Stat. 2787. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 1167 of this title prior to editorial reclassification and renumbering as this section.

EFFECTIVE DATE

Act Mar. 9, 1904, ch. 503, §2, 33 Stat. 64, provided: “That this Act [enacting this section] shall be in force from and after its passage and approval.”

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.

“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.

CHAPTER 44—OREGON AND CALIFORNIA RAILROAD AND COOS BAY WAGON ROAD GRANT LANDS

SUBCHAPTER I—ADMINISTRATION

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| Sec.
2601. | Conservation management by Department of the Interior; permanent forest production; sale of timber; subdivision. |
| 2602. | Cooperative agreements with other agencies or private owners for coordinated administration. |
| 2603. | Leasing of lands for grazing; disposition of moneys; rules and regulations covering grazing lands. |

- Sec.
2604. Rules and regulations generally; consultation and agreements with other agencies regarding fire regulations.
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2606. Oregon and California Railroad revested lands and Coos Bay Wagon Road reconveyed lands.

SUBCHAPTER II—DISPOSITION OF FUNDS

2621. Coos Bay Wagon Road grant fund; annual payments; appraisal and assessment of land and timber; computation of payments.
2622. Appraisal of land and timber; manner and frequency; computation of amounts upon basis of last appraisement; deduction of appraisement expenses.
2623. Additional sum from surplus for meeting payments due from insufficient annual receipts; maximum aggregate of decennial payments; covering of excess receipts into general fund of Treasury.
2624. Amount available for administration of Coos Bay Wagon Road grant lands under subchapter I; covering of unused receipts into general fund of Treasury.

SUBCHAPTER III—ADMINISTRATIVE JURISDICTION

2631. Unselected and unpatented odd-numbered sections as revested grant lands; administration as national-forest lands; revenues; prohibition against disposition or exchange.
2632. Exchange of jurisdiction between Secretaries; conditions; publication in Federal Register.
2633. Designation of national-forest areas within counties; disposition of revenues; approval by court.
2634. Appropriations to carry out sections 2632 and 2633.

SUBCHAPTER I—ADMINISTRATION

§ 2601. Conservation management by Department of the Interior; permanent forest production; sale of timber; subdivision

Notwithstanding any provisions in the Acts of June 9, 1916 (39 Stat. 218), and February 26, 1919 (40 Stat. 1179), as amended, such portions of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site lands valuable for timber, shall be managed, except as provided in section 3¹ hereof, for permanent forest production, and the timber thereon shall be sold, cut, and removed in conformity with the principal² of sustained yield for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities;³ *Provided*, That nothing in this section shall be construed to interfere with the use and development of power sites as may be authorized by law.

The annual productive capacity for such lands shall be determined and declared as promptly as possible after August 28, 1937, but until such de-

termination and declaration are made the average annual cut therefrom shall not exceed one-half billion feet board measure: *Provided*, That timber from said lands in an amount not less than one-half billion feet board measure, or not less than the annual sustained yield capacity when the same has been determined and declared, shall be sold annually, or so much thereof as can be sold at reasonable prices on a normal market.

If the Secretary of the Interior determines that such action will facilitate sustained-yield management, he may subdivide such revested lands into sustained-yield forest units, the boundary lines of which shall be so established that a forest unit will provide, insofar as practicable, a permanent source of raw materials for the support of dependent communities and local industries of the region; but until such subdivision is made the land shall be treated as a single unit in applying the principle of sustained yield: *Provided*, That before the boundary lines of such forest units are established, the Department, after published notice thereof, shall hold a hearing thereon in the vicinity of such lands open to the attendance of State and local officers, representatives of dependent industries, residents, and other persons interested in the use of such lands. Due consideration shall be given to established lumbering operations in subdividing such lands when necessary to protect the economic stability of dependent communities. Timber sales from a forest unit shall be limited to the productive capacity of such unit and the Secretary is authorized, in his discretion, to reject any bids which may interfere with the sustained-yield management plan of any unit.

(Aug. 28, 1937, ch. 876, title I, § 1, 50 Stat. 874.)

REFERENCES IN TEXT

Section 3, referred to in first par., is section 3 of act Aug. 28, 1937, ch. 876, title I, 50 Stat. 875, which was classified to section 1181c of this title prior to repeal by Pub. L. 94-579, title VII, §702, Oct. 21, 1976, 90 Stat. 2787.

Acts of June 9, 1916, and February 26, 1919, referred to in text, are acts June 9, 1916, ch. 137, 39 Stat. 218 and Feb. 26, 1919, ch. 47, 40 Stat. 1179, respectively, which are not classified to the Code.

CODIFICATION

Section was formerly classified to section 1181a of this title prior to editorial reclassification and renumbering as this section.

REPEALS

Act Aug. 28, 1937, ch. 876, title II (last par.), 50 Stat. 876, provided: "All Acts or parts of Acts in conflict with this Act [enacting this subchapter and former section 1181c of this title] are hereby repealed to the extent necessary to give full force and effect to this Act."

§ 2602. Cooperative agreements with other agencies or private owners for coordinated administration

The Secretary of the Interior is authorized, in his discretion, to make cooperative agreements with other Federal or State forest administrative agencies or with private forest owners or operators for the coordinated administration, with respect to time, rate, method of cutting, and sustained yield, of forest units comprising parts of revested or reconveyed lands, together

¹ See References in Text note below.

² So in original. Probably should be "principle".

³ So in original. Probably should be "facilities".