

Sec.	
299.	Reservation of coal and mineral rights.
300.	Repealed.
301.	Rules and regulations.
302.	Repealed.

## SUBCHAPTER I—GENERAL PROVISIONS

**§§ 161 to 164. Repealed. Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787**

Section 161, R.S. §2289; Mar. 3, 1891, ch. 561, §5, 26 Stat. 1097, related to entry of unappropriated public lands.

Section 162, R.S. §2290; Mar. 3, 1891, ch. 561, §5, 26 Stat. 1097; 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 application for entry on public lands, and contents for affidavit for application.

Section 163, R.S. §2295; 1946 Reorg. Plan No. 3, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, related to record of application, registration, and return to Bureau of Land Management.

Section 164, R.S. §2291; June 6, 1912, ch. 153, 37 Stat. 123, related to issuance, etc., of certificate or patent for entered lands.

## EFFECTIVE DATE OF REPEAL

Pub. L. 94-579, title VII, §702, Oct. 21, 1976, 90 Stat. 2787, provided that the repeal made by section 702 is effective on and after Oct. 21, 1976, except such effective date to be on and after tenth anniversary of date of approval of this Act, Oct. 21, 1976, insofar as homestead laws apply to public lands in Alaska.

## 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.

**§ 165. Transferred**

## CODIFICATION

Section, act Mar. 3, 1891, ch. 561, §7, 26 Stat. 1098, which related to suspension of entries for correction of clerical errors, was transferred to section 1165 of this title, prior to editorial reclassification as section 2505 of this title.

**§§ 166 to 175. Repealed. Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787**

Section 166, acts May 14, 1880, ch. 89, §3, 21 Stat. 141; June 6, 1900, ch. 821, 31 Stat. 683; Aug. 9, 1912, ch. 280, 37 Stat. 267, related to time for settlers to file application and for perfection of entry, marriage of entrywoman, and preferential right of entry.

Section 167, acts Apr. 6, 1914, ch. 51, 38 Stat. 312; Mar. 1, 1921, ch. 90, 41 Stat. 1193, related to marriage of entryman to entrywoman.

Section 168, act Oct. 17, 1914, ch. 325, 38 Stat. 740, related to marriage of entrywoman to alien.

Section 169, R.S. §2297; Mar. 3, 1881, ch. 153, 21 Stat. 511; June 6, 1912, ch. 153, 37 Stat. 124; 1946 Reorg. Plan No. 3, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, related to failure to establish residence and reversion of entered lands to Federal Government.

Section 170, act Oct. 22, 1914, ch. 335, 38 Stat. 766, related to rights of wife on abandonment by husband.

Section 171, R.S. §2292, related to rights inuring to infant children on death of both mother and father.

Section 172, act June 8, 1880, ch. 136, 21 Stat. 166; 1946 Reorg. Plan No. 3, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, related to effect of insanity of settlers upon claims.

Section 173, R.S. §2301; Mar. 3, 1891, ch. 561, §6, 26 Stat. 1098; June 3, 1896, ch. 312, §2, 29 Stat. 197, related

to commutations of entries after 14 months from date of settlement.

Section 174, R.S. §2288; Mar. 3, 1891, ch. 561, §§3, 4, 26 Stat. 1097; Mar. 3, 1905, ch. 1424, 33 Stat. 991, related to right to transfer claims.

Section 175, R.S. §2296; Apr. 28, 1922, ch. 155, 42 Stat. 502, related to exemption from execution of homestead land.

## EFFECTIVE DATE OF REPEAL

Pub. L. 94-579, title VII, §702, Oct. 21, 1976, 90 Stat. 2787, provided that the repeal made by section 702 is effective on and after Oct. 21, 1976, except such effective date to be on and after tenth anniversary of date of approval of this Act, Oct. 21, 1976, insofar as homestead laws apply to public lands in Alaska.

## 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.

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

Section, act Mar. 2, 1895, ch. 174, §§1-3, 28 Stat. 744, provided for appointment of court commissioners for certain Territories.

## 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.

**§ 177. Patents for lands in New Mexico held under color of title**

Whenever it shall be shown to the satisfaction of the Secretary of the Interior that a tract or tracts of public land, not known to be mineral, in the State of New Mexico, not exceeding in the aggregate one hundred and sixty acres, has or have been held in good faith and in peaceful, adverse possession by a citizen of the United States, his ancestors or grantors, for more than twenty years under claim or color of title, and that valuable improvements have been placed on such land, or some part thereof has been reduced to cultivation, the Secretary may, in his discretion, upon the payment of \$1.25 per acre, cause a patent or patents to issue for such land to any such citizen: *Provided*, That where the area or areas so held by any such citizen is in excess of one hundred and sixty acres the Secretary may determine what particular subdivisions, not exceeding one hundred and sixty acres in the aggregate, to any such citizen may be patented under this section: *Provided further*, That the term "citizen" as used in this section shall be held to include a corporation organized under the laws of the United States or any State or Territory thereof.

(June 8, 1926, ch. 501, 44 Stat. 709.)

**§ 178. Patents for lands in New Mexico; lands contiguous to Spanish or Mexican land grants**

Whenever it shall be shown to the satisfaction of the Secretary of the Interior that a tract or

tracts of public land, contiguous to a Spanish or Mexican land grant, in the State of New Mexico, not exceeding in the aggregate one hundred and sixty acres, has or have been held in good faith and in peaceful, adverse possession by a citizen of the United States, his ancestors or grantors, for more than twenty years under claim or color of title, and that valuable improvements have been placed on such land, or some part thereof has been reduced to cultivation, the Secretary may, in his discretion, upon the payment of \$1.25 per acre, cause a patent or patents to issue for such land to any such citizens: *Provided*, That where the area or areas so held by any such citizen is in excess of one hundred and sixty acres the Secretary may determine what particular subdivisions, not exceeding one hundred and sixty acres in the aggregate, to any such citizen may be patented hereunder: *Provided further*, That coal and all other minerals contained therein are reserved to the United States; that said coal and other minerals shall be subject to sale or disposal by the United States under applicable leasing and mineral land laws, and permittees, lessees, or grantees of the United States shall have the right to enter upon said lands for the purpose of prospecting for and mining such deposits: *Provided further*, That the term "citizen", as used in this section, shall be held to include a corporation organized under the laws of the United States or any State or Territory thereof.

(Feb. 23, 1932, ch. 52, 47 Stat. 53.)

**§§ 179, 180. Repealed. Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787**

Section 179, act May 17, 1900, ch. 479, §1, 31 Stat. 179, related to free homesteads to settlers, commutation rights, and payment to Indians.

Section 180, act Jan. 26, 1901, ch. 180, 31 Stat. 740, related to extension of right of settlers to commute entry.

EFFECTIVE DATE OF REPEAL

Pub. L. 94-579, title VII, §702, Oct. 21, 1976, 90 Stat. 2787, provided that the repeal made by section 702 is effective on and after Oct. 21, 1976, except such effective date to be on and after tenth anniversary of date of approval of this Act, Oct. 21, 1976, insofar as homestead laws apply to public lands in Alaska.

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.

SUBCHAPTER II—RIGHT OF PARTICULAR PERSONS TO MAKE ENTRY

**§ 181. Repealed. Dec. 16, 1930, ch. 14, §1, 46 Stat. 1029**

Section, act June 5, 1900, ch. 716, §3, 31 Stat. 270, provided that a person making an entry which was lost or forfeited should be entitled to benefits of homestead laws as though the former entry had not been made. See section 182 of this title.

**§§ 182 to 191. Repealed. Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787**

Section 182, act Sept. 5, 1914, ch. 294, 38 Stat. 712, related to entry after forfeiture of prior entry without fault.

Section 183, R.S. §2300; Aug. 31, 1918, ch. 166, §8, 40 Stat. 957; Sept. 13, 1918, ch. 173, 40 Stat. 960, related to minor veterans, service in military establishment, and relinquishment of entries.

Section 184, R.S. §2302, prohibited discrimination based on race or color in construction or execution of certain laws.

Section 185, acts May 14, 1880, ch. 89, §2, 21 Stat. 141; Mar. 3, 1891, ch. 561, §4, 26 Stat. 1097; July 26, 1892, ch. 251, 27 Stat. 270; 1946 Reorg. Plan No. 3, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, related to preference right of entry of successful contestants.

Sections 186, acts Feb. 14, 1920, ch. 76, §§1, 2, 41 Stat. 434, 435; Jan. 21, 1922, ch. 32, §§1, 2, 42 Stat. 358; Dec. 28, 1922, ch. 19, 42 Stat. 1067; June 12, 1930, ch. 471, 46 Stat. 580, related to preference right of entry of veterans, and promulgation of rules and regulations.

Section 187, act Feb. 25, 1925, ch. 326, 43 Stat. 981, related to entrants on ceded Indian reservations.

Section 187a, act June 21, 1934, ch. 690, 48 Stat. 1185, related to new homestead entry on ceded Indian reservations.

Section 187b, act May 22, 1902, ch. 821, §2, 32 Stat. 203, related to second homestead entry by certain settlers.

Section 188, act June 5, 1900, ch. 716, §3, 31 Stat. 270, related to purchaser of Flathead Indian land, Montana.

Section 189, act Mar. 3, 1875, ch. 131, §15, 18 Stat. 420, related to Indians abandoning tribal relations and consequences thereof.

Section 190, act July 4, 1884, ch. 180, §1, 23 Stat. 96, related to patents for Indians located on public lands.

Section 190a, act Mar. 1, 1933, ch. 160, §1, 47 Stat. 1418, related to Indian allotments or homesteads in San Juan County, Utah.

Section 191, R.S. §§2310, 2311, related to entry, etc., rights, of Stockbridge Munsee Indians.

EFFECTIVE DATE OF REPEAL

Pub. L. 94-579, title VII, §702, Oct. 21, 1976, 90 Stat. 2787, provided that the repeal made by section 702 is effective on and after Oct. 21, 1976, except such effective date to be on and after tenth anniversary of date of approval of this Act, Oct. 21, 1976, insofar as homestead laws apply to public lands in Alaska.

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.

SUBCHAPTER III—LANDS SUBJECT TO ENTRY

**§§ 201 to 208. Repealed. Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787**

Section 201, R.S. §2302, prohibited entry and settlement of mineral lands under this chapter.

Section 202, acts May 14, 1880, ch. 89, §1, 21 Stat. 140; Mar. 3, 1891, ch. 561, §4, 26 Stat. 1097; Mar. 3, 1893, ch. 208, 27 Stat. 593; 1946 Reorg. Plan No. 3, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, related to relinquished entries.

Section 203, acts June 13, 1902, ch. 1080, §§1-3, 32 Stat. 384; Mar. 4, 1907, ch. 2907, 34 Stat. 1269, related to applicability of homestead laws to Ute Indian Reservation in Colorado.

Section 204, act Mar. 3, 1879, ch. 191, 20 Stat. 472, related to entries on even sections within railroad and other grants.

Section 205, act July 1, 1879, ch. 60, 21 Stat. 46, related to entries on odd sections within railroad and other grants in Missouri and Arkansas.

Section 206, act May 6, 1886, ch. 88, 24 Stat. 22, related to patents for additional entries within railway limits.

Section 207, act Aug. 21, 1916, ch. 361, 39 Stat. 518, authorized disposition of all agricultural lands within military reservations in Nevada under homestead and desert-land laws.